



December 1, 2011

The Honorable Mike Haridopolos, President
Florida Senate
312 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

The Honorable Dean Cannon, Speaker
Florida House of Representatives
420 The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300

Subject: Treasure Coast Regional Planning Council Agency Report Required by Sections 120.74 and 120.745, Florida Statutes - Enhanced Biennial Rule Review

Dear Sirs:

On behalf of Treasure Coast Regional Planning Council (TCRPC), I am providing this report and certification of compliance concerning the Enhanced Biennial Review of our agency's rules as required by Sections 120.74 and 120.745, Florida Statutes, as follows:

- (a) Explanation of how the agency has accomplished the requirements of Section 120.74(1) – Council staff has reviewed each rule to determine if there is a need to revise or repeal any portion of the rules. The findings of this review are incorporated in this report. The required elements of Section 120.74(1) are addressed as follows:
 - a. Identify and correct deficiencies in rules – The review identified the need for the following two corrections:
 - i. Rule 29K-2.006 discusses the Development of Regional Impact preapplication conference. This rule includes a reference to Rule 29K-2.009, which was repealed on February 28, 1996. The reference to Rule 29K-2.009 should be deleted.

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- ii. Rule 29K-5.002 discusses the Strategic Regional Policy Plan. This rule indicates that copies of the plan are kept at Council offices, but includes Council's former office address. Council's office address should be updated in the rule.
- b. Clarify and simplify rules – No recommendations at this time.
- c. Delete obsolete and unnecessary rules – No recommendations at this time.
- d. Delete rules that are redundant of statutes – No recommendations at this time.
- e. Seek to improve efficiency, reduce paperwork, or decrease costs to government and the private sector – No recommendations at this time.
- f. Contact agencies that have concurrent or overlapping jurisdiction to determine whether their rules can be coordinated to promote efficiency, reduce paperwork, or decrease costs to government and the private sector – Council does not have concurrent or overlapping *jurisdiction* with other agencies. Council's rules do address some of the same subjects as other agencies in a planning sense, but not a jurisdictional sense. Council does not have the authority to issue or deny permits such as water management districts or Florida Department of Environmental Protection. Therefore, Council has not contacted other agencies in this regard. Also, no other agency has contacted Council to coordinate their rules with ours.
- g. Determine whether the rules should be continued without change or should be amended or repealed to reduce the impact on small business while meeting the stated objectives of the proposed rule – Council rules do not have any disproportionate impact on small business. There are no recommendations for change at this time.

Council is not involved in any cases or disputes and therefore have no recommendation as to the potential applicability of the summary hearing process in Section 120.574.

- (b) Office of Financial Accountability and Regulatory Reform (OFARR) review – Council staff has identified the rules that have been reviewed by OFARR. TCRPC rules have not been reviewed by OFARR.
- (c) Review and identification of revenue rules – Council does not have any rules that impose registration, license or inspection fees, transportation service tolls, fines, penalties, attorneys fees, or any tax. Council has one revenue rule, Rule 29K-4.013 Costs, related to the Treasure Coast Regional Dispute Resolution Process. The rule specifies that the costs of administration, settlement meetings, mediation or advisory decision-making shall be split equally between the parties or

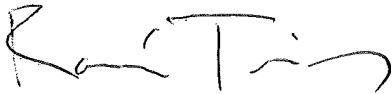
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according to another agreed upon allocation. The agreed upon cost allocation shall be documented in a written fee agreement. The specific authority for this rule is Section 186.509, Florida Statutes. These payments are to be deposited into the agency's general fund.

- (d) Data collection rule – The TCRPC does not have any rule requiring the collection of data.
- (e) Planned repeal of rules – None at this time.
- (f) Rule revisions to reduce economic impact – None required.
- (g) Preparation of compliance economic review – None required.
- (h) Listing of rules for compliance economic review – None required.
- (i) Certification to Joint Administrative Procedures Committee – This certifies the completion by TCRPC of the biennial rule review and report required by Sections 120.74 and 120.745, Florida Statutes.

The TCRPC appreciates the opportunity to provide this information to the Florida Legislature. Please contact me if you have any questions about this report or if there is a need for additional information.

Sincerely,



Ramon Trias, AICP
Chairman

cc: The Honorable Senator Ellyn Setnor Bogdanoff, Chair
The Honorable Representative Lake Ray, Chair
Mr. F. Scott Boyd, Executive Director & General Counsel