

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members

AGENDA ITEM 3G

From: Staff

Date: May 19, 2017 Council Meeting

Subject: Rescinding Administrative Rule 29K-2.007

Background

Florida Statutes require that Council annually review the Agency Regulating Plan and associated Agency Rules in the Florida Administrative Code (FAC). In conducting the review, staff noticed that one rule concerning the processing of a Development of Regional Impact (DRI) was still in place. This rule is known as 29K-2.007 and provides that certain questions in the Application for Development Approval may be exempted from being answered through mutual agreement of Council and the applicant. There are established processes through the State to add or repeal rules and they have been researched by Council's Attorney.

Analysis

The regulations for processing DRIs are provided for in State Statute. Recent changes to the DRI statute eliminate the possibility of new DRIs. Therefore, the rule is redundant and obsolete and should be repealed.

Recommendation

Council should take the following actions:

1. Authorize the commencement of the rulemaking process to repeal Council's rule contained in section 29K-2.007 of the FAC relating to exempting certain questions in the Application for Development Approval for a DRI.
2. Authorize the required Notice of Proposed Rulemaking and any other required notices to be published in the Florida Administrative Register.
3. Authorize staff to file for final rule adoption at any time no less than 21 days after the Notice of Proposed Rulemaking is published in the Florida Administrative Register.