

# FLORIDA INLAND NAVIGATION DISTRICT



TO: All FIND Commissioners, Executive Director  
FROM: Janet Zimmerman, Assistant Executive Director  
DATE: August 28, 2019  
SUBJECT: FIND Regulatory Plan 2019-2020

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During the past legislative session, the Legislature revised the requirements of the Annual Review of Agency Rules pursuant to Section 120.74, Florida Statutes (F.S.). The District has reformatted its Regulatory Plan to meet these new requirements.

In addition to format changes, the revised F.S. 120.74(2), requires by October 1st that the District must:

- Publish the plan on FIND's website;
  - Note that under subsection (2)(c), the regulatory plan must remain active on FIND's website for 10 years after the date of initial publication.
- Email a copy of the plan (which includes the signed certifications) to Joint Administrative Procedures Committee (JAPC);
- Publish a notice in the FAR which states the date of publication of the regulatory plan. Include in the notice either a hyperlink directly to the plan or a website address directly to the plan.

This year's regulatory plan covers required and requested changes as noted in JAPC's 2018 letters and from FIND Board discussion at the July 2019 Board meeting.

**FLORIDA INLAND NAVIGATION DISTRICT  
1314 MARCINSKI ROAD  
JUPITER, FL 33414**

**REGULATORY PLAN FOR FY 2019-2020**

I. **Background and Purpose.** Section 2 of Chapter 2015-162, Laws of Florida, which became effective on July 1, 2015, substantially reworded Section 120.74, Florida Statutes "Agency annual rulemaking and regulatory plans; reports." Under the reworded statute, "[b]y October 1 of each year, each agency shall prepare a regulatory plan." Florida Inland Navigation District ("District"), by virtue of being a multicounty special district whose governing board is comprised of nonelected persons, is an "agency" pursuant to Section 120.52(1)(a), Florida Statutes. This Regulatory Plan is adopted to satisfy the requirements of Section 120.74, Florida Statutes (2015).

II. **Section 120.74(1)(a).** This paragraph requires the District to "list each law enacted or amended during the previous 12 months which creates or modifies the duties or authority of the agency."

A. During the previous 12 months, no laws have been enacted or amended which create or modify the duties or authority of the District.

B. Consequently, the District is not required to adopt any rules.

III. **Section 120.74(1)(b).** This paragraph requires the District to "include a listing of each law not otherwise listed pursuant to paragraph (a) which the agency expects to implement by rulemaking before the following July 1, except emergency rulemaking. For each law listed under this paragraph, the plan must state whether the rulemaking is intended to simplify, clarify, increase efficiency, improve coordination with other agencies, reduce regulatory costs, or delete obsolete, unnecessary, or redundant rules."

The following is a listing of each law the District expects to implement by rulemaking prior to July 1, 2020.

<b>Rule Number</b>	<b>Rule Title</b>	<b>FAC Number</b>	<b>Regulatory Action Anticipated</b>	<b>Statute Implemented</b>
66B-1	Cooperative Assistance Program-Definitions	66B-1.003	Amend rule in response to JAPC rule review	Sec. 374.976
66B-1	Cooperative Assistance Program-Funds Allocation	66B-1.005	Amend rule in response to JAPC rule review	Sec. 374.976
66B-1	Cooperative Assistance Program-Project Eligibility	66B-1.008	Amend rule in response to JAPC rule review	Sec. 374.976
66B-1	Cooperative Assistance Program-Small-Scale Spoil Island Restoration and Enhancement Projects	66B-1.014	Amend rule in response to JAPC rule review	Sec. 374.976
66B-2	Waterways Assistance Program-Definitions	66B-2.003	Amend rule in response to JAPC rule review	Sec. 374.976
66B-2	Waterways Assistance Program-Funds Allocations	66B-2.005	Amend rule in response to JAPC rule review	Sec. 374.976
66B-2	Waterways Assistance Program-Application Process	66B-2.0061	Amend rule to reference correct grant forms	Sec. 374.976
66B-2	Waterways Assistance Program-Project Eligibility	66B-2.008	Amend rule in response to JAPC rule review	Sec. 374.976
66B-2	Waterways Assistance Program-Small-Scale Spoil Island Restoration and Enhancement Projects	66B-2.014	Amend rule in response to JAPC rule review	Sec. 374.976

<b>Rule Number</b>	<b>Rule Title</b>	<b>FAC Number</b>	<b>Regulatory Action Anticipated</b>	<b>Statute Implemented</b>
66B-3	FLORIDA INLAND NAVIGATION DISTRICT LAND ACQUISITION PROCEDURES-DEFINITIONS	66B-3.002	Amend rule in response to JAPC rule review	Sec. 374.976
66B-3	FLORIDA INLAND NAVIGATION DISTRICT LAND ACQUISITION PROCEDURES - Appraisal Procedures	66B-1.007	Amend rule in response to JAPC rule review	Sec. 374.976
66B-3	FLORIDA INLAND NAVIGATION DISTRICT LAND ACQUISITION PROCEDURES - Determining the Maximum Amount	66B-1.008	Amend rule to correct typo	Sec. 374.976
66B-3	FLORIDA INLAND NAVIGATION DISTRICT LAND ACQUISITION PROCEDURES - Appraiser Selection	66B-1.009	Amend rule in response to JAPC rule review	Sec. 374.976
66B-3	FLORIDA INLAND NAVIGATION DISTRICT LAND ACQUISITION PROCEDURES - Multi-Party Acquisitions	66B-2.013	Amend rule in response to JAPC rule review	Sec. 374.976

IV. **Section 120.74(1)(c).** This paragraph requires the District to “include any desired update to the prior year’s regulatory plan or supplement published pursuant to subsection (7).” Also, “[i]f, in a prior year, a law was identified under this paragraph or under subparagraph (a)1. as a law requiring rulemaking to implement but a notice of proposed rule has not been published: 1. The agency shall identify and again list such law, noting the applicable notice of rule development by citation to the Florida Administrative Register; or 2. If the agency has subsequently determined that rulemaking is not necessary to implement the law, the agency shall identify such law, reference the citation to the applicable notice of rule development in the Florida Administrative Register, and provide a concise written explanation of the reason why the law may be implemented without rulemaking. “

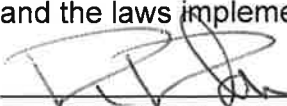
A. The District does not desire to make any updates to the prior year’s regulatory plan, and no supplements have been published pursuant to subsection (7).

B. No laws were identified in a prior year under paragraph 120.74(1)(c) or under subparagraph 120.74(1)(a)1. as a law requiring rulemaking to implement. Therefore, the requirements of subparagraphs 120.74(1)(c)1. and 2. are not applicable.

V. **Section 120.74(1)(d).** This paragraph requires the District to “include a certification executed on behalf of the agency by both the agency head, or, if the agency head is a collegial body, the presiding officer; and the individual acting as principal legal advisor to the agency head. The certification must: 1. Verify that the persons executing the certification have reviewed the plan. 2. Verify that the agency regularly reviews all of its rules and identify the period during which all rules have most recently been reviewed to determine if the rules remain consistent with the agency’s rulemaking authority and the laws implemented.”

A. Certification of Chair of Board of Commissioners.

The undersigned, as Chair of the Board of Commissioners of the Florida Inland Navigation District, hereby certifies on behalf of the Board that: (i) he and the Board reviewed the Regulatory Plan at the Board’s meeting held on September 13, 2019, at which time the Board approved the Regulatory Plan and authorized the undersigned to execute and submit the Regulatory Plan; (ii) the District regularly reviews all of its rules; and (iii) the District last reviewed its rules to determine if the rules remain consistent with the agency’s rulemaking authority and the laws implemented at the Board’s September 13, 2019 meeting.

  
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Don Donaldson, Chair  
Board of Commissioners  
Florida Inland Navigation District  
Date: September 13, 2019

B. Certification of Principal Legal Advisor to Board of Commissioners.

The undersigned, as the District's General Counsel and principal legal advisor to the Board of Commissioners of the Florida Inland Navigation District, hereby certifies that: (i) he has reviewed the Regulatory Plan; (ii) the District regularly reviews all its rules; and (iii) the District last reviewed its rules to determine if the rules remain consistent with the agency's rulemaking authority and the laws implemented at the Board's September 13, 2019 meeting.



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Peter L. Breton, Esq.  
General Counsel  
Florida Inland Navigation District  
Date: September 13, 2019