

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER NUMBER 11-01

#### (Suspending Rulemaking and Establishing the Office of Fiscal Accountability and Regulatory Reform)

WHEREAS, the Governor is the chief administrative officer of the state responsible for planning and budgeting for the state and for ensuring the laws are faithfully executed; and

WHEREAS, the administration of each state agency, unless otherwise provided in the Constitution, shall be placed by law under the direct supervision of the Governor; and

WHEREAS, agency heads are responsible for developing and implementing sufficient internal controls to ensure fiscal accountability; and

WHEREAS, government should be held accountable for efficient and effective performance; and

WHEREAS, no profession or occupation should be subject to regulation by the state unless regulation is necessary to protect the health, safety and welfare from significant and discernible harm or damage; and

WHEREAS, no profession or occupation should be regulated by the state in a manner that unnecessarily restricts entry into the practice of the profession or occupation, adversely affects the availability of the professional or occupational services to the public, or imposes burdensome costs on businesses; and

WHEREAS, the people of the State of Florida deserve a regulatory process that is efficient, effective, understandable, responsive, and open to the public; and

WHEREAS, existing state regulations may impose duplicative, obsolete and unnecessarily burdensome requirements on Florida's citizens and businesses; and

WHEREAS, the inspection of proposed and existing regulations and rules in Florida is necessary to assure that the laws of the state are faithfully executed without unduly burdening the state's economy and imposing needless costs and requirements on the businesses, local governments, and citizens of this state; and

WHEREAS, fiscal accountability by all agencies is necessary to ensure integrity in state government;

NOW, THEREFORE, I, RICK SCOTT, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, and all other applicable laws, do hereby promulgate the following Executive Order, to take immediate effect:

**Section 1.** I hereby direct all agencies under the direction of the Governor to immediately suspend all rulemaking. No agency under the direction of the Governor may notice the development of proposed rules, amendment of existing rules, or adoption of new rules, except at the direction of the Office of Fiscal Accountability and Regulatory Reform (the "Office"), established herein. The Secretary of State shall not publish rulemaking notices in the Florida Administrative Weekly except at the direction of the Office.

**Section 2.** State agencies not under the direction of the Governor are requested to likewise suspend rulemaking procedures pending a review by the Office.

**Section 3.** I hereby create the Office of Fiscal Accountability and Regulatory Reform within the Executive Office of the Governor. The Office shall have the following responsibilities:

1. Review proposed and existing rules and regulations to determine if they:
  - (a) unnecessarily restrict entry into a profession or occupation;

- (b) adversely affect the availability of professional or occupational services to the public;
- (c) unreasonably affect job creation or job retention;
- (d) place unreasonable restrictions on individuals attempting to find employment;
- (e) impose burdensome costs on businesses; and
- (f) are justifiable when the overall cost-effectiveness and economic impact of the regulation, including indirect costs to consumers, is considered.

2. Analyze, or require the analysis of, the impact of proposed and existing rules on matters of public health, safety and welfare, job creation, and other matters that may impact the creation or expansion of business interests in the state, and make recommendations for simplifying the regulations or regulatory processes of state agencies.
3. Consistent with statutory provisions, require agencies to prepare a cost-benefit analysis, risk assessment, and analysis of the effect of proposed rules and regulations on the creation and retention of jobs in the state.
4. Review actions taken by state agencies to improve program performance and meet program standards.
5. Identify agency activities promoting economy and efficiency and benchmark such activities for other agencies.

6. Identify fraud, waste, abuses, and deficiencies relating to programs and operations administered or financed by state agencies and make recommendations for corrective action.
7. Investigate allegations of fiscal mismanagement.
8. Consistent with statutory provisions, work with the Florida Small Business Regulatory Advisory Council, the Office of Small Business Advocate, the Rules Ombudsman, and the Florida Legislature, to identify rules and regulations that adversely or disproportionately impact businesses, particularly those relating to small businesses, and make recommendations that alleviate those effects.

**Section 4.** Prior to submitting a notice of proposed rulemaking or attempting to amend existing rules, agencies under the direction of the Governor shall submit the complete text of the proposed rule or amendment to the Office, along with any other documentation required by the Office. No notice of proposed rulemaking, or notice of the amendment of existing rules, may be submitted for publication in the Florida Administrative Weekly except with the consent of the Office.

**Section 5.** Within 30 days of this Order, each agency head under the direction of the Governor shall designate an Accountability and Regulatory Affairs Officer who shall be responsible for coordinating agency fiscal and performance accountability and regulatory and rule reform, and who shall serve as the liaison between the agency and the Office.

Each agency head under the direction of the Governor is directed to review and evaluate current policies relating to programs and operations administered or financed by the agency and make recommendations to improve performance and fiscal accountability.

In order to reduce the regulatory burden on the citizens of Florida, to determine whether existing rules and regulations remain justified and necessary, and to determine whether such existing rules and regulations are duplicative or unnecessarily burdensome, each agency under the direction of the Governor shall submit to the Office, within 90 days of the date of this Order, and annually thereafter, a comprehensive review of existing rules and regulations, with recommendations as to whether any rules and regulations should be modified or eliminated. All rules and regulations identified as duplicative, unnecessarily burdensome, or no longer necessary, shall be identified by the agency, and the agency shall pursue the repeal or amendment of such rules and/or regulations. The agency is further directed to identify any legislative mandates that require the agency to promulgate or continue to impose rules that the agency believes negatively impact business and job creation or retention in the state.


No later than July 1, 2011, and on July 1 of each successive year, each agency under the direction of the Governor shall submit to the Office a regulatory plan which shall identify and describe each rule that the agency expects to begin promulgating during the following 12-month period. The Office may describe other items to be included in the regulatory plan.

**Section 6.** Upon execution of this Order, and for a period of 90 days from the date of this Order, no agency under the direction of the Governor may execute a contract with a value in excess of \$1,000,000.00, without obtaining prior approval from the Office.

Section 7. All agencies under the direction of the Governor are directed to fully cooperate with the Office, and any representative thereof. Agencies not under the direction of the Governor are requested to provide such assistance as is required by the Office.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 4th day of January, 2011.

  
GOVERNOR

ATTEST:

  
SECRETARY OF STATE

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TALLAHASSEE, FLORIDA