

STATE OF FLORIDA

**OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 11-72
(Superseding Executive Order 11-01;
Office of Fiscal Accountability and Regulatory Reform)**

WHEREAS, pursuant to the Constitution of the State of Florida, the supreme executive power of the State of Florida is vested in the Governor; and

WHEREAS, pursuant to the Constitution of the State of Florida, the Governor is the chief administrative officer of the State responsible for the planning and budgeting for the State; and

WHEREAS, pursuant to the Constitution of the State of Florida, the Governor must take care that the laws be faithfully executed; and

WHEREAS, pursuant to the Constitution of the State of Florida, the Governor must transact all necessary business with officers of government, and may require information in writing from all executive or administrative State officers upon any subject relating to the duties of their offices; and

WHEREAS, pursuant to the Constitution of the State of Florida, the administration of executive departments is placed by law under the direct supervision of the Governor, the Lieutenant Governor, the Governor and Cabinet, a Cabinet member, or an officer or board appointed by and serving at the pleasure of the Governor; and

WHEREAS, pursuant to section 14.06, Florida Statutes, the Governor is authorized to employ such persons as may be required from time to time to make such investigations as may, in the judgment of the Governor, be necessary or expedient to efficiently conduct the affairs of

the State government, especially to make investigation and report of matters concerning taxation and finance throughout the State; and

WHEREAS, government must 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 public from harm or damage; 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, State regulations may impose duplicative, obsolete, and unnecessarily burdensome requirements on Florida's citizens and businesses; and

WHEREAS, continual review and assessment of existing and proposed regulations and rules is necessary to ensure that the laws of the State are faithfully executed without unduly burdening the State's economy and imposing needless costs and requirements on businesses, local governments, and citizens; and

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

WHEREAS, administering, planning, and budgeting for the State is inextricably intertwined with the agency rulemaking process; and

WHEREAS, on January 4, 2011, Executive Order 11-01 established the Office of Fiscal Accountability and Regulatory Reform ("OFARR") within the Executive Office of the Governor; and

WHEREAS, upon establishment of OFARR, all agencies under the direction of the Governor were required to obtain OFARR review and approval before developing new rules or amending or repealing existing rules; and

WHEREAS, OFARR's review process has facilitated the Governor's ability to serve as the chief executive and administrative officer of the State; and

WHEREAS, OFARR's review process has facilitated the Governor's planning and budgeting for the State; and

WHEREAS, as of April 7, 2011, and pursuant to Executive Order 11-01, OFARR has reviewed over 11,000 existing rules and regulations and helped agencies identify 1,035 unnecessary rules and regulations for repeal;

WHEREAS, as of April 7, 2011, and pursuant to Executive Order 11-01, OFARR has reviewed 334 agency rules for requested development, amendment, or repeal;

WHEREAS, since January 4, 2011, OFARR has reviewed and approved hundreds of agency requests to move forward with rulemaking; and

WHEREAS, OFARR's review process has thus far been successful in ensuring efficient and effective performance by State government; and

WHEREAS, OFARR's review process is consistent with standard and responsible administrative and executive practice by former governors of Florida, governors of other states, and presidents of the United States.

NOW, THEREFORE, I, RICK SCOTT, as Governor of Florida, by virtue of the authority vested in me by article IV 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, prior to developing new rules or amending or repealing existing rules, to submit all proposed notices, along with the complete text of any proposed rule or amendment, to OFARR. These agencies shall also submit any other documentation required by OFARR, and no such agency may submit for publication any required notice without OFARR's approval.

Section 2. For State agencies not under the direction of the Governor, OFARR shall make itself available to conduct requested analyses of existing rules or proposed rulemaking, rule amendment, or rule repeal.

Section 3. OFARR, created pursuant to Executive Order 11-01, shall continue to operate within the Executive Office of the Governor. OFARR, as my designee of delegated powers of the Governor, shall have the following responsibilities:

1. Review proposed and existing rules and regulations to ensure that they do not:
 - 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 unjustified costs on business; or
 - f. impose an unjustified overall cost and economic impact, including indirect cost to consumers.
2. Analyze, or require the analysis of, the impact of proposed and existing rules on matters of public health, public safety, public welfare, job creation, and other

matters that may have an impact on the creation, expansion, or retention of business interests in the State.

3. Make recommendations for simplifying the regulations or regulatory processes of State agencies.
4. Consistent with statutory provisions, require agencies to prepare a statement of estimated regulatory costs analyzing the economic impact of agency rules, including an analysis of the effect of such rules on the creation and retention of jobs within the State.
5. Consistent with statutory provisions, work with the Florida Small Business Regulatory Advisory Council, the Office of Small Business Advocate, the Rule Ombudsman, and the Florida Legislature, to identify rules and regulations, particularly those relating to small businesses, that have an adverse or disproportionate impact on business, and make recommendations for actions that would alleviate those effects.
6. Identify and review actions taken by State agencies to improve program performance, meet program standards, promote economy and efficiency, and set such activities as benchmarks for other agencies.
7. Using any available and reliable data, or reliable data created in cooperation with State agencies, design performance metrics that agencies should meet, and measure expectations against results annually.

Section 4. For each agency under the direction of the Governor, the agency head shall designate an Accountability and Regulatory Affairs Officer, who shall be responsible for coordinating agency efforts regarding fiscal accountability, performance accountability, and

regulatory reform, and who shall serve as the liaison between the agency and OFARR. Each agency shall provide to OFARR, in a timely manner, the name of its Accountability and Regulatory Affairs Officer and any change in such designation.

Section 5. For each agency under the direction of the Governor, the agency head is directed to review and evaluate current policies relating to agency-administered programs and operations, and to make recommendations to improve the performance and fiscal accountability of those programs and operations.

Section 6. Consistent with Executive Order 11-01, and 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 OFARR by May 1, 2011, a comprehensive review of existing rules and regulations, along with recommendations as to whether any rules and regulations should be modified or eliminated. Thereafter, agencies must conduct an annual review, using the same criteria, and submit it to OFARR by July 1 of each calendar year.

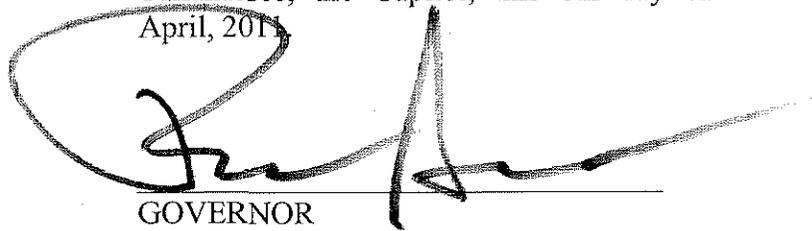
For any rule or regulation that an agency under the direction of the Governor identifies as duplicative, unnecessarily burdensome, or no longer necessary, the agency shall coordinate with OFARR to pursue the repeal or amendment of such rule or regulation in a timely and orderly manner.

Each agency is further directed to identify any legislative mandates that require the agency to promulgate, or continue to impose, rules that the agency believes have a negative impact on business, job creation, or job retention in Florida.

Section 7. 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 OFARR an annual regulatory plan that shall identify and describe each rule that the agency expects to begin promulgating during the next twelve-month period. OFARR may describe and require other information to be included in this submission.

Section 8. This Order supersedes Executive Order 11-01.

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 8th day of April, 2011



GOVERNOR



ATTEST:



SECRETARY OF STATE

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA