



**RON DESANTIS**  
GOVERNOR

November 11, 2019

Dear Governor's Agency Heads:

The Office of Fiscal Accountability and Regulatory Reform (OFARR), was established within the Executive Office of the Governor's Office of Policy and Budget, to ensure that agency rules are efficient, not overly burdensome, and adhere to statute as enacted by the Legislature. This directive serves to inform agencies of my administration's changes to OFARR and rulemaking procedures.

Rulemaking is an inherent and wholly executive authority. All agency rulemaking is overseen by OFARR. As Governor, I have directed OFARR to enhance oversight of the rulemaking process in the following ways:

1. OFARR will review all proposed rules to determine if the rule:
  - a. Impedes entry to the profession or industry;
  - b. Imposes additional or unnecessary fees on professionals or industries currently in the profession or seeking entry into the profession; and
  - c. Is the most efficient and cost effective method of imposing a regulation.
2. OFARR is directed to stop or suspend rulemaking on a case-by-case, or agency-wide basis if it is determined that a proposed or existing rule is in violation of the above criteria.

Updates to OFARR's rulemaking notification process and reporting requirements are as follows:

1. By September 1, 2020, each agency shall conduct a thorough review of all current rules and regulations and report to OFARR any rules or regulations that are barriers to entry for private business competition, duplicative, outdated, obsolete, overly burdensome, or impose excessive cost.
2. All rulemaking notices must be submitted to OFARR at least 7 days prior to publishing in the Florida Administrative Weekly. Rule text and a detailed explanation of the rulemaking must be provided to OFARR, along with the Rulemaking Notification Form, the SERC Checklist, and the completed SERC if required.

3. Notice of emergency rules shall be provided to OFARR with as much prior notice as practical, and remain subject to provisions in section 120.54(4), Florida Statutes. When emergency rulemaking occurs, OFARR must be provided the proposed rule and a detailed explanation, as well as a justification of emergency circumstances within 30 days after the initiation of emergency rulemaking occurs.
4. Agencies under the supervision of the Governor shall submit annual rulemaking and regulatory plans to OFARR by September 1 of each year for review and shall contain all information required in section 120.74, Florida Statutes.
5. All agencies must include a sunset provision in all proposed or amended rules unless otherwise directed by applicable law. The sunset provision may not exceed five years unless otherwise required by existing statute. Rules may be renewed through the normal rulemaking process after the sunset period only if it is determined the rule is still necessary, following the OFARR process outlined herein.

All agencies under the under the direction of the Governor must comply with the new OFARR reporting requirements outlined above. Additionally, executive branch departments or entities placed under the supervision of an officer or board appointed by and serving at the pleasure of the Governor are requested to do the same. All agencies are directed to fully cooperate with OFARR and any representative thereof.

Thank you for your cooperation in ensuring that Florida's regulatory landscape is efficient, cost effective and not overly burdensome.

Sincerely,



Ron DeSantis  
Governor