

MEMORANDUM

TO: Governing Board Members

FROM: Deena M. Reppen, Deputy Executive Director
Regulatory and Public Affairs Resource Area

DATE: June 9, 2011

SUBJECT: Authorization to submit July 1, 2011 Regulatory Plan to the Governor's Office of Fiscal Accountability and Regulatory Reform

Background: The Governor's Executive Order 11-72, which supersedes Executive Order 11-01, requires each agency under the direction of the Governor to submit to the Office of Fiscal Accountability and Regulatory Reform (OFARR) by July 1, 2011, and each successive year, an annual regulatory plan that identifies and describes each rule the agency expects to begin promulgating during the next twelve-month period.

Attached is a proposed July 1, 2011 Regulatory Plan for the South Florida Water Management District and a Resolution authorizing its transmittal to OFARR. The Regulatory Plan identifies and provides a brief description of four categories of rulemaking proceedings the staff recommends the District's Governing Board initiate during the next year:

- (1) Continuation of rule development initiated prior to Executive Order 11-01;
- (2) Repeal of rules identified in the April 2011 rule review pursuant to Executive Order 11-01;
- (3) Amendment of rules identified in the April 2011 rule review pursuant to Executive Order 11-01; and
- (4) Proposed new rules that reduce costs, reflect recent statutory amendments, or otherwise update and clarify rule language.

Prior to initiation or continuation of the identified rulemaking proceedings, each rule will be submitted in detail to the Governing Board along with a request for authorization to proceed. Subsequent to Governing Board authorization, an Authorization Request Form will be submitted to OFARR for approval to proceed (copy of Request Form and Guidelines are attached). The District will also coordinate these efforts with the Florida Department of Environmental Protection and the other water management districts.

How this helps meet the District's 10-Year Strategic Plan: The July 1, 2011 Regulatory Plan follows through on actions identified in the rule review pursuant to Executive Order 11-01. It also proposes rules that reduce regulatory costs, reflect recent statutory amendments and clarify language. Strategic Plan goals for Regulatory and Public Affairs and Everglades Restoration and Capital Projects will be positively impacted by the implementation of the actions identified in the Regulatory Plan.

Funding Source: Staff time will be used to implement the July 1, 2011 Regulatory Plan. Ad valorem funds may be used to prepare the economic impact analysis that may be required for certain rules.

This Board item impacts what areas of the District, both resource areas and geography: The July 1, 2011 Regulatory Plan impacts all resource areas of the District and the rule amendments would be implemented District-wide.

What concerns could this Board item raise? Prior to actually beginning rule development or rulemaking, staff will return to the Governing Board for further guidance and authorization.

Why should the Governing Board approve this item? Approval of the July 1, 2011 Regulatory Plan is critical to increasing regulatory efficiencies. Delivery of the Plan to OFARR is in accordance with the Governor's Executive Order 11-72.

DMR/eb

Attachments: July 2011 Regulatory Plan
Resolution
OFARR Rulemaking Authorization Request Form
OFARR Interim Rulemaking Guidelines