



MEMORANDUM

March 26, 2009

To: State of Florida Agency Representatives

Cc: Small Business Regulatory Advisory Council
Florida Office of Small Business Advocate

From: Jennifer Crews, Coordinator
Small Business Regulatory Advisory Council

Subject: Notice to State of Florida Agencies Regarding FL Ch. 2008-149

On July 1, 2008, FL Ch. 2008-149, House Bill 7109, became effective. This legislation charged the Small Business Regulatory Advisory Council (Council) with the responsibility for reviewing agency rules to determine their friendliness toward small businesses.

The Council may review all proposed agency rules to determine the potential impact on small businesses; rules of agencies subject to sunset review; and, any rules or programs that a small business owner requests the council to review. Upon the Council's review of rules, if it is determined that the rule may adversely affect small businesses in the state, the Council may make recommendations to an agency as to how the rule could be rewritten, if necessary, to reduce the impact of the rule on small businesses.

To facilitate this charge, FL Ch. 2008-149 requires all state agencies to provide written notice of proposed rules and their analysis of the economic impact that such rule may have on small businesses to the Council and the Office of Tourism Trade and Economic Development no less than 28 days prior to the intended action. The Council has 21 days upon receipt of the rule to respond.

While the State Director's Office for the Florida SBDC Network has been accepting these rules on the Council's behalf since July 2008, the Council convened its first organizational meeting January 28, 2009. At this meeting, Council members reviewed their responsibilities and voted to notify all state agencies of the Council's charge under H.B 7109, their function, and proposed method of operation. To help facilitate and cooperate with state agencies on the Council's review process, the Council voted to provide draft documents to the state agencies for their review and comment. The first document, "**SBRAC Draft Rules of Procedure**" describes how the Council is proposing to operate and accept rules and complaints for review. The second document, "**How to Categorize Impact on Small Business DRAFT Guidance for State Agencies**", is intended to serve as a guide for agencies during the development and review of their rules. The guidance is intended to assist the agency in their assessment of the potential economic impact a rule may have on small business and in determining "friendliness" of a proposed rule.

The Council's objective is to form a mutually beneficial relationship with state agencies. The Council and the Florida Office of Small Business Advocate are interested in collaborating with state agencies during the rulemaking process to provide impact information gathered from small business stakeholder organizations prior to the formulation of a rule. The intent would be to assist agencies in their effort to propose rules that are business friendly, resulting in the expansion and diversification of Florida's economy. As part of the review process, it is the Council's intent to commend agencies on proposed actions that are friendly toward small business and to offer advice and counsel to agencies when issues that may adversely affect small and

medium-sized businesses have been overlooked. It is the Council's intent to fully cooperate with state agencies to improve the climate for small business in Florida.

If you have any questions, comments or concerns about any of the information presented in this communication, please do not hesitate to contact Jennifer Crews, Coordinator for the Small Business Regulatory Advisory Council, at 850-473-7817 or by email at jennifer.crews@floridasbrac.org.

Thank you in advance for your cooperation as we launch this new initiative. We look forward to working with you and to receiving any comments you may have on the draft documents, which are attached and also posted on the Council's website www.FloridaSBRAC.org.

Attachments: SBRAC Draft Rules of Procedure
How to Categorize Impact on Small Business DRAFT Guidance for State Agencies