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Florida Citizen Challenges Governor's Executive Order 11-01

Tallahassee, Florida, (March 28, 2011) - Rosalie Whiley, a Florida citizen and taxpayer with disabilities, filed a petition today in the Florida Supreme Court challenging Governor Scott's Executive Order 11-01. The Governor's order suspends rulemaking by state agencies under his direction, creates a new governmental office, and transfers rulemaking powers from agency heads to the Governor's new Office of Fiscal Accountability and Regulatory Reform.

The order has halted rulemaking that would have simplified the reapplication process for food stamp recipients like Ms. Whiley. Ms. Whiley explained, "The Department of Children and Family Services application for the food stamp program was slated to be fixed so that I, as a blind person, could apply more easily online. But the Governor's new order has stopped the agency from moving forward. That's not right."

Ms. Whiley is represented by attorneys with Florida Legal Services, Inc. (FLS) and by Talbot "Sandy" D'Alemberte and Patsy Palmer of D'Alemberte & Palmer in Tallahassee. FLS attorney Cindy Huddleston said, "We have filed this petition on Ms. Whiley's behalf to ask the Florida Supreme Court to issue a writ of quo warranto. This special writ means Ms. Whiley is questioning the Governor's authority to suspend rulemaking." Mr. D'Alemberte stated, "Ms. Whiley's petition alleges the Governor's Executive Order violates the Florida Constitution because the executive branch has no authority to make and change laws relating to agency practice. That power belongs to the Legislature."

Although the Governor has stated that the impetus for the Order is to curtail unnecessary restrictions on regulation of businesses and professions, the Order creates a new layer of governmental bureaucracy and has triggered suspension of agency activities that are urgently needed to protect vulnerable low-income citizens of Florida. Mr. D'Alemberte noted, "Unless the Supreme Court acts immediately, Florida law will be suspended by a branch of government with no authority to do so."