By the Committees on Governmental Oversight and Productivity; and Government Efficiency Appropriations

585-1994-06

1	A bill to be entitled
2	An act relating to governmental operations;
3	creating s. 216.0236, F.S.; providing
4	legislative intent that the fees charged by
5	state agencies for providing a regulatory
6	service or regulating a profession or business
7	cover the costs of the regulatory service or
8	oversight; requiring that each state agency
9	review its fees; providing criteria for the
10	review; requiring that each agency, as part of
11	its legislative budget request, provide to the
12	Governor and Legislature information regarding
13	alternatives for realigning revenues or costs
14	to make a regulatory service or program
15	self-sufficient or provide justification for a
16	subsidy from other state funds; requiring
17	legislative review of all regulatory fee
18	structures at least once every 5 years;
19	providing an effective date.
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21	Be It Enacted by the Legislature of the State of Florida:
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23	Section 1. Section 216.0236, Florida Statutes, is
24	created to read:
25	216.0236 Agency fees for regulatory services or
26	oversight; criteria
27	(1) It is the intent of the Legislature that all costs
28	of providing a regulatory service or regulating a profession
29	or business be borne solely by those who receive the service
30	or who are subject to regulation. It is also the intent of the
31	Legislature that the fees charged for providing a regulatory

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CODING: Words stricken are deletions; words underlined are additions.

1	service or regulating a profession or business be reasonable
2	and take into account the differences between the types of
3	professions or businesses being regulated. Moreover, it is the
4	intent of the Legislature that state agencies operate as
5	efficiently as possible and regularly report to the
6	Legislature additional methods by which to streamline their
7	operational costs.
8	(2) In accordance with the instructions for
9	legislative budget requests, each state agency shall examine
10	the fees it charges for providing regulatory services and
11	oversight to businesses or professions. The annual examination
12	shall determine whether operational efficiencies can be
13	achieved in the underlying program, whether the regulatory
14	activity is an appropriate function that the agency should
15	continue at its current level, and whether the fees charged
16	for each regulatory program are:
17	(a) Based on revenue projections that are prepared
18	using generally accepted governmental accounting procedures or
19	official estimates by the Revenue Estimating Conference, if
20	applicable;
21	(b) Adequate to cover both the direct and indirect
22	costs of providing the regulatory service or oversight; and
23	(c) Reasonable and take into account differences
24	between the types of professions or businesses that are
25	regulated.
26	(3) If the agency determines that the fees charged for
27	regulatory services or oversight to businesses or professions
28	are not adequate to cover program costs and that an
29	appropriation from other state funds is necessary to
30	supplement the direct or indirect costs of providing a
31	regulatory service or regulating a program, the agency shall

1	present to the Governor and the Legislature as part of its
2	legislative budget request information regarding alternatives
3	for realigning revenues or costs to make the regulatory
4	service or program totally self-sufficient or shall
5	demonstrate that the service or program provides substantial
6	benefits to the public which justify a partial subsidy from
7	other state funds. The Legislature shall review the
8	alternatives during the next regular session.
9	(4) The Legislature shall review the regulatory fee
10	structure for all businesses and professions at least once
11	every 5 years. The schedule for such review may be included in
12	the legislative budget instructions developed pursuant to the
13	requirements of s. 216.023.
14	Section 2. This act shall take effect July 1, 2006.
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16	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
17	CS/SB 1678
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19	Clarifies scope of requirement that each agency examine the fees it charges for providing regulatory services and
20	oversight by expressly stating that the requirement applies to services and oversight to businesses and professions.
21	Clarifies that agencies present as part of legislative budget
22	request information regarding alternatives for realigning revenues or costs.
23	Provides that the Legislature is to review the regulatory fee
24	structure for all businesses and professions at least once every 5 years. The schedule for review may be included in the
25	legislative budget instructions developed pursuant to s.
26	216.023, F.S.
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