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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

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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