

1 A bill to be entitled
 2 An act relating to governmental operations; creating s.
 3 216.0236, F.S.; providing legislative intent that all
 4 costs of providing a regulatory service or regulating a
 5 profession or business be borne solely by those who
 6 receive the service or who are subject to regulation;
 7 requiring each state agency to annually examine the fees
 8 it charges for providing regulatory services and oversight
 9 to businesses or professions; providing criteria for the
 10 examination; requiring, under specified circumstances,
 11 that each agency, as part of its legislative budget
 12 request, provide to the Governor and the Legislature
 13 alternatives to make a regulatory service or program self-
 14 sufficient or provide justification for a partial subsidy
 15 from other state funds; requiring periodic review of
 16 regulatory fees by the Legislature; providing an effective
 17 date.

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 19 Be It Enacted by the Legislature of the State of Florida:

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 21 Section 1. Section 216.0236, Florida Statutes, is created
 22 to read:

23 216.0236 Agency fees for regulatory services or oversight;
 24 criteria.--

25 (1) It is the intent of the Legislature that all costs of
 26 providing a regulatory service or regulating a profession or
 27 business be borne solely by those who receive the service or who
 28 are subject to regulation. It is also the intent of the

29 Legislature that the fees charged for providing a regulatory
30 service or regulating a profession or business be reasonable and
31 take into account the differences between the types of
32 professions or businesses being regulated. Moreover, it is the
33 intent of the Legislature that state agencies operate as
34 efficiently as possible and regularly report to the Legislature
35 additional methods by which to streamline their operational
36 costs.

37 (2) In accordance with the instructions for legislative
38 budget requests, each state agency shall annually examine the
39 fees it charges for providing regulatory services and oversight
40 to businesses or professions. The annual examination shall
41 determine whether operational efficiencies can be achieved in
42 the regulatory program under examination, whether the regulatory
43 activity is an appropriate function that the agency should
44 continue at its current level, and whether the fees charged for
45 each regulatory program are:

46 (a) Based on revenue projections that are prepared using
47 generally accepted governmental accounting procedures or
48 official estimates by the Revenue Estimating Conference, if
49 applicable.

50 (b) Adequate to cover both the direct and indirect costs
51 of providing the regulatory service or oversight.

52 (c) Reasonable and take into account differences between
53 the types of professions or businesses that are regulated.

54 (3) If the agency determines that the fees charged for
55 regulatory services or oversight to businesses or professions
56 are not adequate to cover program costs and that an

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57 appropriation from other state funds is necessary to supplement
58 the direct or indirect costs of providing a regulatory service
59 or program, the agency shall present to the Governor and the
60 Legislature as part of its legislative budget request
61 information regarding alternatives for realigning revenues and
62 costs to make the regulatory service or program totally self-
63 sufficient or shall demonstrate that the service or program
64 provides substantial benefits to the public that justify a
65 partial subsidy from other state funds. The Legislature shall
66 review the alternatives during the next regular session of the
67 Legislature.

68 (4) The Legislature shall review the regulatory fee
69 structure for all businesses and professions at least once every
70 5 years. The schedule for such review may be included in the
71 legislative budget instructions developed pursuant to the
72 requirements of s. 216.023.

73 Section 2. This act shall take effect July 1, 2006.