



## Legislature Should Consider Uniform Process to Determine Appropriate Regulatory Program Funding Levels

### *at a glance*

Currently, there is no overall legislative policy governing how regulatory programs should be funded. As a result, Florida's 190 regulatory programs vary widely with regard to self-sufficiency requirements, funding sources, and types of user fees. Only 81 of these programs are required to be self-supporting, and the state subsidizes others with at least \$29 million in general revenue. Total state support cannot reliably be determined because many agencies do not allocate indirect costs to their programs.

If the Legislature wishes to establish a uniform policy governing regulatory program funding, we recommend that it consider

- eliminating statutory caps on regulatory fee amounts;
- revising legislative budget request instructions to require agencies to provide written justification when requesting general revenue for a regulatory program;
- revising legislative budget request instructions to establish a uniform methodology for calculating regulatory program costs; and
- requiring agencies to establish rules regarding the mix of user charges needed to meet the funding requirements for each regulatory program.

### Scope

At the request of the Legislature, we examined the allocation of fees and general revenue for state regulatory programs and activities.

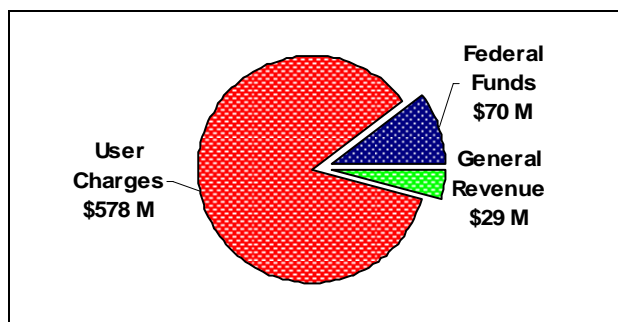
### Background

To promote public health, safety, and welfare, the Legislature has authorized programs to regulate various professions, businesses, and products. These programs generally set standards for goods and services, license individuals and businesses that offer them, conduct inspections, and take enforcement actions to ensure compliance with state standards. As shown in Appendix A, Florida administers 190 regulatory programs that oversee businesses ranging from abortion clinics to yacht and ship brokers.

Funding for these programs is derived from three major sources—user charges, federal funds, and general revenue. User charges include licensing fees and assessments, inspection fees, and fines and are usually deposited into trust funds that are statutorily required to be used for a designated purpose. Federal funds are received through contracts and grants for some regulatory activities and generally must be used for specified activities. General revenue includes state tax receipts and provides funding for some regulatory programs.

As shown in Exhibit 1, agencies reported that user charges are the primary source of funding for the state’s regulatory programs. Of the \$677 million in total funding for these programs in Fiscal Year 2004-05, user charges provided \$578 million (85%) of this total, while federal funds totaled \$70 million (10%) and general revenue provided \$29 million (5%).<sup>1, 2</sup> However, these totals understate actual program expenses as agencies do not consistently allocate their indirect costs (e.g., expenses for department support services such as budgeting, purchasing, and executive management) to regulatory programs. There is no reliable means to estimate these additional indirect costs.

**Exhibit 1  
Agencies Reported That Regulatory Programs  
Were Primarily Funded Through User Charges in  
Fiscal Year 2004-05**



Source: OPPAGA survey of state agencies with regulatory programs.

<sup>1</sup> The results are based on an OPPAGA survey of agencies with regulatory programs. Agencies did not report any indirect costs for 67 of the 190 regulatory programs. Indirect costs associated with agency-level activities, such as agency-level management, contract management, information technology and legal services are primarily funded with general revenue. Therefore, we concluded that the reported funding amounts to administer regulatory programs are understated, as well as the percentage of general revenue used to fund these programs.

<sup>2</sup> Our December 2005 report identified \$975 million in total Fiscal Year 2004-05 funding for regulatory programs. Subsequent to the report’s publication, two agencies provided updated information that changed the amounts of general revenue and federal funding used to support their programs. The net effect of these changes was to reduce general revenue expenditures by \$128 million and to reduce federal fund expenditures by \$170 million. The Department of Children and Families reported that no general revenue funds and \$900,000 in federal funds were used to administer the Substance Abuse Providers Program; it had originally reported \$51.5 million in general revenue costs and \$97.5 million in federal funds. The Agency for Persons with Disabilities reported that \$2.1 million in general revenue funds and \$707,096 in federal funds were used to administer the Residential Facilities and Comprehensive Transitional Education Program; it had originally reported \$78.7 million in general revenue and \$73.2 million in federal funds.

## Findings

### *There is no overall policy for determining appropriate regulatory program funding sources*

Currently, there is no overall legislative policy governing how regulatory programs should be funded. As a result, these programs vary widely with regard to self-sufficiency requirements, funding sources, and types of user fees assessed to regulated entities.

Most regulatory programs are not currently required to be self-supporting. For example, less than half (81, or 43%) of the state’s 190 regulatory programs are statutorily required to be supported solely by user fees and/or federal funds. Further, in some cases, programs that are required to be self-supporting nonetheless receive general revenue; agencies reported that nine of these programs used general revenue to support operations in Fiscal Year 2004-05.<sup>3</sup> Agencies reported that this occurred for various reasons, including the inability to raise fees due to statutory limits on user charges and requirements to match federal grants with general revenue.

For the 109 regulatory programs that are not statutorily required to be self-supporting, the allocation of funding sources varies widely. For example, the Weights and Measures Regulatory Program in the Department of Agriculture and Consumer Services was funded almost entirely with general revenue, which provided \$1.9 million while the program received \$168,394 from user charges (8% of total funds). Conversely, the Hazardous Waste Regulatory Program in the Department of Environmental Protection was almost entirely funded through federal grants and user fees, which provided \$2.91 million and \$1.15 million, respectively, while general revenue contributed \$90,538 (2% of total funds).

Agencies have asserted that many of the programs that are not statutorily required to be self-supporting were deserving of general revenue funding because they provide consumer protection benefits to the general public. For example, the Dairy Program in the Department of Agriculture

<sup>3</sup> Based on the results of an OPPAGA survey of agencies with regulatory programs, agencies did not report any indirect costs for 42 of the 81 regulatory programs that are statutorily required to be supported without the use of general revenue.

and Consumer Services regulates dairy farms, milk transporters, and milk processing plants. In Fiscal Year 2004-05, the program reported expenditures of nearly \$1.6 million while collecting only \$19,650 in user charges, with general revenue used to meet the remaining funding requirements.<sup>4</sup> While the department is authorized to levy regulatory fees, it has not done so, asserting that the program benefits public health, safety, and welfare.<sup>5</sup>

However, this argument could be made for most if not all regulatory programs, as consumer protection is typically one of the goals of regulation. Such programs also provide substantial benefits to the regulated entities, including market stability; increased consumer confidence; reduced legal liability; and limits on market entry from unlicensed individuals which have the effect of restricting competition. Accordingly, user fees are an appropriate funding source for these programs.

Several factors should be considered when determining the appropriate allocation of funding sources for regulatory programs. The Legislature should consider several factors in determining how regulatory programs should be funded. These include the distribution of benefits, the feasibility of collecting user fees, and the impact of various types of fees on regulated entities.

In general, user charges should be the primary source of funding for the state's regulatory programs and should be sufficient to cover all of the associated direct and indirect costs. Such a policy has several advantages, in that it helps reduce demands for general revenue funding, recognizes the benefits that regulation provides to regulated entities, and increases accountability as regulated entities help to monitor agency activities to ensure that the services they are funding are cost-effective.

However, in some cases, regulatory programs may provide a variety of services that benefit the general public as well as regulated entities. For example, the Everglades Construction Project is

funded through a combination of user fees paid by agricultural interests, federal funds, local tax revenues, and general revenue, as the program produces a wide range of benefits including pollution reduction, wildlife preservation, and improved drinking water supply.

Also, in some cases, it may not be feasible to collect the user fees required to enable regulatory programs to be self-supporting. For example, recovering the regulatory costs for the Dairy Program would require assessing fees of over \$6,000 per regulated dairy and processing plant.<sup>6</sup> The Department of Agriculture and Consumer Services also has asserted that these additional user charges could put in-state dairies at a competitive disadvantage.

Finally, decisions regarding the appropriate level of user charges should include consideration of their effect on the behavior of regulated businesses and professionals. User charges may be assessed in a variety of forms such as licensing fees, inspection fees, re-inspection fees, and penalties and fines. Some of these charges may influence the behavior of regulated entities. For example, some programs charge inspection and re-inspection fees while others are primarily funded through annual licensure fees. Assessing inspection and re-inspection fees provides a financial incentive for regulated entities to maintain compliance with state standards in order to avoid paying a re-inspection fee if violations are found at initial inspection.

Similarly, fees generally should be structured to reflect the level of effort and cost required to regulate various forms of businesses. For example, some programs charge a flat rate to all licensees while others use a sliding scale for annual fees based on the size of the regulated business, which reflects the amount of time required to conduct inspections. The mix of regulatory fees should be designed to support both program intent (e.g., provide incentives for maintaining compliance) as well as avoid undue burdens on small businesses that pose little risk or regulatory cost.

<sup>4</sup> These costs represent only the direct costs of operating the program, as the Department of Agriculture and Consumer Services reported that no indirect costs were incurred in Fiscal Year 2004-05.

<sup>5</sup> As reported in the DACS response to recommendations made in OPPAGA's *Justification Review: Some Funding Shifts Are Possible for the State's Food Safety and Quality Program*, [Report No. 01-53](#), November 2001; and *Progress Report: Food Safety Program Increases Some Fees; Still Requires Funding From Other Sources*, [Report No. 03-57](#), October 2003.

<sup>6</sup> During Fiscal Year 2004-05, the program issued permits for 178 dairy farms, 16 milk processing plants, and 69 frozen dessert manufacturing facilities. Permit fees would need to be established at a level over \$6,000 per facility to cover the program's costs.

***Current state accounting methods hinder determining appropriate funding levels for regulatory programs***

A key problem in establishing a uniform legislative policy on regulatory program funding is that the state’s accounting system does not identify the total direct costs for all regulatory programs, and agencies are using different methodologies to calculate the indirect costs of these programs. This limits the Legislature’s ability to determine whether user charges are sufficient to meet funding requirements as well as to assess program alternatives such as privatization.

The state’s current accounting system, Florida Accounting Information Resource Subsystem (FLAIR), does not identify the direct costs for each regulatory program.<sup>7</sup> The FLAIR accounting structure is based on appropriated funding categories, which often correlate to services provided by state agencies. However, in many cases FLAIR does not track program expenditures accurately because expenditures are allocated to services that support more than one regulatory program. For example, FLAIR does not break down the costs of each of the 31 regulatory programs administered by the Department of Business and Professional Regulation but instead aggregates these costs by function (e.g., licensing, customer service, inspections, and investigations) within a single program category.

A related weakness is that agencies currently use varying methods to calculate their indirect costs of administering regulatory programs. Indirect costs, often referred to as overhead costs, cannot readily be associated with the performance of a regulatory program, but provide necessary support to the program.<sup>8</sup> In contrast to direct costs, agencies would continue to incur indirect costs (although at a somewhat lower level) if an

individual regulatory program were eliminated. Both direct and indirect costs of regulatory programs need to be considered in program funding decisions.

However, there is no uniform method used by agencies to identify indirect costs. For example, the Department of Community Affairs’ Manufactured Building Program and the Department of Children and Families’ Substance Abuse Providers Program use very different methods for calculating indirect costs. The Department of Community Affairs reported that department overhead costs for the Manufactured Building Program were allocated based on federal guidelines that specify that indirect costs be allocated to the program’s direct costs in accordance with an approved allocation plan. Conversely, the Department of Children and Families did not include any indirect expenses in its reported costs for its Substance Abuse Providers Program.

This problem limits the Legislature’s ability to determine whether regulatory programs are assessing sufficient user charges to meet their funding requirements. Although 81 of the state’s 190 regulatory programs are statutorily required to be funded from user charges and/or federal funds, we were unable to determine whether these user charges were sufficient to meet all of their regulatory costs because 42 of these programs did not report indirect program costs. This problem also hinders the Legislature’s ability to assess the merits of program alternatives such as privatizing program activities, since agency costs cannot be readily compared with those of a private entity. Without this information, policymakers cannot determine if shifting a regulatory function to the private sector will produce real savings.

**Conclusions and Recommendations**

Currently, there is no overall legislative policy governing how regulatory programs should be funded. Such a policy would help to reduce the \$29 million in general revenue that is currently used to subsidize regulatory programs. If the Legislature wishes to establish a uniform policy

<sup>7</sup> Direct costs are labor and material costs that can be linked exclusively to the conduct of the regulatory program, and vary with fluctuations in the number of individuals or businesses being regulated. These costs would likely be eliminated if the regulatory program no longer existed.

<sup>8</sup> Indirect costs include the costs of providing executive direction, legal services, and administrative support services such as personnel, finance, and budgeting, as well as the costs of shared space, equipment, or services. Indirect costs also include the costs of program direction, program monitoring, rule making, and other activities that are essential to operate the program.



governing regulatory program funding, we recommend that it consider the actions described below.

To help ensure that programs remain self-supporting, the Legislature should generally eliminate statutory caps on the amount of regulatory fees. These limits can become outdated if not updated over time to reflect inflation.<sup>9</sup>

To enable the Legislature to consider the appropriateness of general revenue funding for regulatory programs, we recommend that legislative budget request instructions be revised to require agencies to provide written justification when requesting general revenue for a regulatory program.<sup>10</sup> This would assist the Legislature in determining whether the program provides sufficient broad public benefits to justify general revenue funding.

To help ensure that regulatory fees are based on total program costs, we recommend that the Legislature require that a uniform methodology be used to determine the cost to administer each regulatory program. This could be done by revising the legislative budget request instructions to establish a uniform methodology for calculating the cost of regulatory programs. One option the Legislature may wish to consider in establishing this methodology is to direct agencies to use the federal government cost allocation methodology

for calculating the cost of regulatory programs.<sup>11,12</sup> Currently, many state agencies have regulatory programs that include activities that are eligible for federal reimbursement and are therefore familiar with these federal reporting requirements. Once a uniform methodology is established, the Office of Planning and Budget should work with the Department of Financial Services, the Auditor General, and legislative appropriations committees to train agency staff in applying the methodology and monitoring implementation of this effort.

Once a funding allocation is established by the Legislature, we also recommend that agencies enter into rulemaking to determine the appropriate mix of user charges needed to meet the funding requirements for each regulatory program. The rulemaking process allows stakeholder involvement before a final determination is made. Involvement by administering agencies, program recipients, and consumers will help ensure that the appropriate amount is adopted for each of the various user charges that are available for each regulatory program. In addition, stakeholder involvement will help ensure consideration of factors such as the impact on the competitive position of the regulated entity, the effect on the behavior of the regulated entity, and the costs associated with the collection of user charges.

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<sup>9</sup> For example, the 1935 Legislature, in creating the Wildfire Protection Program, established user fees to fund the program but capped these fees at three cents per acre. While these fees initially largely supported the program, they have not been changed over the subsequent 70 years and now provide only 1.2% of program funding.

<sup>10</sup> According to s. 216.023(3), *F.S.*, the Executive Office of the Governor and the legislative appropriations committees are responsible for jointly developing legislative budget instructions.

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<sup>11</sup> Office of Management and Budget Circular A-87.

<sup>12</sup> The federal cost allocation methodology requires agencies to develop an indirect cost allocation plan to apportion their indirect costs to programs and activities. These plans would serve as the basis for computing indirect and direct costs for each regulatory program.

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## Appendix A

# State Agencies Administer 190 Regulatory Programs

Florida has 190 statutorily authorized regulatory programs, which are administered by 15 state agencies. The Auditor General, as part of *Operational Audit: State of Florida Regulatory Program Administration (Report No. 2004-181)*, identified these regulatory programs through a review of Florida’s statutes. As shown, for 81 of the 190 regulatory programs, the legislative intent is that the program be supported without the use of general revenue. The amounts identified in the ‘General Revenue Reported in Fiscal Year 2004-05’ column are based on the results of an OPPAGA survey of agencies with regulatory programs. Where None Reported is identified for a regulatory program, the administering agency reported either that no general revenue was used to fund the program or that they were unable to determine the amount of general revenue used.

Regulatory Program Name (Categories Divided by Administering Agency)	Service / Product Regulated	Authorizing Statute	Statutorily required to be financially self- sufficient?	General Revenue Reported in Fiscal Year 2004-05
<b>Department of Agriculture and Consumer Services</b>				
Agriculture Products Dealers' License	Agricultural products	Chs. 604, 535, 627, and 543, <i>F.S.</i>	No	None Reported
Amusement ride inspections and permitting	Amusement rides at temporary events and permanent amusement facilities (with exception)	s. 616.242, <i>F.S.</i> ; Ch. 5F-8, <i>F.A.C.</i>	Yes	None Reported
Animal Industry	Introduction of animals into the state	Chs. 585, 534, <i>F.S.</i> ; Ch. 5C-(5,6,11,22), <i>F.A.C.</i>	No	\$782,776
Apiary Inspection	Honey production and sales	Ch. 586, <i>F.S.</i> ; Ch. 5B-54, <i>F.A.C.</i>	No	\$646,197
Aqua-Farming Certification	Aqua-farming	s. 597.004, <i>F.S.</i> ; Ch. 5L-3, <i>F.A.C.</i>	No	\$533,607
Citrus Budwood Registration	Movement of budwood from source trees to nurseries	Ch. 581, <i>F.S.</i>	No	\$10,276
Dairy	Dairy product transport and manufacturing	Chs. 502 and 503, <i>F.S.</i> ; Ch. 5D-1, <i>F.A.C.</i>	No	\$1,664,787
Dance Studio	Dance studios	Ch. 501, <i>F.S.</i> ; Ch. 5J-8, <i>F.A.C.</i>	No	None Reported
Feed	Commercial animal feed	Ch. 580, <i>F.S.</i>	No	None Reported
Fertilizer	Fertilizer distribution	Ch. 576, <i>F.S.</i> ; Ch. 5E-1, <i>F.A.C.</i>	No	None Reported
Food Safety	Food products during processing, storage or point of sale	Ch. 500, <i>F.S.</i> ; Ch. 5K, <i>F.A.C.</i>	No	\$57,424
Game Promotion Filing	Game promotions	s. 849.094, <i>F.S.</i>	No	None Reported
Health Studio	Health studios	Ch. 501, <i>F.S.</i> ; Ch. 5J-4, <i>F.A.C.</i>	No	None Reported
Intrastate Moving Companies	Interstate moving	Ch. 507, <i>F.S.</i>	No	\$200,126
LP Gas	Liquid propane (LP) gas	Ch. 527, <i>F.S.</i> ; Ch. 5F-11, <i>F.A.C.</i>	No	None Reported
Motor Vehicle Repair Law	Motor vehicle repair	Ch. 559, <i>F.S.</i>	No	None Reported
Pawnbroker License	Pawnshops	Ch. 539, <i>F.S.</i> ; Ch. 5J-13, <i>F.A.C.</i>	No	None Reported
Pest Control	Pest control	Ch. 482, <i>F.S.</i> ; Ch. 5E-14, <i>F.A.C.</i>	No	None Reported
Pesticide Registration - Products	Pesticides and applicators	Ch. 487, <i>F.S.</i> ; Chs. 5E-2, 5E-9, <i>F.A.C.</i>	No	\$14,150
Pesticide Regulation - Sellers and Users	Pesticide applicators and dealers	Ch.487, <i>F.S.</i> ; Ch. 5E-2, 5E-9, <i>F.A.C.</i>	No	\$20,250
Petroleum Quality	Petroleum product pumping devices	s. 501.9, Chs. 525, 526, <i>F.S.</i> ; Chs. 5F-2, 5F-6, 5F-10, <i>F.A.C.</i>	No	None Reported
Private Investigators and Security Officers	Private investigative services	Ch. 493 and s. 790.06, <i>F.S.</i>	No	None Reported
Sale of Business Opportunities	Business opportunity sales	Ch. 559, <i>F.S.</i> ; Ch. 5J-10, <i>F.A.C.</i>	No	None Reported
Seed	Seeds	Ch. 578, <i>F.S.</i>	No	None Reported

Regulatory Program Name (Categories Divided by Administering Agency)	Service / Product Regulated	Authorizing Statute	Statutorily required to be financially self- sufficient?	General Revenue Reported in Fiscal Year 2004-05
Sellers of Travel	Travel (vacation certificates, etc.) contracts	Ch. 559, <i>F.S.</i> ; Ch. 5J-9, <i>F.A.C.</i>	No	None Reported
Shellfish Processing Plant Certification	Shellfish processing	s. 597.02, <i>F.S.</i> ; Ch. 5L-1, <i>F.A.C.</i>	No	\$124,764
Solicitations of Contribution	Fund raising	Ch. 496 <i>F.S.</i> ; Ch. 5J-7, <i>F.A.C.</i>	No	None Reported
Telemarketing License	Telemarketing	Ch. 501, <i>F.S.</i> ; Ch. 5J-6, <i>F.A.C.</i>	No	None Reported
Weights and Measures	Weighing and measuring devices for packaged and priced goods	Ch. 531, <i>F.S.</i>	No	\$1,903,979
<b>Department of Business and Professional Regulation</b>				
Alcohol and Tobacco Industries	Alcohol and cigarette sales and distribution	Ch. 455, s. 561-569 and 210, <i>F.S.</i>	No	None Reported
Architecture	Architecture and interior design	Chs. 455 and 481 (part I), <i>F.S.</i>	Yes	None Reported
Asbestos Contractors/Consultants	Asbestos	Chs. 455 and 469, <i>F.S.</i>	Yes	None Reported
Athlete Agents	Athlete services	Chs. 455 and 468 (part IX), <i>F.S.</i>	Yes	None Reported
Auctioneers and Apprentices	Auctions	Chs. 455 and 468, <i>F.S.</i>	Yes	None Reported
Barbers	Barber services	Chs. 455 and 476, <i>F.S.</i>	Yes	None Reported
Boxing	Boxing	Ch. 548, <i>F.S.</i>	Yes	None Reported
Building Code Inspectors and Administrators	Building code administration and inspection	Chs. 455 and 468 (part XII), <i>F.S.</i>	Yes	None Reported
Certified Public Accountants	Accounting	Chs. 455 and 473, <i>F.S.</i>	Yes	None Reported
Community Association Managers	Community affairs	Chs. 455 and 468 (part VIII), <i>F.S.</i>	Yes	None Reported
Condos and Cooperatives, Timeshares	Condominiums and cooperatives, and timeshares	Chs. 455, 718, 719, and 721, <i>F.S.</i>	No	None Reported
Construction	Construction	Chs. 455 and 468 (part I), <i>F.S.</i>	Yes	None Reported
Cosmetologists, Salons, Hair Braiding, Body Wrapping	Cosmetology	Chs. 455 and 477, <i>F.S.</i>	Yes	None Reported
Electrical Contractors	Electrical	Chs. 455 and 489 (part II), <i>F.S.</i>	Yes	None Reported
Elevators and Vertical Lifts	Public elevators	Chs. 455 and 399, <i>F.S.</i>	No	None Reported
Employee Leasing Companies	Employee leasing	Chs. 455 and 468 (part XI), <i>F.S.</i>	Yes	None Reported
Farm Labor Contractors	Farming services	Chs. 455 and 450 (part III), <i>F.S.</i>	No	\$696,549
Funeral Home Directors and Embalmers	Death industry	Chs. 455 and 470, <i>F.S.</i>	Yes	None Reported
Geologists	Geology	Chs. 455 and 492, <i>F.S.</i>	Yes	None Reported
Harbor Pilots	Piloting of vessels in state navigable waters	Chs. 455 and 310, <i>F.S.</i>	Yes	None Reported
Landscape Architecture	Landscape architecture	Chs. 455 and 481 (part II), <i>F.S.</i>	Yes	None Reported
Lodging and Food Establishments	Food and lodging industry	Chs. 455 and 509, <i>F.S.</i>	No	None Reported
Mobile Home Parks	Mobile home parks	Chs. 455 and 723, <i>F.S.</i>	No	None Reported
Pari-Mutuel Wagering (Gambling) Establishments	Gambling activities	Ch. 550, <i>F.S.</i>	No	None Reported
Real Estate Appraisers	Real estate appraisal	Chs. 455 and 475, <i>F.S.</i>	Yes	None Reported
Real Estate Commission	Real estate sales	Chs. 455 and 475, <i>F.S.</i>	Yes	None Reported
Subdivided Land Developers/Sellers	Land development sales	Chs. 455 and 498, <i>F.S.</i>	No	None Reported
Surveyors and Mappers	Surveying and mapping	Chs. 455 and 472, <i>F.S.</i>	Yes	None Reported
Talent Agents	Talent services	Chs. 455, 177, and 472, <i>F.S.</i>	Yes	None Reported
Veterinarians	Animal health care	Chs. 455 and 468, <i>F.S.</i>	Yes	None Reported
Yacht and Ship Brokers/Salespeople	Yacht and ship sales	Chs. 455 and 326, <i>F.S.</i>	No	None Reported
<b>Department of Children and Families</b>				
Batterers' Intervention	Domestic violence offenders	s. 741.32, <i>F.S.</i>	No	\$172,304
Child Care Facilities	Child care facilities	s. 402.305, <i>F.S.</i>	No	\$1,910,109
Domestic Violence Centers	Domestic violence offenders	s. 39.905, <i>F.S.</i>	No	None Reported

Regulatory Program Name (Categories Divided by Administering Agency)	Service / Product Regulated	Authorizing Statute	Statutorily required to be financially self- sufficient?	General Revenue Reported in Fiscal Year 2004-05
Family Foster Homes, Residential Child-Caring Agencies and Child- Placing Agencies	Foster care	ss. 409.175 and 409.441, <i>F.S.</i>	No	None Reported
Substance Abuse Providers	Substance abuse providers	s. 397.401, <i>F.S.</i>	No	None Reported <sup>1</sup>
<b>Department of Community Affairs</b>				
Manufactured Building	Commercial and residential buildings, factory-built school buildings, lawn and storage buildings	Ch. 553, part I, s. 37, <i>F.S.</i>	Yes	None Reported
<b>Department of Education</b>				
Non-public Postsecondary Educational Institutions	Non-public secondary education institutions	s. 1005.31, <i>F.S.</i>	No	None Reported
Teacher Certification Examinations	Teachers	s. 1012.56(1), <i>F.S.</i>	No	None Reported
Teacher Certification	Teachers	s. 1012.56(1), <i>F.S.</i>	No	None Reported
<b>Department of Environmental Protection</b>				
Air Resources	Asbestos removal, and air emissions from power plants, pulp and paper manufacturers, phosphate, landfills, cement manufacturers, sugar, citrus, drycleaners, etc.	Ch. 403, <i>F.S.</i>	Yes	None Reported
Coastal Construction	Beaches and dunes	ss. 161.041, 161.052-161.054, <i>F.S.</i>	No	None Reported
Domestic Wastewater	Wastewater	s. 403.088, <i>F.S.</i>	No	\$2,541,906
Dredge and Fill /Stormwater	Northwest Florida wetlands	Ch. 373, part IV, <i>F.S.</i>	No	\$1,295,177
Drinking Water	Public water systems	Ch. 403, part IV, <i>F.S.</i>	No	\$1,797,568
Dry-cleaning	Dry-cleaning facilities and wholesale supply facilities for dry-cleaning chemicals	Chs. 376 and 403, <i>F.S.</i>	No	None Reported
Environmental Resource Permitting	Alteration of surface water flows	Ch. 373, part IV, <i>F.S.</i>	No	\$5,238,728
Everglades	Stormwater treatment areas	s. 373.4592, <i>F.S.</i>	No	None Reported
Hazardous Waste	Hazardous waste facilities	Ch. 403, <i>F.S.</i>	No	\$90,538
Industrial Pretreatment	Pretreatment of water	s. 403.0885, <i>F.S.</i>	No	\$20,477
Industrial Wastewater	Industrial plants	Ch. 403, <i>F.S.</i>	No	\$75,256
Mine Reclamation	Mining activities	Chs. 373 and 378, <i>F.S.</i>	No	None Reported
NPDES Stormwater	Point source discharge of stormwater	s. 403.0885, <i>F.S.</i>	Yes	\$86,834
Oil and Gas Permitting and Compliance	Oil and gas companies	Ch. 377, <i>F.S.</i>	No	None Reported
Phosphogypsum Management	Phosphogypsum stack systems	Chs. 373 and 378, <i>F.S.</i>	No	None Reported
Siting Coordination Office (SCO)	Electric utilities and natural gas pipeline companies	ss. 403.501-518, 403.52-403.539, 403.78- 403.7893, 403.9401-403.9425, <i>F.S.</i>	No	None Reported
Solid Waste Management	Landfills and other solid waste disposal facilities	Ch. 403, <i>F.S.</i>	No	\$56,379
Storage Tank	Facilities and storage tanks which store pollutants, hazardous substances, or mineral acid substances	Ch. 376, <i>F.S.</i>	No	\$56,379
Underground Injection Control	Injection wells	Federal Clean Water Act	No	\$521,673
Water Resource Management	Water treatment plant operators	ss. 403.872-88, <i>F.S.</i>	Yes	None Reported
<b>Department of Financial Services</b>				
Banking Industry	Banks and trust companies, savings associations, credit unions, international banks, state-chartered non-deposit trust companies	Chs. 655 - 667, <i>F.S.</i>	No	None Reported
Boiler Safety	Boilers	Ch. 554, <i>F.S.</i>	No	None Reported



Regulatory Program Name (Categories Divided by Administering Agency)	Service / Product Regulated	Authorizing Statute	Statutorily required to be financially self- sufficient?	General Revenue Reported in Fiscal Year 2004-05
				Included in Firms /Agents and Securities Offerings
Certified Capital Companies	Certified capital companies	s. 288.99, <i>F.S.</i>	No	
Collection Agencies	Collection agencies	Ch. 559, <i>F.S.</i>	No	None Reported
Consumer Finance Companies	Consumer finance companies	Ch. 516, <i>F.S.</i>	No	None Reported
Fire Protection and Explosives	Engineered fire protection system contractors; installation of portable extinguishers and pre-engineered systems; explosives manufacture use and storage; sparkler sales; mining operations	Chs. 633, 552, and 791, <i>F.S.</i>	No	None Reported
Firm/Agents and Securities Offerings	Firm/agents and securities offerings	Ch. 517, <i>F.S.</i>	No	\$5,289,386
Funeral and Cemetery Services	Death care industry	Ch. 497, <i>F.S.</i>	Yes	None Reported
Insurance representatives - licensing	Insurance industry	Chs. 624, 626, 632, 634, 636, 641, 642, and 648, <i>F.S.</i>	Yes	None Reported
Insurance representatives - operations	Insurance industry	Chs. 624, 626, 632, 634, 636, 641, 642 and 648, <i>F.S.</i>	Yes	None Reported
Insurer and self-insurer payment and filing claims practices (WC)	Workers' Compensation Insurance	ss. 440.525, 440.14, 440.20(15)(a), 440.15, 440.20(8)(c), <i>F.S.</i>	No	None Reported
Insurers	L&H, property and casualty, and specialty insurers	Chs. 624 - 632, 634 - 636, 641, 642, 648, 651, <i>F.S.</i>	No	None Reported
Money Transmitters	Money transmitters	Ch. 560, <i>F.S.</i>	Yes	None Reported
Mortgage Brokers and Lenders	Mortgage brokers and lenders	Ch. 494, <i>F.S.</i>	No	None Reported
Retail Installment Sales	Retail installment sales	Ch. 520, <i>F.S.</i>	No	None Reported
State Fire Marshal	Firefighters, fire instructors, fire inspectors, fire suppression inspectors	Ch. 633, <i>F.S.</i>	No	None Reported
Title Loan Companies	Title loan companies	Ch. 537, <i>F.S.</i>	No	None Reported
Workers' Compensation Enforcement	Workers' Compensation Insurance	Ch. 440, <i>F.S.</i>	No	None Reported
<b>Florida Fish and Wildlife Conservation Commission</b>				
Alligators	Captive alligator environment	ss. 372.661-664, 372.6645, 372.665, 372.667, 372.6671-6674, 372.6678 <i>F.S.</i> ; Rules 68A-25.002-004, 68A-25.031-032, 68A-25.042, 68A-25.052, <i>F.A.C.</i>	No	None Reported
Captive Venomous Reptiles	Exhibitors and possessors of venomous reptiles	ss. 372.86-91, 372.901, 372.912, and 372.921(4), <i>F.S.</i> ; Rules 68A-25.002, 68A-25.006, <i>F.A.C.</i>	No	None Reported
Captive Wildlife	Possession/exhibition/sale/housing/ transportation of captive wildlife	ss. 372.921-922, <i>F.S.</i> ; Ch. 68A-6, <i>F.A.C.</i> ; Rules 68A-9.005-006, 68A-12.010, 68A-23.008-009, 68A-23.0091-0092, and 68A-25.002, <i>F.A.C.</i>	No	None Reported
Sea Snakes	Exhibits/pens/transport of sea snakes	s. 370.081, <i>F.S.</i>	No	None Reported
<b>Agency for Health Care Administration</b>				
Abortion Clinics	Abortion clinics	Ch. 390, <i>F.S.</i>	No	\$712
Adult Day Care Centers	Adult day care center	Ch. 400, part V, <i>F.S.</i>	Yes	\$929
Adult Family Care Home Licensing	Adult family care homes	Ch. 400, part VII, <i>F.S.</i>	Yes	\$6,680
Ambulatory Surgical Centers	Ambulatory surgical centers	Ch. 395, <i>F.S.</i>	No	\$5,989
Assisted Living Facilities	Assisted living facilities (ALF)	Ch. 400, part III, <i>F.S.</i>	Yes	\$72,628
Birth Centers	Birth centers	ss. 383.30 - 383.335, <i>F.S.</i>	No	\$572
Clinical Laboratories	Clinical laboratories	Ch. 483, part I, <i>F.S.</i>	No	\$13,609
Crisis Stabilization Units and Short- Term Residential Treatment Facilities	Crisis stabilization units and short-term residential treatment facilities	Ch. 394, <i>F.S.</i>	No	\$1,023
Drug-Free Workplace Laboratory	Drug-free workplace laboratories	s. 112.0455, <i>F.S.</i>	No	\$9,954

Regulatory Program Name (Categories Divided by Administering Agency)	Service / Product Regulated	Authorizing Statute	Statutorily required to be financially self- sufficient?	General Revenue Reported in Fiscal Year 2004-05
Health Care Clinic Licensure	Health care clinics	Ch. 400, part XIII, <i>F.S.</i>	Yes	None Reported
Health Care Service Pools	Medical personnel staffing agencies	s. 400.980, <i>F.S.</i>	Yes	None Reported
Health Maintenance Organizations	Health maintenance organizations	Ch. 641, part III, and Ch. 409.912, <i>F.S.</i>	Yes	None Reported
Home Health Agencies	Home health agencies	ss. 400.461-497 and 400.512-515, <i>F.S.</i>	Yes	\$45,684
Home Medical Equipment Providers	Home medical equipment providers	Ch. 400, part X, <i>F.S.</i>	No	\$2,695
Homemakers, Companions, and Sitters	Organizations that provide homemaker and companion services to aged and disabled adults	ss. 400.462(5) and (12), 400.497, 400.509, 400.515, 400.512, <i>F.S.</i>	No	\$524
Homes for Special Services	Temporary health care providers	s. 400.801, <i>F.S.</i>	No	\$2,431
Hospices	Providers that provide hospice care to the terminally ill	Ch.400, part VI, <i>F.S.</i>	Yes	\$1,664
Hospitals	Hospitals	Ch.395, part I, <i>F.S.</i>	No	\$47,370
Inter. Care Facility/Developmentally Disabled Licensing	Residential facilities providing Medicare services	Ch. 400, part XI, <i>F.S.</i>	No	\$41,827
Multiphasic Health Test Centers	Multiphasic health testing centers	Ch. 483, part II, <i>F.S.</i>	No	\$39
Nurse Registry	Nurse registries	ss. 400.462, 400.464, 400.484, 400.495, 400.497, 400.506, 400.512, 400.515, <i>F.S.</i>	No	\$2,446
Nursing Home Licensing	Skilled nursing facilities	Ch. 400, part II, <i>F.S.</i>	No	\$633,289
Organ and Tissue Procurement Agency	Organ procurement organizations, tissue banks, eye banks	ss. 381.6021-381.6026, <i>F.S.</i>	No	\$1,493
Prepaid Health Clinics - License	Prepaid health clinics	Ch. 641, part II, <i>F.S.</i>	Yes	\$22,266
Prescribed Pediatric Extended Care Centers	Pediatric extended care providers	Ch. 400, part IX, <i>F.S.</i>	No	\$4,953
Private Review Agents of Health Care Services	Private review agents of health care services	s. 395.0199, <i>F.S.</i>	No	None Reported
Residential Treatment Facilities	Residential treatment facilities	Ch. 394, <i>F.S.</i>	No	\$528
Transitional Living Facility	Rehabilitative Service providers	Ch. 400, part VIII, <i>F.S.</i>	No	\$4,744
<b>Department of Health</b>				
Acupuncture	Acupuncture practitioners	ss. 457.105, 457.107, 457.109, <i>F.S.</i>	Yes	None Reported
Athletic Training	Athletic trainers	ss. 468.707, 468.709, 468.711, <i>F.S.</i>	Yes	None Reported
Certified Nursing Assistants	Certified nursing assistants	Ch. 464, part II, <i>F.S.</i>	Yes	\$133,321 <sup>2</sup>
Chiropractic Medicine	Chiropractic physicians and assistants	ss. 460.406, 460.4061, 406.407, <i>F.S.</i>	Yes	None Reported
Clinical Laboratory Personnel	Clinical laboratory personnel	ss. 483.807, 483.809, 483.812, 483.813, 483.815, <i>F.S.</i>	Yes	None Reported
Clinical Social Work, Marriage and Family Therapy, and Mental Health	Clinical social workers, marriage and family therapists, mental health counselors	s. 491.008, <i>F.S.</i>	Yes	None Reported
Dentistry	Dentists, hygienists, radiographers, laboratories	s. 466.011, <i>F.S.</i>	Yes	None Reported
Electrolysis	Electrologists and facilities	ss. 478.49, 478.50, 478.51, 478.55, <i>F.S.</i>	Yes	None Reported
Emergency Medical Services	Emergency medical services	ss. 401.25, 401.251, 401.27, 401.2701, 395.401, 395.4025, 395.4045, <i>F.S.</i>	Yes	None Reported
Environmental Health	Environmental health professionals	s. 381.0101, <i>F.S.</i>	Yes	None Reported
Environmental Health - Swimming Pools and Spas	Public swimming pools, spas, and bathing places	ss. 514.0115(2)(b) and 514.033, <i>F.S.</i>	Yes	None Reported
Environmental Health - X-Ray Machines	X-Ray machines	ss. 404.051, 404.131, 404.22, <i>F.S.</i>	Yes	None Reported
Hearing Aid Specialists	Hearing aid specialists	ss. 484.0447, 484.045, 484.047, <i>F.S.</i>	Yes	None Reported
Massage Therapy	Massage therapists, establishments, and schools,	ss. 480.041, 480.0415, 480.043, 480.044, <i>F.S.</i>	Yes	None Reported

Regulatory Program Name (Categories Divided by Administering Agency)	Service / Product Regulated	Authorizing Statute	Statutorily required to be financially self- sufficient?	General Revenue Reported in Fiscal Year 2004-05
Medical Physicists	Medical health physicists and physicists in training	s. 483.901, <i>F.S.</i>	Yes	None Reported
Medicine	Doctors, physician assistants	s. 456.025, Ch. 458, <i>F.S.</i>	Yes	None Reported
Midwifery	Council of Midwifery and Temporary Midwives	ss. 467.0135, 467.001, 467.009, 467.205, <i>F.S.</i>	Yes	None Reported
Nursing	Registered nurses (RN) and licensed practice nurses (LPN)	s. 464.202 and Ch. 464, part I, <i>F.S.</i>	Yes	None Reported
Nursing Home Administrators	Nursing home administration	s. 468.1645, <i>F.S.</i>	Yes	None Reported
Nutrition and Dietetics Practice	Dietetics/nutrition, nutrition counselors	ss. 468.504, 468.508, 468.509, 468.51, <i>F.S.</i>	Yes	None Reported
Occupational Therapy	Therapists and assistants	ss. 468.207, 468.209, 468.211, 468.221, <i>F.S.</i>	Yes	None Reported
Opticianry	Opticians, apprentice opticians,	ss. 484.007, 484.008, <i>F.S.</i>	Yes	None Reported
Optometry	Optometrists	ss. 463.006, 463.007, <i>F.S.</i>	Yes	None Reported
Orthotists, Prothetists, and Pedorthists	Prothetists, orthotists, orthotic fitters, orthotic fitter assistants, pedorthists	ss. 468.803, 468.806, 468.807, <i>F.S.</i>	Yes	None Reported
Osteopathic Medicine	Osteopathic medicine	s. 459.0092, <i>F.S.</i>	Yes	None Reported
Pharmaceutical Services	Drug manufacturers; cosmetic manufacturers; drug wholesalers; drug distributors; ether manufacturer, distributor, dealer, or purchaser; research, testing, or teaching registration	s. 499.041, <i>F.S.</i>	Yes	\$333,527
Pharmacy	Pharmacists, pharmacist interns, consultant pharmacists, nuclear pharmacists, pharmacies	Ch. 465, <i>F.S.</i>	Yes	None Reported
Physical Therapy Practice	Physical therapists and assistants	ss. 486.041, 486.061, 486.081, 486.085, 486.103, 486.106-108, <i>F.S.</i>	Yes	None Reported
Podiatric Medicine	Physicians, certified x-ray assistants	s. 461.007, <i>F.S.</i>	Yes	None Reported
Psychologists	School psychologists	s. 490.005, <i>F.S.</i>	Yes	None Reported
Psychology	Psychologists, provisional psychologists, limited license psychologists	ss. 490.005, 490.0051, 490.007, 490.0085, <i>F.S.</i>	Yes	None Reported
Radioactive Materials	Radioactive materials	ss. 404.051, 404.131, <i>F.S.</i>	Yes	None Reported
Radiologic Technology	Environmental health professionals	Ch. 468, part IV, <i>F.S.</i>	Yes	None Reported
Radon - Mitigation Companies Only	Radon	s. 404.056, <i>F.S.</i>	No	None Reported
Respiratory Care	Respiratory therapists, respiratory care practitioners	Ch. 468, part V, <i>F.S.</i>	Yes	None Reported
Septic Tank Contractors	Septic tank contractors	ss. 381.0065 and 489.557, <i>F.S.</i>	Yes	None Reported
Speech-Language Pathology and Audiology	Speech-language pathologists, audiologists, assistants, provisional speech-language pathologists, provisional audiologists	ss. 468.1145, 468.1185, <i>F.S.</i>	Yes	None Reported
<b>Department of Highway Safety and Motor Vehicles</b>				
Automotive, Recreational Vehicle, and Mobile Home Manufactures, Distributors and Dealers	Automotive, RV, and mobile home distributors	s. 320.61, <i>F.S.</i>	No	None Reported
DUI Schools	DUI programs	ss. 316.193, 322.271, 322.292, 322.293, <i>F.S.</i>	Yes	None Reported
Mobile Home Installers	Mobile home installers	s. 320.8249, <i>F.S.</i>	Yes	None Reported
Mobile Homes	Mobile home manufacturers	s. 320.8225, <i>F.S.</i>	Yes	None Reported
Motorcycle Safety Education Programs	Motorcycle education programs	ss. 322.0255 and 322.025, <i>F.S.</i>	No	None Reported

Regulatory Program Name (Categories Divided by Administering Agency)	Service / Product Regulated	Authorizing Statute	Statutorily required to be financially self- sufficient?	General Revenue Reported in Fiscal Year 2004-05
<b>Florida Department of Law Enforcement</b>				
Alcohol Testing	Operation, inspection, and registration of breath test instrument; operators, inspectors, and instructors of breath test instruments; blood analysts	s. 316.1932(1)(a)2., <i>F.S.</i> ; Ch. 11D-8, <i>F.A.C.</i>	No	None Reported
Criminal Justice Training	Training programs, school facilities, instructor qualifications, officer qualifications	ss. 943.12(3), 943.13, <i>F.S.</i> ; Chs. 11B-20, 11B-21, 11B-27, 11B-35, <i>F.A.C.</i>	No	None Reported
Medical Examiner Oversight	Operation of the statewide medical examiners - Activities which involve death investigations pursuant to s. 406.11, <i>F.S.</i>	Ch. 406, <i>F.S.</i> ; Ch. 11G, <i>F.A.C.</i>	No	None Reported
<b>Agency for Persons with Disabilities</b>				
Residential Facilities and Comprehensive Transitional Education	Residential facilities and comprehensive transitional education programs	s. 393.067, <i>F.S.</i>	No	\$2,106,987 <sup>3</sup>
<b>Public Service Commission</b>				
Electric and Gas Utility Regulation	Electric and gas companies	Ch. 366, <i>F.S.</i>	No	None Reported
Telecommunications Regulation	Telecommunications companies	Ch. 364, <i>F.S.</i>	No	None Reported
Water/Wastewater Utility Regulation	Water/wastewater utility companies	Ch. 367, <i>F.S.</i>	Yes	None Reported
<b>Department of Transportation</b>				
Outdoor Advertising	Outdoor advertising businesses	Ch. 479, <i>F.S.</i>	Yes	None Reported
Rail Safety Inspection Program	Railroad companies	Ch. 351, <i>F.S.</i>	No	None Reported

<sup>1</sup> Subsequent to the publication of this report in December 2005, the Department of Children and Families provided updated information that no general revenue funds were used to administer the Substance Abuse Providers Program; it originally reported \$51.5 million in Fiscal Year 2004-05 general revenue costs.

<sup>2</sup> The Department of Health reported that the Certified Nursing Assistants (CNA) Program received Medicare/Medicaid funding to maintain the CNA registry which was a federal requirement. According to the department, the general revenue funding served as the state's mandatory (per federal regulation) matching requirements for the Medicaid portion of the funding. Effective July 1, 2005, the 2005 Legislature authorized a fee to be charged to all CNA licensees which eliminated the federal funding and the matching general revenue.

<sup>3</sup> Subsequent to the publication of this report in December 2005, the Agency for Persons with Disabilities provided updated information that \$2.1 million in general revenue funds were used to administer the Residential Facilities and Comprehensive Transitional Education Program; it originally reported \$78.7 million in Fiscal Year 2004-05 general revenue costs.