

Bill No. CS for SB 812

Amendment No.

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| <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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Senator Dyer moved the following amendment:

Senate Amendment (with title amendment)

On page 15, line 11, through page 17, line 2, delete those lines

and insert: plan which identifies specified stationary sources or audits based on the program resources available. Stationary sources will be prioritized for audits based on factors which include, but are not limited to, stationary source location and proximity to population centers, chemical characteristics and inventories, stationary source accident history, process accident history, compliance or inspection by allied agency programs, and the results of stationary sources' self-audits.

(5) Upon request, owners or operators of specified stationary sources subject to Section 112(r)(7) shall receive an oral exit interview at the conclusion of an inspection or audit.

(6) Following an audit or inspection, the department shall issue the owner or operator a written preliminary

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1 determination of any necessary revisions to the stationary
2 source Risk Management Plan to ensure that the plan meets the
3 requirements of this part and rules adopted to implement this
4 part. The preliminary determination must include an
5 explanation of the basis for the revisions, reflecting
6 industry standards and guidelines to the extent that such
7 standards and guidelines are applicable, and must include a
8 timetable for their implementation.

9 (7) The department shall provide reasonable notice of
10 its intent to conduct an onsite inspection or audit of a
11 specified stationary source. Inspections or audits may be
12 conducted without notice in response to an accidental release
13 or to protect the public health, safety, and welfare.

14 252.944 Tort liability.--The commission and the
15 committees are state agencies, and the members of the
16 commission and committees are officers, employees, or agents
17 of the state for the purpose of s. 768.28.

18 252.945 Start up loan.--The department may advance a
19 start up loan in the amount of \$400,000 from the hazardous
20 materials account in the Operating Trust Fund to support
21 initial implementation of this part. This loan must be repaid
22 in equal annual installments by 2006, beginning October 1,
23 2001.

24 252.946 Public records.--With regard to information
25 submitted to the U.S. Environmental Protection Agency under
26 this part or Section 112(r)(7), the Department of Community
27 Affairs, the State Hazardous Materials Emergency Response
28 Commission, and any local emergency planning committee may
29 assist persons in electronically accessing such information
30 held by the U.S. Environmental Protection Agency in its
31 centralized database. If requested, the department, the

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1 commission, or a committee may furnish copies of such U.S.
2 Environmental Protection Agency records. For these, and any
3 other records copies, the department, the commission, or the
4 committees may charge a fee of up to \$1.00 per page for over
5 25 pages copied, per person, per year.

6 Section 2. In the interim prior to the regular
7 legislative session in 2000, the appropriate substantive
8 committees of the Senate and the House of Representatives
9 shall conduct a review of the Florida Accidental Release
10 Prevention and Risk Management Planning Act. The Department
11 of Community Affairs, the State Emergency Response Commission,
12 local emergency planning committees, the Department of
13 Environmental Protection, the Department of Labor and
14 Employment Security, county emergency management agencies, and
15 all other agencies or private entities providing regulatory,
16 inspection, or technical assistance shall provide information
17 and assist in the review as needed. The review should include
18 an analysis of the effectiveness and efficiency of the
19 program, including the technical assistance and outreach
20 programs offered; the level of participation in the program;
21 the quality of the Risk Management Plans submitted; the
22 adequacy of the administrative support provided and the
23 efficiency and effectiveness of program administration,
24 monitoring, coordination, and recordkeeping; the adequacy and
25 quality of investigative efforts; the adequacy of the fee
26 structure; the adequacy and quality of contracts entered into,
27 audits, or inspections; and any other aspect of the program as
28 determined by the legislative committees. Subsequent to this
29 review, the legislative committees are to make recommendations
30 regarding whether to continue the program. The committees are
31 to address what, if any, statutory provisions should be

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1 modified in order to improve the program. Legislation should
2 be promulgated to effectuate the committees' recommendations.

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4 (Redesignate subsequent sections.)

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7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 On page 1, line 19, after the semicolon

10
11 insert:

12 directing legislative committees to review the
13 Florida Accidental Release Prevention and Risk
14 Management Planning Act;

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