



**B. The Florida Hazardous Materials Emergency Response and Community Right-to-Know Act**

The Florida Hazardous Materials Emergency Response and Community Right-to-Know Act of 1988 is created in ss. 252.82-252.90, F.S. The Department of Community Affairs (DCA) is granted authority to implement the provisions of the act.

Legislative intent is expressed in the act that state activities and expenditures under the act should be self-sustaining, supported primarily by fees.<sup>3</sup> Section 252.85(1), F.S., requires any owner or operator of a facility required under s. 302 or s. 312 of EPCRA, or by s. 252.87, F.S., to submit a notification or an annual inventory form to the State Hazardous Materials Emergency Response Commission to pay an annual registration fee. The fee for any company shall be not less than \$25 nor more than \$2000. The department is required to establish a reduced fee of not less than \$25 or more than \$500, applicable to any owner or operator regulated under part I of ch. 368, F.S., ch. 527, F.S., or s. 376.303, F.S., that does not have present any extremely hazardous substance, as defined by EPCRA, in excess of a threshold planning quantity.

Current law refers to an outdated chemical list. According to the DCA, some reporters inadvertently submit fees for reports for which the fee provisions do not apply. In these cases, the DCA has to process a refund for these fees, which requires a specific form and processing through the department's Finance and Accounting section, and subsequent vouchering through the CFO.

All fees and penalties collected under the act are deposited in the Operating Trust Fund.<sup>4</sup>

**III. Effect of Proposed Changes:**

The bill eliminates a reference to substances listed in s. 313 of the EPCRA in effect on January 1, 1998, in order to reflect that the list of chemical substances has been updated by the U.S. Environmental Protection Agency. Further, the department is authorized to establish by rule a formula for determining the applicable fee.

**IV. Constitutional Issues:**

**A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

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<sup>3</sup> Section 252.84(1), F.S.

<sup>4</sup> Section 252.84(2), F.S.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

There may be a slight increase in fees paid, though the amount has not been determined; however, because of the current confusion regarding reporting and fee payment requirements, resolution of those conflicts could result in cost-savings.

**C. Government Sector Impact:**

According to the DCA, the bill could slightly increase overall program revenues by the alignment of the fee payment and reporting requirements, though the increase is expected to be slight. Further, as it is expected that it will be necessary to issue fewer refunds of fees, some cost-savings will occur.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.