

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 765                      Emergency Planning and Community Right-to-Know Act  
**SPONSOR(S):** Adams  
**TIED BILLS:** None.                      **IDEN./SIM. BILLS:** S 1812

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<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1) <u>Local Affairs (Sub)</u>	<u>9 Y, 0 N</u>	<u>Smith-Boggis</u>	<u>Highsmith-Smith</u>
2) <u>Local Government &amp; Veterans' Affairs</u>	<u>15 Y, 0 N</u>	<u>Smith-Boggis</u>	<u>Highsmith-Smith</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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**SUMMARY ANALYSIS**

This bill provides an updated list of chemicals for which fee payments are required under the Florida Hazardous Materials Emergency Response and Community Right to Know Act.

This bill may have a negligible impact on state revenues.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

This bill provides an update to the list of chemicals for which fee payments are required under the Florida Hazardous Materials Emergency Response and Community Right to Know Act (EPCRA).

Owner and operators of Florida facilities which are required to report under the federal Emergency Planning and Community Right-to-Know Act support program implementation through a fee system. Current law refers to the list of EPCRA Section 313 substances in effect on January 1, 1998. The list of substances for which reporting is required has been updated by the U.S. Environmental Protection Agency and chemicals added. The Department of Community Affairs is requesting that the state statute be updated accordingly.

Current law refers to an outdated chemical list; many reporters inadvertently submit fees for reports for which the fee provisions do not apply. In these cases, the Department 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 Comptroller. The bill provides clarity by simply connecting the reporting requirement and the fees due. If a report is submitted, then the company is also subject to the fee.

#### C. SECTION DIRECTORY:

Section 1. Subsection (3) of section 252.85, F.S., regarding fees for the submission of a report or filing under s. 313 of the Emergency Planning and Community Right-to-Know Act.

Section 2. Provides an effective date of July 1, 2003.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: This bill may have a negligible impact on state revenues.
2. Expenditures: None.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.

2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

A slight increase in overall program revenues may be realized by the alignment of the fee payment and reporting requirements, this increase will not be significant. Cost savings will be realized by industry and the department by resolving the current conflict with respect to chemical reporting and fee payment requirements.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Division of Emergency Management supports House Bill 765. If approved, the authority of the Hazardous Materials Program would no longer be limited to substances listed by the U.S. Environmental Agency as of January 1, 1998 but would have the authority to take action with respect to substances listed subsequent to that date.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not Applicable.