

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 863 w/CS Emergency Planning/Right-to-Know-Act
SPONSOR(S): Representative Adams
TIED BILLS: None. **IDEN./SIM. BILLS:** None.

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Government & Veterans' Affairs</u>	<u>17 Y, 0 N</u>	<u>Morris</u>	<u>Cutchins</u>
2) <u>Finance & Tax</u>	<u>21Y, 0 N w/CS</u>	<u>Levin</u>	<u>Diez-Arguelles</u>
3) <u>Appropriations</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

Section 313 of the federal Emergency Planning and Community Right-to-Know Act, 42 USC 11001 – 11050, (“EPCRA”) requires toxic chemical release forms to be completed by owners or operators of facilities which manufacture, process, or otherwise use threshold quantities of chemicals established by the EPA to be toxic. The list of toxic substances is subject to revision by the administrator of the Environmental Protection Agency.

Current Florida law requires fee payments for these same substances under the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act, Chapter 252, Part II, F.S. Section 252.85, F.S., references a list of these substances in effect on January 1, 1998. Because of the outdated reference, fees are being paid for substances which no longer require filing, and the process of refunding the funds is time consuming and expensive.

This bill eliminates the reference to the list of s. 313 EPCRA substances as that list existed on January 1, 1998 and substitutes the list in existence of January 1, 2004. The bill does not alter the range of the reporting fees established in statute,

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0863c.ft.doc
DATE: March 31, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input 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:

The bill does not reduce government, as it may require additional forms and filings to be made to and reviewed by the Department of Community Affairs.

The bill does not lower taxes. Because it may require additional reports or filings, the bill may increase fees.

B. EFFECT OF PROPOSED CHANGES:

Owners and operators of Florida facilities who are required to report s. 313 EPCRA substances under the federal Emergency Planning and Community Right-to-Know Act file reports and pay fees to the Department of Community Affairs pursuant to Part II of Chapter 252, F.S., the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act of 1988. The Florida Department of Community Affairs is requesting that the state statute be updated by removing the reference to the 1998 list and substituting the list in effect on January 1, 2004.

Because current law refers to an outdated chemical list, some reporters inadvertently submit fees for reports which are not required. In these cases, the department refunds the fee paid. This requires processing through the department's Finance and Accounting section, and subsequent vouchering through the Chief Financial Officer. The bill provides some additional clarity by referencing the federal reporting requirement in January 2004 in connection with the applicable state reporting fees.

C. SECTION DIRECTORY:

Section 1 amends 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, 2004.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The Department anticipates a \$70,000 increase in revenues from filings.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may increase the number of filings and fees paid by Florida businesses. It does not increase the amount of the fee.

D. FISCAL COMMENTS:

The Department asserts that cost savings will be realized by the 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:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 30, 2004 the Committee on Finance and Tax adopted one amendment which changes the reference from January 1, 1998 to January 1, 2004. The remainder of the language which had been struck by the bill was returned to the statute.