

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

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

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Local Government & Veterans' Affairs		Morris	Cutchins
2) Finance & Tax			
3) Appropriations			
4)			
5)			

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### SUMMARY ANALYSIS

This bill provides an updated reference to the list of chemicals adopted from the United States Environmental Protection Agency, for which fee payments are already required under the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act. The bill does not alter the range of the reporting fees established in statute.

This bill may have a negligible impact on state revenues.

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

**STORAGE NAME:** h0863.lgv.doc  
**DATE:** February 24, 2004

## 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 updated reference to the list of chemicals adopted from the United States Environmental Protection Agency, for which fee payments are already required under the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act (EPCRA).

Owners 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 under s. 313 of EPCRA has been updated by the U.S. Environmental Protection Agency, and chemicals added. The Florida Department of Community Affairs is requesting that the state statute be updated accordingly by removing the reference to the 1998 list.

Because 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 Chief Financial Officer. The bill provides clarity by simply referencing the federal reporting requirement in connection to 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:

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:

No significant impact. The bill will clarify the reporting and fee payment relationship but does not increase the fee.

D. FISCAL COMMENTS:

A slight increase in overall program revenues may be realized by the reviewing department due to the payment with reporting requirements. However, the department reports that this increase will not be significant. 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. Both the industry and the department should realize some cost savings.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

N/A

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Division of Emergency Management supports House Bill 863.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES