

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 5007C PCB PBC 07C-04 Distribution of Excise Taxes on Fuel and Other Pollutants
SPONSOR(S): Policy & Budget Council and Mayfield
TIED BILLS: _____ **IDEN./SIM. BILLS:** _____

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Policy & Budget Council	29 Y, 1 N	Dixon\Davila	Hansen
1) _____	_____	_____	_____
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

HB 5007C provides for an additional \$2.35 million of pollutant tax proceeds to be transferred from the Inland Protection Trust Fund to the Florida Coastal Protection Trust Fund. The Inland Protection and the Florida Coastal Protection trust funds are created within the Department of Environmental Protection.

The bill takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

The Florida Coastal Protection Trust Fund (CPTF) was created in s. 376.11, F.S., to provide immediate financial resources for cleanup and rehabilitation after a pollutant discharge, to prevent further damage by the pollutant, and to pay for damages, cleanup and restoration of waterfowl, wildlife, and other natural resources. In addition, the fund supports marine law enforcement at the Fish and Wildlife Conservation Commission and emergency cleanup response teams at the Department of Environmental Protection for the purpose of cleaning oil and other toxic materials from coastal waters.

Revenues to support activities funded from the CPTF include penalties, judgments, damages recovered pursuant to s. 376.121, F.S.; pollutant excise tax revenues levied and collected pursuant to s. 206.9935 (1), F.S.; the tax on commercial motor vehicles levied pursuant to s. 207.003, F.S., and distributed pursuant to s. 206.9945 (1) (a), F.S.; and interest earnings. Estimated revenues for the 2007-2008 fiscal year total \$15.2 million.

The Inland Protection Trust Fund (IPTF) was created in s. 376.3071, F.S., to serve as a repository of funds for environmental cleanup of inland contamination related to underground storage tanks of petroleum products. Authorized uses of the fund include investigative and assessment activities; restoration or replacement of potable water supplies; cleanup and rehabilitation; maintenance and monitoring of contaminated sites.

Revenues to support the activities funded from the IPTF include registration fees pursuant to ss. 376.303 and 376.3072, F.S., for every in-ground or stationary above-ground petroleum storage tank having a capacity of 550 or more gallons; excise taxes on petroleum products pollutants in accordance with s. 206.9935, F.S.; and interest earnings. Estimated revenues for the 2007-2008 fiscal year total \$225.7 million.

Currently from the pollutant tax proceeds received in the IPTF, a sum of \$5 million or 2.5%, whichever is greater, is transferred to the CPTF and used for the purposes authorized by the CPTF.

Effect of Proposed Changes

This bill amends s. 206.9935, F.S., to provide an additional \$2.35 million of pollutant tax proceeds to be transferred from the IPTF to the CPTF.

C. SECTION DIRECTORY:

Section 1. Amends s. 206.9935, F.S., to revise the amount pollutant tax credited to the IPTF for redistribution to the CPTF.

Section 2. Provides that the legislation is effective upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

For FY 2007-2008, it is estimated that an additional \$2.35 million would be transferred from the IPTF to the CPTF for a total of \$7.35 million, as a result of this bill becoming a law.

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:

None.

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.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

N/A