

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Domestic Security Committee

BILL: SB 200

SPONSOR: Constantine

SUBJECT: Hazardous Material Right-to-Know Act

DATE: December 13, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Skelton	Skelton	DS	Fav/1 amendment
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see last section for Summary of Amendments

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

I. Summary:

This bill updates the date of reference to a hazardous substances list in the federal Emergency Planning and Community Right-to-Know Act (EPCRA). This update will allow for proper inventory procedures, registration and fee payments to provide assistance to the State Hazardous Materials Emergency Response Commission to support local emergency planning committees in performance of their duties under the federal law. The committee adopted an amendment to change the name of the act to the Florida Emergency Planning and Community Right-to-Know Act.

This bill amends section 252.85 of the Florida Statutes.

II. Present Situation:

Part II of s. 252, F.S., is the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act of 1988. The Department of Community Affairs (DCA) is responsible for providing administrative support to the State Hazardous Materials Emergency Response Commission to enable the commission and local emergency planning committees to perform their functions under the federal Emergency Planning and Community Right-to-Know Act (EPCRA). DCA support includes staff, facilities, materials, and services,

Section 252.84(1), F.S., states that it is the intent of the Legislature that state activities and expenditures under this part be self-sustaining, supported primarily by the fees provided in this part. Section 252.85, F.S., requires that owners or operators of facilities with hazardous materials must provide DCA with various registration, filing, and reporting fees to support state administration of EPCRA requirements. Section 252.85(3), F.S., requires:

Any owner or operator of a facility that is required to submit a report or filing under s. 313 of EPCRA shall pay an annual reporting fee not to exceed \$150 for those s. 313 EPCRA listed substances in effect on January 1, 1998.

The 1998 federal EPCRA substance list has been updated. Because the current reference in Florida Statutes is obsolete, many owners or operators of facilities with hazardous materials inadvertently submit fees for reports for which the fee provisions no longer 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. In addition, facility owners or operators may not be submitting reports on hazardous materials required by the updated EPCRA.

III. Effect of Proposed Changes:

Section 1 amends s. 252.85(3), F.S., to revise a date (from 1998 to 2004) of a reference to a hazardous substances list in the federal Emergency Planning and Community Right-to-Know Act (EPCRA). This will ensure that the proper reports are submitted to DCA, as required under EPCRA, as currently written..

Section 2 provides an effective date of July 1, 2005.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

A slight increase in overall program revenues may be realized by DCA due to the payment reporting requirements. However, DCA reports that this increase will be negligible.

B. Private Sector Impact:

The bill clarifies current reporting and fee payment requirements under EPCRA. Some industries will be required to submit reports, with the required fees, on hazardous materials as required by EPCRA.

C. Government Sector Impact:

DCA will realize savings by resolving the current conflict with respect to chemical reporting and fee payment requirements.

VI. Technical Deficiencies:

None.

VII. Related Issues:

This bill is substantially identical to CS/SB 2766, which passed the Senate last year but died on the House Calendar. The only difference is the effective date.

VIII. Summary of Amendments:

Barcode #945194: The amendment changes the title of the act to the “Florida Emergency Planning and Community Right-to-Know Act.”

This Senate staff analysis does not reflect the intent or official position of the bill’s sponsor or the Florida Senate.
