

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: Ways and Means Committee

BILL: CS/SB 392

SPONSOR: General Government Appropriations Committee and Senator Clary

SUBJECT: Water Quality Assurance Trust Fund

DATE: March 28, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Faris/DeLoach</u>	<u>Hayes</u>	<u>GA</u>	<u>Fav/CS</u>
2.	<u>Faris/DeLoach</u>	<u>Coburn</u>	<u>WM</u>	<u>Favorable</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The Committee Substitute for Senate Bill 392 amends section 376.307, Florida Statutes, modifying the use of the Water Quality Assurance Trust Fund. The bill expands the use of the trust fund to include funding for the Department of Environmental Protection (the department) to administer and regulate brownfield sites.

II. Present Situation:

The Water Quality Assurance Trust Fund was created in section 376.07, F.S., in the Department of Environmental Protection to serve as a broad-based fund to be used to respond to contamination of groundwater and surface water resources. There are currently five authorized uses of the fund that include: 1) assess, cleanup, restore, monitor, and maintain sites involving spills, discharges, or escapes of pollutants or hazardous substances which occur during storage, transportation, and disposal; 2) assess, cleanup, restore, monitor, and maintain sites involving dry cleaning products; 3) restore or replace potable water supplies; 4) respond to the Comprehensive Environmental Response, Compensation, and Liability Act; and 5) restore or replace contaminated private potable water wells or water systems.

There are five revenue sources for the Water Quality Assurance Trust Fund authorized pursuant to s. 376.307(4), F.S. These include: 1) transfer of interest from the Florida Coastal Protection Trust Fund; 2) excise taxes on producing or importing pollutants; 3) penalties, judgments, recoveries, reimbursements, loans, and other fees and charges related to discharging pollutants or hazardous substances into or upon the surface or ground waters; 4) a lead-acid battery retail sales fee; and 5) penalties, judgments, recoveries, reimbursements, loans, fees, charges, and taxes relating to dry cleaning facilities.

III. Effect of Proposed Changes:

This bill allows the Legislature to reduce \$429,747 in recurring general revenue for Fiscal Year 2005-06 by authorizing the use of the Water Quality Assurance Trust Fund for the department's regulatory and administrative responsibilities provided in sections 376.81 and 376.30781, F. S., for brownfield sites.

Authorizing the use of the Water Quality Assurance Trust Fund for brownfield activities is consistent with other environmental contamination cleanup programs currently funded from the trust fund, such as the cleanup of sites involving drycleaning and other hazardous products.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

\$429,747 in recurring general revenue is reduced from the 2005-06 fiscal year budget in the Department of Environmental Protection and replaced with \$429,747 in budget authority from the Water Quality Assurance Trust Fund. There is no reduction to the brownfield program due to this change in the funding source.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

VIII. Summary of Amendments:

None.

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