

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

Executive Order Number 12-23

WHEREAS, on April 17, 1987, the State Emergency Response Commission for Hazardous Materials, hereinafter "the Commission," was created pursuant to Executive Order 87-57 in compliance with the Superfund Amendments and Reauthorization Act of 1986, Title III, "Emergency Planning and Community Right-To-Know Act of 1986;" and

WHEREAS, the Emergency Planning and Community Right-To-Know Act of 1986 required the Governor of Florida to appoint a State Emergency Response Commission for Hazardous Materials with all the authority and responsibilities delineated in that Act; and

WHEREAS, the passage of Section 112 (r) of the federal Clean Air Act Amendments of 1990, as implemented by the Florida Accidental Release Prevention and Risk Management Planning Act of 1998, added a prevention component to the Florida Hazardous Materials Planning Program and directed the Commission to oversee hazardous materials prevention activities; and

WHEREAS, the proliferation of hazardous materials will continue to pose a significant risk to the public's health, safety and welfare unless responsible planning, prevention and coordination measures are instituted and maintained; and

WHEREAS, circumstances have changed since the last Executive Order pertaining to the Commission rendering certain designations for membership to be obsolete; and

WHEREAS, the Commission has adopted the existing sub state planning regions as specified in Chapter 27E-1.0002, Florida Administrative Code, as the geographic boundaries of the local emergency planning districts;

NOW, THEREFORE, I, RICK SCOTT, as Governor of Florida, by virtue of the authority vested in me by the Constitution and laws of the State, do hereby promulgate the following Executive Order, effective immediately:

Section 1.

The Commission is hereby continued in existence. Current members shall not be subject to reappointment and shall continue to serve as provided herein.

Section 2.

The members of the Commission shall be appointed by and serve at the pleasure of the Governor. The Commission shall be chaired by the Director of the Division of Emergency

Management and the Deputy Director of the Division of Emergency Management shall serve as the Alternate Chair in the absence of the Chair.

The Commission shall also include one member representing each of the following state agencies or organizations:

- 1) Florida Department of Environmental Protection
- 2) Florida Department of Transportation
- 3) Florida Department of Highway Safety and Motor Vehicles, Division of Florida Highway Patrol
- 4) Florida Department of Law Enforcement
- 5) Florida Department of Agriculture and Consumer Services
- 6) Florida Department of Health
- 7) Executive Office of the Governor
- 8) Florida Fire Chiefs Association
- 9) Florida Association of Counties
- 10) Florida League of Cities
- 11) Florida Regional Councils Association
- 12) Florida Emergency Preparedness Association
- 13) Florida Department of Financial Services, Division of State Fire Marshal
- 14) Florida Minerals and Chemistry Council
- 15) Associated Industries of Florida
- 16) Florida Chamber of Commerce
- 17) Florida Professional Firefighters
- 18) Department of Economic Opportunity

The Commission shall also consist of:

- 19) The chairperson of one Local Emergency Planning Committee
- 20) Two members representing public interest, environmental or consumer organizations
- 21) One member representing the Phosphate Industry
- 22) One member representing the Petroleum Industry
- 23) One member representing the Liquefied Petroleum Gas Industry
- 24) One member representing the Agriculture Industry
- 25) One member representing the Utility Industry
- 26) One member representing the Transportation Industry
- 27) One member representing Space Florida

Section 3.

The Commission's responsibilities shall be to:

- (a) Designate and appoint members of a local emergency planning committee for each of the emergency planning districts;
- (b) Supervise and coordinate the activities of the local emergency planning committees;

- (c) Review emergency plans prepared by the local emergency planning committees and make recommendations relating to coordinating emergency response;
- (d) Establish procedures for processing requests from the public for information about emergency response plans, chemical notification forms, the Environmental Protection Agency's list of extremely hazardous substances and toxic chemical release forms;
- (e) Analyze the need for resources and legislation to appropriately implement the Acts at the state and local government levels;
- (f) Pursue initiatives with private industry, the Legislature, and government agencies to obtain necessary resources to implement the Acts cited above; and
- (g) Provide direction for program implementation and integration of state and federal risk management planning requirements as directed by state law.

Section 4.

The Division of Emergency Management shall serve as the primary agency for coordinating and providing staff support for the emergency planning and prevention requirements of the Acts cited above.

Section 5.

The Commission is hereby designated to receive the toxic chemical release forms required to be submitted under Section 313 of the Superfund Amendments and Reauthorization Act of 1986.

Section 6.

In carrying out its responsibilities, the Commission is authorized to call upon any department, office, division or agency of the State to supply such data, reports or other information it deems necessary. Each department, office, division or agency of the State is authorized and directed, to the extent consistent with law, to cooperate with the Commission and to furnish it with such information, personnel and assistance as necessary to accomplish the purposes of this Executive Order.

Section 7.

The Commission shall meet at the times and places designated by the Chair. Any vacancy occurring on this Commission shall be filled in a manner of the original appointment.

Section 8.

The members of the Commission may receive reimbursement for per diem and travel expenses as provided in Section 112.061. The Division of Emergency Management shall be responsible for payment of any operational, administrative or organizational expenses incurred by the Commission. Operational, administrative or organizational expenses shall not be incurred by the Commission without the prior approval of the Director of the Division of Emergency Management.

Section 9.

This Executive Order shall remain in effect until otherwise rescinded.

Section 10.

Executive Order 05-122 is hereby rescinded.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 25th day of January, 2012.



GOVERNOR

ATTEST:


SECRETARY OF STATE

FILED
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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA