

HB 861

2017

1                   A bill to be entitled  
2           An act relating to the Environmental Regulation  
3           Commission; amending s. 20.255, F.S.; requiring the  
4           Governor to make appointments to the commission within  
5           a certain time frame; allowing for provisional  
6           membership under certain circumstances; amending s.  
7           403.805, F.S.; requiring certain proposed rules  
8           submitted to the commission to receive a certain vote  
9           total for approval or modification; providing an  
10          effective date.

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12   Be It Enacted by the Legislature of the State of Florida:

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14          Section 1. Subsection (6) of section 20.255, Florida  
15          Statutes, is amended to read:

16          20.255 Department of Environmental Protection.—There is  
17          created a Department of Environmental Protection.

18          (6) There is created as a part of the Department of  
19          Environmental Protection an Environmental Regulation Commission.

20          (a) The commission shall be composed of seven residents of  
21          this state appointed by the Governor, subject to confirmation by  
22          the Senate. In making appointments, the Governor shall provide  
23          reasonable representation from all sections of the state.  
24          Membership shall be representative of agriculture, the  
25          development industry, local government, the environmental

26 | community, lay citizens, and members of the scientific and  
27 | technical community who have substantial expertise in the areas  
28 | of the fate and transport of water pollutants, toxicology,  
29 | epidemiology, geology, biology, environmental sciences, or  
30 | engineering.

31 |       (b) The Governor shall, within 90 days after the  
32 | occurrence of a vacancy on the commission, appoint a new member,  
33 | subject to confirmation by the Senate.

34 |           1. If the Legislature is in regular session when the  
35 | appointment occurs, the appointee may not become a member until  
36 | his or her appointment is confirmed.

37 |           2. If the Legislature is not in regular session when the  
38 | appointment occurs, the new member shall serve on the board  
39 | provisionally until such time as the member can be presented for  
40 | confirmation during the next legislative session. If the Senate  
41 | refuses or fails to confirm an appointment during the next  
42 | regular legislative session, the provisional member's service  
43 | shall be immediately terminated and the Governor shall make a  
44 | new appointment subject to the same conditions.

45 |       (c) The Governor shall appoint the chair, and the vice  
46 | chair shall be elected from among the membership. All  
47 | appointments shall be for 4-year terms.

48 |       ~~(d) The Governor may at any time fill a vacancy for the~~  
49 | ~~unexpired term.~~ The members of the commission shall serve  
50 | without compensation, but shall be paid travel and per diem as

51 provided in s. 112.061 while in the performance of their  
52 official duties. Administrative, personnel, and other support  
53 services necessary for the commission shall be furnished by the  
54 department. The commission may employ independent counsel and  
55 contract for the services of outside technical consultants.

56 Section 2. Subsection (4) is added to section 403.805,  
57 Florida Statutes, to read:

58 403.805 Secretary; powers and duties; review of specified  
59 rules.—

60 (4) Any proposed rule containing standards to be submitted  
61 to the commission for approval, modification, or disapproval  
62 pursuant to subsection (1) shall require a simple majority for  
63 approval or modification, unless the rule pertains to any of the  
64 following, in which case, approval or modification must be by a  
65 supermajority of 5 votes:

66 (a) Air pollution.

67 (b) Water quality standards.

68 (c) Regulation of consumptive usage of water.

69 (d) Hazardous substance release notification.

70 (e) Ambient air quality standards.

71 (f) Emission standards for stationary sources.

72 (g) Surface water quality standards.

73 (h) Ground water classes, standards, and exemptions.

74 (i) Drinking water classes, standards, and exemptions.

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76 | Proposed rules that fail to receive the votes required for  
77 | approval or modification pursuant to this subsection are deemed  
78 | disapproved.

79 |       Section 3. This act shall take effect July 1, 2017.