

HB 849

2015

1 A bill to be entitled
2 An act relating to legislative ratification; amending
3 s. 120.541, F.S.; requiring the Department of
4 Environmental Protection to submit for legislative
5 ratification a state implementation plan relating to
6 standards of performance for existing sources of air
7 pollutants; exempting rules implementing the plan from
8 legislative ratification under certain conditions;
9 providing circumstances under which the state
10 implementation plan is exempt from legislative
11 ratification; providing directives to the Department
12 of Environmental Protection with respect to submitting
13 the state implementation plan to the United States
14 Environmental Protection Agency; providing that, if
15 the plan is not ratified within a specified period,
16 that rules implementing the plan are subject to
17 ratification before the respective provisions of the
18 plan take effect; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Subsection (3) of section 120.541, Florida
23 Statutes, is amended, and subsection (5) is added to that
24 section, to read:

25 120.541 Statement of estimated regulatory costs;
26 legislative ratification.—

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27 (3) If the adverse impact or regulatory costs of the rule
28 exceed any of the criteria established in paragraph (2) (a), the
29 rule shall be submitted to the President of the Senate and
30 Speaker of the House of Representatives no later than 30 days
31 before ~~prior to~~ the next regular legislative session, and the
32 rule may not take effect until it is ratified by the
33 Legislature.

34 (5) (a) The Department of Environmental Protection, in the
35 same manner provided for rules with adverse impact or regulatory
36 costs under subsection (3), shall submit a state implementation
37 plan pursuant to Title I, Part A, of the federal Clean Air Act,
38 42 U.S.C. s. 7411(d), for ratification by the Legislature and,
39 except as provided in paragraph (b), may not submit such plan to
40 the United States Environmental Protection Agency until the plan
41 is ratified by the Legislature. Once the state implementation
42 plan is legislatively ratified, subsection (3) does not apply to
43 any rule implementing the plan unless the plan is substantially
44 altered by the United States Environmental Protection Agency.

45 (b) A state implementation plan prepared pursuant to 42
46 U.S.C. s. 7411(d) is exempt from legislative ratification under
47 paragraph (a) if obtaining such ratification during the 2016
48 Regular Session of the Legislature would prevent the Department
49 of Environmental Protection from submitting the plan to the
50 United States Environmental Protection Agency in a timely
51 manner. In such case, the Department of Environmental Protection
52 must transmit the initial state implementation plan to the

53 Legislature at least 30 days before the department submits the
54 plan to the United States Environmental Protection Agency for
55 approval. The initial state plan must meet the minimum
56 requirements for an initial state plan as specified in the plan
57 guidelines published by the United States Environmental
58 Protection Agency. As part of its plan submittal, the department
59 shall:

60 1. Request an extension of time from the United States
61 Environmental Protection Agency to file a ratified state plan.

62 2. Provide the following message that states: "Be advised
63 that the initial state plan submitted by the Florida Department
64 of Environmental Protection has not been ratified by the Florida
65 Legislature. Therefore, the Department of Environmental
66 Protection may be providing an additional filing with the United
67 States Environmental Protection Agency."

68 (c) If the Legislature does not ratify the initial state
69 implementation plan during the 2017 Regular Session of the
70 Legislature, subsection (3) applies to any rule that implements
71 the plan and must be legislatively ratified before those
72 provisions of the state implementation plan, which require such
73 rule for implementation, may take effect.

74 Section 2. This act shall take effect July 1, 2015.