

**By** the Committees on Rules; and Environmental Preservation and Conservation; and Senators Stewart and Rodriguez

595-04429-17

2017198c2

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 appoint a new member to the commission  
5       within a certain timeframe after the occurrence of a  
6       vacancy; amending s. 403.805, F.S.; requiring certain  
7       proposed rules submitted to the commission to receive  
8       specified vote totals for approval or modification;  
9       providing an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13       Section 1. Subsection (6) of section 20.255, Florida  
14       Statutes, is amended to read:

15       20.255 Department of Environmental Protection.—There is  
16       created a Department of Environmental Protection.

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

19       (a) The commission shall be composed of seven residents of  
20       this state appointed by the Governor, subject to confirmation by  
21       the Senate. In making appointments, the Governor shall provide  
22       reasonable representation from all sections of the state.  
23       Membership shall be representative of agriculture, the  
24       development industry, local government, the environmental  
25       community, lay citizens, and members of the scientific and  
26       technical community who have substantial expertise in the areas  
27       of the fate and transport of water pollutants, toxicology,  
28       epidemiology, geology, biology, environmental sciences, or  
29       engineering.

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

33       (c) The Governor shall appoint the chair, and the vice  
34 chair shall be elected from among the membership. All  
35 appointments shall be for 4-year terms.

36       (d) ~~The Governor may at any time fill a vacancy for the~~  
37 ~~unexpired term.~~ The members of the commission shall serve  
38 without compensation, but shall be paid travel and per diem as  
39 provided in s. 112.061 while in the performance of their  
40 official duties. Administrative, personnel, and other support  
41 services necessary for the commission shall be furnished by the  
42 department. The commission may employ independent counsel and  
43 contract for the services of outside technical consultants.

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

46       403.805 Secretary; powers and duties; review of specified  
47 rules.—

48       (4) Any proposed rule containing standards to be submitted  
49 to the commission for approval, modification, or disapproval  
50 pursuant to subsection (1) requires a simple majority for  
51 approval or modification, unless the rule pertains to any of the  
52 following, in which case such approval or modification must be  
53 by a minimum of four affirmative votes of the commission:

54       (a) Air quality standards.

55       (b) Water quality standards.

56  
57 Proposed rules that fail to receive the votes required for  
58 approval or modification pursuant to this subsection are deemed

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59 disapproved.

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