

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; amending s. 403.805, F.S.;  
 6           requiring certain proposed rules submitted to the  
 7           commission to receive a certain vote total for  
 8           approval or modification; providing an effective date.

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

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

14           20.255 Department of Environmental Protection.—There is  
 15 created a Department of Environmental Protection.

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

18           (a) The commission shall be composed of seven residents of  
 19 this state appointed by the Governor, subject to confirmation by  
 20 the Senate. In making appointments, the Governor shall provide  
 21 reasonable representation from all sections of the state.  
 22 Membership shall be representative of agriculture, the  
 23 development industry, local government, the environmental  
 24 community, lay citizens, and members of the scientific and  
 25 technical community who have substantial expertise in the areas

26 | of the fate and transport of water pollutants, toxicology,  
 27 | epidemiology, geology, biology, environmental sciences, or  
 28 | engineering.

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

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

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

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

45 | 403.805 Secretary; powers and duties; review of specified  
 46 | rules.-

47 | (4) Any proposed rule containing standards to be submitted  
 48 | to the commission for approval, modification, or disapproval  
 49 | pursuant to subsection (1) shall require a simple majority for  
 50 | approval or modification, unless the rule pertains to any of the

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51 following, in which case, approval or modification must be by a  
52 supermajority of 5 votes:

- 53 (a) Air quality standards.  
54 (b) Water quality standards.  
55 (c) Water quantity standards.

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

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