

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.

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

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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.

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

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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.

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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, 2018.