

By Senator Gibson

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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 (3) If the adverse impact or regulatory costs of the rule
27 exceed any of the criteria established in paragraph (2) (a), the
28 rule shall be submitted to the President of the Senate and
29 Speaker of the House of Representatives no later than 30 days

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30 ~~before~~ ~~prior to~~ the next regular legislative session, and the
31 rule may not take effect until it is ratified by the
32 Legislature.

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

44 (b) A state implementation plan prepared pursuant to 42
45 U.S.C. s. 7411(d) is exempt from legislative ratification under
46 paragraph (a) if obtaining such ratification during the 2016
47 Regular Session of the Legislature would prevent the Department
48 of Environmental Protection from submitting the plan to the
49 United States Environmental Protection Agency in a timely
50 manner. In such case, the Department of Environmental Protection
51 must transmit the initial state implementation plan to the
52 Legislature at least 30 days before the department submits the
53 plan to the United States Environmental Protection Agency for
54 approval. The initial state plan must meet the minimum
55 requirements for an initial state plan as specified in the plan
56 guidelines published by the United States Environmental
57 Protection Agency. As part of its plan submittal, the department
58 shall:

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59 1. Request an extension of time from the United States
60 Environmental Protection Agency to file a ratified state plan.
61 2. Provide the following message that states: "Be advised
62 that the initial state plan submitted by the Florida Department
63 of Environmental Protection has not been ratified by the Florida
64 Legislature. Therefore, the Department of Environmental
65 Protection may be providing an additional filing with the United
66 States Environmental Protection Agency."
67 (c) If the Legislature does not ratify the initial state
68 implementation plan during the 2017 Regular Session of the
69 Legislature, subsection (3) applies to any rule that implements
70 the plan and must be legislatively ratified before those
71 provisions of the state implementation plan, which require such
72 rule for implementation, may take effect.
73 Section 2. This act shall take effect July 1, 2015.