

**STORAGE NAME:** h1517.uco

**DATE:** April 6, 2000

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
UTILITIES AND COMMUNICATIONS  
ANALYSIS**

**BILL #:** HB 1517

**RELATING TO:** Florida Public Service Commission

**SPONSOR(S):** Representative Arnall

**TIED BILL(S):**

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) UTILITIES AND COMMUNICATIONS
  - (2) GOVERNMENTAL RULES AND REGULATIONS
  - (3) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS
  - (4)
  - (5)
- 

**I. SUMMARY:**

The Florida Public Service Commission, (PSC), is a quasi-judicial commission that determines issues of substantial interest, and the PSC is subject to the provisions of Chapter 120, Florida Statutes, the Administrative Procedures Act (APA). Depending on the issue involved, decisions rendered by the PSC are subject to direct appeal to either the district courts of appeal or to the Florida Supreme Court.

The members of the PSC are appointed by the Governor from a list provided by the Florida Public Service Commission Nominating Council.

The bill provides legislative intent that the (PSC), refrain from imposing stringent regulatory policies which stifle consumer access to new and innovative services.

Further intent is provided by the bill that nominees for the PSC be qualified to address the changing nature of regulation.

The bill does not appear to have a fiscal impact.

This act shall take effect upon becoming law.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |                             |   |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

The Florida Public Service Commission, (PSC), is a quasi-judicial commission that determines issues of substantial interest, and the PSC is subject to the provisions of Chapter 120, Florida Statutes, the Administrative Procedures Act (APA). Depending on the issue involved, decisions rendered by the PSC are subject to direct appeal to either the district courts of appeal or to the Florida Supreme Court.

Prior to 1978, the commission members were elected. The Legislature passed Senate Bill 7-D, chapter 78-426, Laws of Florida, and the bill changed the elected commission to a five-member appointed body and created the, nine member, Florida Public Service Commission Nominating Council.

That bill provided that:

. . . Three members, including one member of the House of Representatives, shall be appointed by the Speaker of the House; three members, including one member of the Senate, shall be appointed by the President of the Senate; and three members shall be selected and appointed by a majority vote of the other six members of the council. All terms shall be for 4 years, except those members of the House and Senate, who shall serve 2-year terms concurrent with the 2-year elected terms of House members. Vacancies on the council shall be filled for the unexpired portion of the term in the same manner as original appointments to the council.

Additionally, s. 350.001, F.S., provides that: It is the desire of the Legislature that the Governor participate in the appointment process of commissioners to the Public Service Commission. The Legislature accordingly delegates to the Governor a limited authority with respect to the Public Service Commission by authorizing him or her to participate in the selection of members only from the list provided by the Florida Public Service Commission Nominating Council in the manner prescribed by s. 350.031, Florida Statutes.

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C. EFFECT OF PROPOSED CHANGES:

The bill provides that the PSC review and assess whether any stifling implications may be created for consumer access to new and innovative services through the imposition of its regulatory policies.

The bill also provides the intent of the Legislature that the PSC must be qualified to address the changing nature of regulation.

This act shall take effect upon becoming law.

D. SECTION-BY-SECTION ANALYSIS:

Please see "Effects of Proposed Changes" section.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

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IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to spend funds or to take action requiring the expenditures of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

None

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON UTILITIES AND COMMUNICATIONS:

Prepared by:

Staff Director:

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Wendy G. Holt

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Patrick L. "Booter" Imhof