



Bill No. CS for SB 1872

Barcode 601578

1 term and for 4-year terms thereafter; and

2           2. The vacancies created by the two present terms  
3 ending in January, 1979, shall be filled by appointment for a  
4 3-year term and for 4-year terms thereafter.

5           (b) Two additional commissioners shall be appointed in  
6 the manner prescribed by s. 350.031(5), (6), ~~(3)~~ and ~~(7)~~ ~~(4)~~  
7 for 4-year terms beginning the first Tuesday after the first  
8 Monday in January, 1979, and successors shall be appointed for  
9 4-year terms thereafter with each term beginning on January 2  
10 of the year the term commences and ending 4 years later on  
11 January 1 .

12           (5) The primary duty of the chair is to serve as chief  
13 administrative officer of the commission; however, the chair  
14 may participate in any proceedings pending before the  
15 commission when administrative duties and time permit. In  
16 order to distribute the workload and expedite the commission's  
17 calendar, the chair, in addition to other administrative  
18 duties, has authority to assign the various proceedings  
19 pending before the commission requiring hearings to two or  
20 more commissioners or to the commission's staff ~~office~~ of  
21 hearing examiners under the supervision of the office of  
22 general counsel. Only those commissioners assigned to a  
23 proceeding requiring hearings are entitled to participate in  
24 the final decision of the commission as to that proceeding;  
25 provided, if only two commissioners are assigned to a  
26 proceeding requiring hearings and cannot agree on a final  
27 decision, the chair shall cast the deciding vote for final  
28 disposition of the proceeding. If more than two commissioners  
29 are assigned to any proceeding, a majority of the members  
30 assigned shall constitute a quorum and a majority vote of the  
31 members assigned shall be essential to final commission

Bill No. CS for SB 1872

Barcode 601578

1 disposition of those proceedings requiring actual  
 2 participation by the commissioners. If a commissioner becomes  
 3 unavailable after assignment to a particular proceeding, the  
 4 chair shall assign a substitute commissioner. In those  
 5 proceedings assigned to a hearing examiner, following the  
 6 conclusion of the hearings, the designated hearing examiner is  
 7 responsible for preparing recommendations for final  
 8 disposition by a majority vote of the commission. A petition  
 9 for reconsideration shall be voted upon by those commissioners  
 10 participating in the final disposition of the proceeding.

11 Section 2. Section 350.011, Florida Statutes, is  
 12 amended to read:

13 350.011 Florida Public Service Commission;  
 14 jurisdiction; powers and duties.--The state regulatory agency  
 15 heretofore known as the Florida Railroad and Public Utilities  
 16 Commission or Florida Public Utilities Commission shall be  
 17 known and hereafter called Florida Public Service Commission,  
 18 and all rights, powers, duties, responsibilities,  
 19 jurisdiction, and judicial powers now vested in said Railroad  
 20 and Public Utilities Commission or said Florida Public  
 21 Utilities Commission and the commissioners thereof are vested  
 22 in the Florida Public Service Commission and the commissioners  
 23 thereof. ~~Whenever reference is made to the Florida Railroad~~  
 24 ~~and Public Utilities Commission or Florida Public Utilities~~  
 25 ~~Commission and the commissioners thereof in the laws of the~~  
 26 ~~state previously enacted or enacted at this session of the~~  
 27 ~~Legislature, such reference shall be construed to mean the~~  
 28 ~~Florida Public Service Commission and the commissioners~~  
 29 ~~thereof and all appropriations for the use of said Railroad~~  
 30 ~~and Public Utilities Commission or Florida Public Utilities~~  
 31 ~~Commission and the members thereof for the biennium or~~

Bill No. CS for SB 1872

Barcode 601578

1 ~~continuing in nature previously made or made at this session~~  
2 ~~of the Legislature, shall be construed to be for the use of~~  
3 ~~said Florida Public Service Commission and the commissioners~~  
4 ~~thereof, to be used for the purposes set out in the laws~~  
5 ~~making said appropriations; provided, however, the change in~~  
6 ~~name of said regulatory agency shall in nowise affect any~~  
7 ~~pending causes and proceedings, existing notices, orders,~~  
8 ~~certificates, permits, licenses, or authorities previously~~  
9 ~~granted or any action previously taken by the Florida Railroad~~  
10 ~~and Public Utilities Commission or Florida Public Utilities~~  
11 ~~Commission.~~

12 Section 3. Section 350.012, Florida Statutes, is  
13 amended to read:

14 350.012 Committee on Public Service Commission  
15 Oversight; creation; membership; powers and duties.--

16 (1) There is created a standing joint committee of the  
17 Legislature, designated the Committee on Public Service  
18 Commission Oversight, and composed of 12 members appointed as  
19 follows: six members of the Senate appointed by the President  
20 of the Senate, two of whom must be members of the minority  
21 party; and six members of the House of Representatives  
22 appointed by the Speaker of the House of Representatives, two  
23 of whom must be members of the minority party. The terms of  
24 members shall be for 2 years and shall run from the  
25 organization of one Legislature to the organization of the  
26 next Legislature. The President shall appoint the chair of the  
27 committee in even-numbered years and the vice chair in  
28 odd-numbered years, and the Speaker of the House of  
29 Representatives shall appoint the chair of the committee in  
30 odd-numbered years and the vice chair in even-numbered years,  
31 from among the committee membership. Vacancies shall be filled

Bill No. CS for SB 1872

Barcode 601578

1 in the same manner as the original appointment. Members shall  
2 serve without additional compensation, but shall be reimbursed  
3 for expenses.

4 ~~(2) The committee shall be governed by joint rules of~~  
5 ~~the Senate and the House of Representatives which shall remain~~  
6 ~~in effect until repealed or amended by concurrent resolution.~~

7 (2)~~(3)~~ The committee shall:

8 (a) Recommend to the Governor nominees to fill a  
9 vacancy on the Public Service Commission, as provided by  
10 general law; and

11 (b) Appoint a Public Counsel as provided by general  
12 law.

13 (3)~~(4)~~ The committee is authorized to file a complaint  
14 with the Commission on Ethics alleging a violation of this  
15 chapter by a commissioner, former commissioner, former  
16 commission employee, or member of the Public Service  
17 Commission Nominating Council.

18 (4)~~(5)~~ The committee will not have a permanent staff,  
19 but the President of the Senate and the Speaker of the House  
20 of Representatives shall select staff members from among  
21 existing legislative staff, when and as needed.

22 Section 4. Section 350.051, Florida Statutes, is  
23 repealed.

24 Section 5. Subsections (3) through (9) of section  
25 350.06, Florida Statutes, are amended to read:

26 350.06 Place of meeting; expenditures; employment of  
27 personnel; records availability and fees.--

28 (3) The commissioners may employ clerical, technical,  
29 and professional personnel reasonably necessary for the  
30 performance of their duties and. ~~The commissioners~~ may also  
31 employ one or more persons capable of stenographic court

Bill No. CS for SB 1872

Barcode 601578

1 reporting, to be known as the official reporters of the  
 2 commission, and fix the compensation of each not to exceed  
 3 \$28,000 annually. The official reporters shall furnish only to  
 4 the commission transcripts of all testimony taken by them, and  
 5 the commission may make and sell certified copies of such  
 6 testimony and charge therefor the same fees as are allowed  
 7 clerks of the circuit courts of the state, subject to such  
 8 rules and regulations as may be prescribed by the commission.

9 (4) When needed, the commission may engage  
 10 supplementary qualified reporters at their usual rate of  
 11 compensation; however, the supplementary reporters shall  
 12 furnish the commission the original certified transcripts of  
 13 testimony taken by them, but such reporters shall have the  
 14 right to sell copies of such transcripts subject to rules and  
 15 regulations of the commission. The commission may make copies  
 16 of the transcripts for internal use without further  
 17 compensation. When supplementary reporters are unable to  
 18 provide copies within a reasonable time, the commission may,  
 19 upon request, sell copies at its usual rate and shall deposit  
 20 the proceeds in the Public Service Regulatory Trust Fund.

21 (5) Upon request by the governing body of a municipal  
 22 or county government within 7 days after completion of the  
 23 transcript and its delivery to the commission, the commission  
 24 shall provide copies of the transcripts of testimony at the  
 25 cost of reproduction and mailing, but such copies need not be  
 26 certified unless specifically requested.

27 (5)(6) The commission shall make available to the  
 28 public counsel the original copy of all transcripts for use  
 29 and study in the commission offices. If the commission makes  
 30 any copies of transcripts for internal use and if the public  
 31 counsel has so requested in writing to the clerk of the

Bill No. CS for SB 1872

Barcode 601578

1 ~~commission at the time of his or her intervention , the~~  
 2 ~~commission shall supply the public counsel with a copy of the~~  
 3 ~~transcript at no charge. In all other cases, the public~~  
 4 ~~counsel may obtain a copy of the transcript from the~~  
 5 ~~commission for the cost of reproduction.~~

6       (6)(7) The commission shall collect for copying,  
 7 examining, comparing, correcting, verifying, certifying, or  
 8 furnishing orders, records, transcripts of testimony, papers,  
 9 or other instruments no more than the same fees that are  
 10 allowed clerks of the circuit courts of this state ~~Florida~~. In  
 11 cases where the fee would amount to less than \$1, no fee shall  
 12 be charged.

13       (7)(8) Copies of commission orders furnished to public  
 14 officials, newspapers, periodical publications, federal  
 15 agencies, state officials of other states, and parties to the  
 16 proceeding in which the order was entered and their attorneys  
 17 shall be without charge. However, the commission may in its  
 18 discretion charge fees for the furnishing of more than one  
 19 copy of any order to any of the foregoing.

20       (8)(9) The commission shall keep accounting records ~~a~~  
 21 ~~book~~ in which all fees collected by it as provided for herein  
 22 shall be recorded, together with the amount and purpose for  
 23 which collected. The accounting records ~~This book~~ shall be ~~a~~  
 24 ~~public records~~ record. ~~The commission shall prepare a~~  
 25 ~~statement of these fees in duplicate each month and remit one~~  
 26 ~~copy of the statement, together with all fees collected by it,~~  
 27 ~~to the Chief Financial Officer.~~ All moneys collected pursuant  
 28 to this section by the commission shall be deposited in the  
 29 State Treasury to the credit of the Florida Public Service  
 30 Regulatory Trust Fund.

31       Section 6. Subsection (3) of section 350.113, Florida

Bill No. CS for SB 1872

Barcode 601578

1 Statutes, is amended to read:

2           350.113 Florida Public Service Regulatory Trust Fund;  
3 moneys to be deposited therein.--

4           (3) Each regulated company under the jurisdiction of  
5 the commission, which company was in operation for the  
6 preceding 6-month period, shall pay to the commission within  
7 30 days following the end of each 6-month period, commencing  
8 June 30, 1977, a fee based upon the gross operating revenues  
9 for such period ~~subject to the limitations of this subsection~~  
10 . The fee fees shall, to the extent practicable, be related to  
11 the cost of regulating such type of regulated company. ~~and~~  
12 ~~shall in no event be greater than:~~

13           ~~(a) For each railroad operating under chapter 351,~~  
14 ~~one-eighth of 1 percent of its gross operating revenues~~  
15 ~~derived from intrastate business.~~

16           ~~(b) For each telephone company licensed or operating~~  
17 ~~under chapter 364, one-eighth of 1 percent of its gross~~  
18 ~~operating revenues derived from intrastate business.~~

19           ~~(c) For each "public utility" as defined in s. 366.02,~~  
20 ~~one-eighth of 1 percent of its gross operating revenues~~  
21 ~~derived from intrastate business, excluding sales for resale~~  
22 ~~between public utilities, municipal electric utilities, and~~  
23 ~~rural electric cooperatives, or any combination thereof.~~

24           ~~(d) For each municipal electric utility and rural~~  
25 ~~electric cooperative, one sixty-fourth of 1 percent of its~~  
26 ~~gross operating revenues derived from intrastate business,~~  
27 ~~excluding sales for resale between public utilities, municipal~~  
28 ~~electric utilities, and rural electric cooperatives, or any~~  
29 ~~combination thereof.~~

30           ~~(e) For each regulated company licensed under chapter~~  
31 ~~367, 2.5 percent of its gross revenues derived from intrastate~~



Bill No. CS for SB 1872

Barcode 601578

1 ~~business.~~

2

3 Differences, if any, between the amount paid in any 6-month  
4 period and the amount actually determined by the commission to  
5 be due shall, upon notification by the commission, be  
6 immediately paid or refunded. Each regulated company which is  
7 subject to the jurisdiction of the commission, but which did  
8 not operate under the commission's jurisdiction during the  
9 entire preceding 6-month period, shall, within 30 days after  
10 the close of the first 6-month period during which it  
11 commenced operations under, or became subject to, the  
12 jurisdiction of the commission, pay to the commission the  
13 prescribed fee based upon its gross operating revenues derived  
14 from intrastate business during those months or parts of  
15 months in which the regulated company did operate during such  
16 6-month period. In no event shall payments under this section  
17 be less than \$25 annually.

18 Section 7. Subsection (2) of section 350.117, Florida  
19 Statutes, is amended to read:

20 350.117 Reports; audits.--

21 (2) The commission may perform management and  
22 operation audits of any regulated company ~~except railroads~~.  
23 The commission may consider the results of such audits in  
24 establishing rates; however, the company shall not be denied  
25 due process as a result of the use of any such management or  
26 operation audit.

27 Section 8. Section 350.80, Florida Statutes, is  
28 repealed.

29 Section 9. Paragraph (d) of subsection (2) of section  
30 361.08, Florida Statutes, is amended to read:

31 361.08 Right of eminent domain to coal pipeline

Bill No. CS for SB 1872

Barcode 601578

1 companies.--

2 (2) Any corporation, partnership, joint venture,  
3 association, or other legal entity organized under the laws of  
4 this state, or under the laws of any other state and qualified  
5 to do business in this state, for the purpose of supplying any  
6 electric utility or utilities; any city, town, or village or  
7 the inhabitants thereof; or any community with coal or its  
8 derivatives and any mixture and combination thereof by  
9 pipeline, and for the purpose of serving as a common carrier  
10 operating or proposing to operate a pipeline or pipelines for  
11 transporting or delivering coal or its derivatives or any  
12 mixture or combination thereof, shall have the right of  
13 eminent domain, for the purpose of acquiring title, easements,  
14 rights-of-way, or other rights or interests in property,  
15 necessary to acquire and take private property which is or may  
16 be needed for the construction, operation, maintenance,  
17 repair, or replacement of coal slurry and derivative plants,  
18 pipelines, pumping stations, and any other installations and  
19 works incident thereto. The procedure to condemn property or  
20 interest therein shall be exercised in the manner set forth in  
21 chapters 73 and 74. In any condemnation proceeding under this  
22 act, the circuit court shall restrict the exercise of the  
23 right of eminent domain in the following particulars:

24 ~~(d) The court, in any condemnation proceeding brought~~  
25 ~~pursuant to this section, shall be bound by the findings of~~  
26 ~~the Florida Public Service Commission on the general issues of~~  
27 ~~economic and environmental feasibility as determined pursuant~~  
28 ~~to s. 350.80.~~

29 Section 10. This act shall take effect July 1, 2006.  
30  
31

Bill No. CS for SB 1872

Barcode 601578

1 ===== T I T L E    A M E N D M E N T =====

2 And the title is amended as follows:

3           Delete everything before the enacting clause

4

5 and insert:

6                           A bill to be entitled

7           An act relating to the Public Service

8           Commission; amending s. 350.01, F.S.;

9           correcting cross-references; revising

10          provisions for terms of commissioners on the

11          Public Service Commission; revising a reference

12          to the office of hearing examiners; amending s.

13          350.011, F.S.; deleting obsolete provisions

14          relating to a transfer of certain functions and

15          duties to the Public Service Commission;

16          amending s. 350.012, F.S.; removing a provision

17          for governance of the Committee on Public

18          Service Commission Oversight; repealing s.

19          350.051, F.S., relating to qualifications of

20          the Chief Auditor of the commission; amending

21          s. 350.06, F.S.; deleting certain provisions

22          relating to the employment of reporters and

23          furnishing of transcripts by the commission;

24          revising provisions for the collection and

25          accounting of fees for furnishing transcripts

26          and other documents or instruments; amending s.

27          350.113, F.S.; removing limits on the amount of

28          certain regulatory fees; amending s. 350.117,

29          F.S.; removing an exception for railroads from

30          certain audits by the commission; repealing s.

31          350.80, F.S., relating to regulation of certain

Bill No. CS for SB 1872

Barcode 601578

1 coal slurry pipeline companies; amending s.  
2 361.08, F.S.; removing a provision for  
3 consideration by the court of certain findings  
4 by the commission relating to coal slurry  
5 pipeline companies, to conform to changes made  
6 by the act; providing an effective date.

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31