



020384

CHAMBER ACTION

Senate

House

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Floor: WD/2R
4/15/2008 9:49 PM

1 Senator Saunders moved the following amendment:

2
3 Senate Amendment (with directory and title amendments)

4 Delete line(s) 1942-1943

5 and insert:

6 Section 29. Paragraphs (a) and (c) of subsection (2), and
7 subsection (4) of section 350.01, Florida Statutes, are amended
8 to read:

9 350.01 Florida Public Service Commission; terms of
10 commissioners; vacancies; election and duties of chair; quorum;
11 proceedings.--

12 (2) (a) Each commissioner serving on July 1, 1978, shall be
13 permitted to remain in office until the completion of his or her
14 current term. Upon the expiration of the term, a successor shall
15 be appointed in the manner prescribed by s. 350.031(4), (5), and
16 (6), and (7) for a 4-year term, except that the terms of the
17 initial members appointed under this act shall be as follows:

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18 1. The vacancy created by the present term ending in
19 January, 1981, shall be filled by appointment for a 4-year term
20 and for 4-year terms thereafter; and

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

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

30 (c) Vacancies on the commission shall be filled for the
31 unexpired portion of the term in the same manner as original
32 appointments to the commission.

33 (4) One member of the commission shall be elected by
34 majority vote to serve as chair for a term of 2 years, beginning
35 on January 2 of the first year of the term ~~with the first Tuesday~~
36 ~~after the first Monday in January 1979~~. A member may not serve
37 two consecutive terms as chair.

38 Section 30. Section 350.012, Florida Statutes, is amended
39 to read:

40 350.012 Committee on Public Counsel ~~Service Commission~~
41 Oversight; creation; membership; powers and duties.--

42 (1) There is created a standing joint committee of the
43 Legislature, designated the Committee on Public Counsel ~~Service~~
44 ~~Commission~~ Oversight, and composed of 12 members appointed as
45 follows: six members of the Senate appointed by the President of
46 the Senate, two of whom must be members of the minority party;
47 and six members of the House of Representatives appointed by the

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48 Speaker of the House of Representatives, two of whom must be
49 members of the minority party. The terms of members shall be for
50 2 years and shall run from the organization of one Legislature to
51 the organization of the next Legislature. The President shall
52 appoint the chair of the committee in even-numbered years and the
53 vice chair in odd-numbered years, and the Speaker of the House of
54 Representatives shall appoint the chair of the committee in odd-
55 numbered years and the vice chair in even-numbered years, from
56 among the committee membership. Vacancies shall be filled in the
57 same manner as the original appointment. Members shall serve
58 without additional compensation, but shall be reimbursed for
59 expenses.

60 (2) The committee shall:

61 ~~(a) Recommend to the Governor nominees to fill a vacancy on~~
62 ~~the Public Service Commission, as provided by general law; and~~

63 ~~(b) Appoint a Public Counsel as provided by general law.~~

64 ~~(3) The committee is authorized to file a complaint with~~
65 ~~the Commission on Ethics alleging a violation of this chapter by~~
66 ~~a commissioner, former commissioner, former commission employee,~~
67 ~~or member of the Public Service Commission Nominating Council.~~

68 (3) ~~(4)~~ The committee will not have a permanent staff, but
69 the President of the Senate and the Speaker of the House of
70 Representatives shall select staff members from among existing
71 legislative staff, when and as needed.

72 Section 31. Section 350.03, Florida Statutes, is
73 amended to read:

74 350.03 Power of Governor to remove and to fill
75 vacancies.--The Governor shall have the same power to remove,
76 suspend, or appoint to fill vacancies in the office of

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77 commissioners as in other offices, as set forth in s. 7, Art. IV
78 of the State Constitution.

79 Section 32. Subsections (1), (4), (5), (6), (7), and
80 (8) of section 350.031, Florida Statutes, are amended to read:

81 350.031 Florida Public Service Commission Nominating
82 Council.--

83 (1) There is created a Florida Public Service Commission
84 Nominating Council consisting of nine members. At least one
85 member of the council must be 60 years of age or older. Six ~~Three~~
86 ~~members, including three members~~ one member of the House of
87 Representatives, one of whom must be a member of the minority
88 party, shall be appointed by and serve at the pleasure of the
89 Speaker of the House of Representatives; six ~~three~~ members,
90 including three members ~~one member~~ of the Senate, one of whom
91 must be a member of the minority party, shall be appointed by and
92 serve at the pleasure of the President of the Senate; ~~and three~~
93 ~~members shall be selected and appointed by a majority vote of the~~
94 ~~other six members of the council.~~ All terms shall be for 4 years
95 except those members of the House and Senate, who shall serve 2-
96 year terms concurrent with the 2-year elected terms of House
97 members. The President of the Senate shall appoint the chair of
98 the council in even-numbered years and the vice chair in odd-
99 numbered years, and the Speaker of the House of Representatives
100 shall appoint the chair of the council in odd-numbered years and
101 the vice chair in even-numbered years, from among the council
102 membership. Vacancies on the council shall be filled for the
103 unexpired portion of the term in the same manner as original
104 appointments to the council. A member may not be reappointed to
105 the council, except for a member of the House of Representatives
106 or the Senate who may be appointed to two 2-year terms or a

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107 | person who is appointed to fill the remaining portion of an
108 | unexpired term.

109 | ~~(4) The council may spend a nominal amount, not to exceed~~
110 | ~~\$10,000, to advertise a vacancy on the council, which shall be~~
111 | ~~funded by the Florida Public Service Regulatory Trust Fund.~~

112 | ~~(4)(5)~~ A person may not be nominated to the Governor
113 | ~~Committee on Public Service Commission Oversight~~ until the
114 | council has determined that the person is competent and
115 | knowledgeable in one or more fields, which shall include, but not
116 | be limited to: public affairs, law, economics, accounting,
117 | engineering, finance, natural resource conservation, energy, or
118 | another field substantially related to the duties and functions
119 | of the commission. The commission shall fairly represent the
120 | above-stated fields. Recommendations of the council shall be
121 | nonpartisan.

122 | ~~(5)(6)~~ It is the responsibility of the council to nominate
123 | to the Governor no fewer than three ~~Committee on Public Service~~
124 | ~~Commission Oversight six~~ persons for each vacancy occurring on
125 | the Public Service Commission. The council shall submit the
126 | recommendations to the Governor committee by September 15 ~~August~~
127 | ~~1~~ of those years in which the terms are to begin the following
128 | January, or within 60 days after a vacancy occurs for any reason
129 | other than the expiration of the term.

130 | ~~(6)(7)~~ ~~The Committee on Public Service Commission Oversight~~
131 | ~~shall select from the list of nominees provided by the nominating~~
132 | ~~council three nominees for recommendation to the Governor for~~
133 | ~~appointment to the commission. The recommendations must be~~
134 | ~~provided to the Governor within 45 days after receipt of the list~~
135 | ~~of nominees.~~ The Governor shall fill a vacancy occurring on the
136 | Public Service Commission by appointment of one of the applicants



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137 nominated by the committee only after a background investigation
138 of such applicant has been conducted by the Florida Department of
139 Law Enforcement. If the Governor has not made an appointment
140 within 30 consecutive calendar days after the receipt of the
141 recommendation, the council ~~committee~~, by majority vote, shall
142 appoint, within 30 days after the expiration of the Governor's
143 time to make an appointment, one person from the applicants
144 previously nominated to the Governor to fill the vacancy. After
145 an appointment has been made pursuant to this subsection, a
146 successor Governor may remove an appointee only as provided in s.
147 350.03.

148 (7) ~~(8)~~ Each appointment to the Public Service Commission
149 shall be subject to confirmation by the Senate during the next
150 regular session after the vacancy occurs. If the Senate refuses
151 to confirm or fails to consider ~~rejects~~ the Governor's
152 appointment, the council shall initiate, in accordance with this
153 section, the nominating process within 30 days.

154 Section 33. Subsection (1) of section 350.061, Florida
155 Statutes, is amended to read:

156 350.061 Public Counsel; appointment; oath; restrictions on
157 Public Counsel and his or her employees.--

158 (1) The Committee on Public Counsel ~~Service Commission~~
159 Oversight shall appoint a Public Counsel by majority vote of the
160 members of the committee to represent the general public of
161 Florida before the Florida Public Service Commission. The Public
162 Counsel shall be an attorney admitted to practice before the
163 Florida Supreme Court and shall serve at the pleasure of the
164 Committee on Public Counsel ~~Service Commission~~ Oversight, subject
165 to biennial reconfirmation by the committee. The Public Counsel
166 shall perform his or her duties independently. Vacancies in the



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167 office shall be filled in the same manner as the original
168 appointment.

169 Section 34. Subsection (2) of section 350.0614, Florida
170 Statutes, is amended to read:

171 350.0614 Public Counsel; compensation and expenses.--

172 (2) The Legislature declares and determines that the Public
173 Counsel is under the legislative branch of government within the
174 intention of the legislation as expressed in chapter 216, and no
175 power shall be in the Executive Office of the Governor or its
176 successor to release or withhold funds appropriated to it, but
177 the same shall be available for expenditure as provided by law
178 and the rules or decisions of the Committee on Public Counsel
179 ~~Service Commission~~ Oversight.

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181

182 (Renumber subsequent sections)

183

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

185 And the title is amended as follows:

186 On line(s) 158 after the semicolon ";"

187 insert:

188 amending s. 350.01, F.S.; specifying when the term of the
189 chairman of the Public Service Commission will begin;
190 amending s. 350.02, F.S.; creating the joint legislative
191 Committee on Public Counsel Oversight; providing duties
192 and staff; amending s. 350.03, F.S.; specifying how
193 vacancies to the Public Service Commission shall be
194 filled; amending s. 350.031, F.S.; revising the membership
195 and duties of the Florida Public Service Commission
196 Nominating Council; amending s. 350.061, F.S.; providing

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197 | that the Committee on Public Counsel shall appoint a
198 | Public Counsel; amending s. 350.0614, F.S.; conforming
199 | references to the Committee on Public Counsel Oversight;