

FOR CONSIDERATION By the Committee on Communications and Public Utilities

579-02818A-08

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1 A bill to be entitled

2 An act relating to the Public Service Commission; amending
3 s. 350.012, F.S.; renaming the Committee on Public Service
4 Commission Oversight, a standing joint committee of the
5 Legislature, as the "Committee on Public Counsel
6 Oversight"; deleting the committee's authority to
7 recommend to the Governor nominees to fill vacancies on
8 the Public Service Commission; deleting the committee's
9 authority to file an ethics complaint against a member,
10 former member, or former employee of the commission, or a
11 member of the Public Service Commission Nominating
12 Council; amending s. 350.031, F.S.; increasing the number
13 of members on the council; requiring the President of the
14 Senate and the Speaker of the House of Representatives to
15 appoint a chair and vice chair to the council in
16 alternating years; requiring the council to submit
17 recommendations for vacancies on the Public Service
18 Commission to the Governor; requiring the council to
19 nominate a minimum of three persons for each vacancy;
20 revising the date that recommendations for vacancies must
21 be submitted; providing for the council to fill a vacancy
22 on the commission if the Governor fails to do so;
23 authorizing the Governor to recall an appointee; amending
24 ss. 350.061 and 350.0614, F.S., relating to the
25 appointment, oversight, and compensation of the Public
26 Counsel; conforming provisions to changes made by the act;
27 providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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31 Section 1. Section 350.012, Florida Statutes, is amended to
32 read:

33 350.012 Committee on Public Counsel ~~Service Commission~~
34 Oversight; creation; membership; powers and duties.--

35 (1) There is created a standing joint committee of the
36 Legislature, designated the Committee on Public Counsel ~~Service~~
37 ~~Commission~~ Oversight, and composed of 12 members appointed as
38 follows: six members of the Senate appointed by the President of
39 the Senate, two of whom must be members of the minority party;
40 and six members of the House of Representatives appointed by the
41 Speaker of the House of Representatives, two of whom must be
42 members of the minority party. The terms of members shall be for
43 2 years and shall run from the organization of one Legislature to
44 the organization of the next Legislature. The President shall
45 appoint the chair of the committee in even-numbered years and the
46 vice chair in odd-numbered years, and the Speaker of the House of
47 Representatives shall appoint the chair of the committee in odd-
48 numbered years and the vice chair in even-numbered years, from
49 among the committee membership. Vacancies shall be filled in the
50 same manner as the original appointment. Members shall serve
51 without additional compensation, but shall be reimbursed for
52 expenses.

53 (2) The committee shall:

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

56 (b) appoint a Public Counsel as provided by general law.

57 (3) ~~The committee is authorized to file a complaint with~~
58 ~~the Commission on Ethics alleging a violation of this chapter by~~

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59 ~~a commissioner, former commissioner, former commission employee,~~
60 ~~or member of the Public Service Commission Nominating Council.~~

61 (3)~~(4)~~ The committee will not have a permanent staff, but
62 the President of the Senate and the Speaker of the House of
63 Representatives shall select staff members from among existing
64 legislative staff, when and as needed.

65 Section 2. Subsections (1), (5), (6), (7), and (8) of
66 section 350.031, Florida Statutes, are amended to read:

67 350.031 Florida Public Service Commission Nominating
68 Council.--

69 (1) There is created a Florida Public Service Commission
70 Nominating Council consisting of 12 ~~nine~~ members. At least one
71 member of the council must be 60 years of age or older. Six ~~Three~~
72 members, including three members ~~one member~~ of the House of
73 Representatives, one of whom must be a member of the minority
74 party, shall be appointed by and serve at the pleasure of the
75 Speaker of the House of Representatives. Six; ~~three~~ members,
76 including three members ~~one member~~ of the Senate, one of whom
77 must be a member of the minority party, shall be appointed by and
78 serve at the pleasure of the President of the Senate; ~~and three~~
79 ~~members shall be selected and appointed by a majority vote of the~~
80 ~~other six members of the council.~~ All terms shall be for 4 years
81 except those members of the House and Senate, who shall serve 2-
82 year terms concurrent with the 2-year elected terms of House
83 members. The President of the Senate shall appoint the chair of
84 the council in even-numbered years and the vice chair in odd-
85 numbered years, and the Speaker of the House of Representatives
86 shall appoint the chair of the council in odd-numbered years and
87 the vice chair in even-numbered years, from among the council

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88 membership. Vacancies on the council shall be filled for the
89 unexpired portion of the term in the same manner as original
90 appointments to the council. A member may not be reappointed to
91 the council, except for a member of the House of Representatives
92 or the Senate who may be appointed to two 2-year terms or a
93 person who is appointed to fill the remaining portion of an
94 unexpired term.

95 (5) A person may not be nominated to the Governor Committee
96 ~~on Public Service Commission Oversight~~ until the council has
97 determined that the person is competent and knowledgeable in one
98 or more fields, which shall include, but not be limited to:
99 public affairs, law, economics, accounting, engineering, finance,
100 natural resource conservation, energy, or another field
101 substantially related to the duties and functions of the
102 commission. The commission shall fairly represent the above-
103 stated fields. Recommendations of the council shall be
104 nonpartisan.

105 (6) It is the responsibility of the council to nominate to
106 the Governor no fewer than three Committee on Public Service
107 ~~Commission Oversight~~ six persons for each vacancy occurring on
108 the Public Service Commission. The council shall submit the
109 recommendations to the Governor committee by September 15 August
110 ~~1~~ of those years in which the terms are to begin the following
111 January, or within 60 days after a vacancy occurs for any reason
112 other than the expiration of the term.

113 (7) ~~The Committee on Public Service Commission Oversight~~
114 ~~shall select from the list of nominees provided by the nominating~~
115 ~~council three nominees for recommendation to the Governor for~~
116 ~~appointment to the commission. The recommendations must be~~

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117 ~~provided to the Governor within 45 days after receipt of the list~~
118 ~~of nominees.~~ The Governor shall fill a vacancy occurring on the
119 Public Service Commission by appointment of one of the applicants
120 nominated by the council ~~committee~~ only after a background
121 investigation of such applicant has been conducted by the Florida
122 Department of Law Enforcement. If the Governor has not made an
123 appointment within 30 consecutive calendar days after the receipt
124 of the recommendation, the council ~~committee~~, by majority vote,
125 shall appoint, within 30 days after the expiration of the
126 Governor's time to make an appointment, one person from the
127 applicants previously nominated to the Governor to fill the
128 vacancy. The Governor or the Governor's successor may recall an
129 appointee.

130 (8) Each appointment to the Public Service Commission shall
131 be subject to confirmation by the Senate during the next regular
132 session after the vacancy occurs. If the Senate refuses to
133 confirm or fails to consider ~~rejects~~ the Governor's appointment,
134 the council shall initiate, in accordance with this section, the
135 nominating process within 30 days.

136 Section 3. Subsection (1) of section 350.061, Florida
137 Statutes, is amended to read:

138 350.061 Public Counsel; appointment; oath; restrictions on
139 Public Counsel and his or her employees.--

140 (1) The Committee on Public Counsel ~~Service Commission~~
141 Oversight shall appoint a Public Counsel by majority vote of the
142 members of the committee to represent the general public of
143 Florida before the Florida Public Service Commission. The Public
144 Counsel shall be an attorney admitted to practice before the
145 Florida Supreme Court and shall serve at the pleasure of the

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146 Committee on Public Counsel ~~Service Commission~~ Oversight, subject
147 to biennial reconfirmation by the committee. The Public Counsel
148 shall perform his or her duties independently. Vacancies in the
149 office shall be filled in the same manner as the original
150 appointment.

151 Section 4. Subsection (2) of section 350.0614, Florida
152 Statutes, is amended to read:

153 350.0614 Public Counsel; compensation and expenses.--

154 (2) The Legislature declares and determines that the Public
155 Counsel is under the legislative branch of government within the
156 intention of the legislation as expressed in chapter 216, and no
157 power shall be in the Executive Office of the Governor or its
158 successor to release or withhold funds appropriated to it, but
159 the same shall be available for expenditure as provided by law
160 and the rules or decisions of the Committee on Public Counsel
161 ~~Service Commission~~ Oversight.

162 Section 5. This act shall take effect upon becoming a law.