

1 A bill to be entitled
2 An act relating to the Public Service Commission; amending
3 s. 350.01, F.S.; conforming the beginning of a
4 commissioner's term as chair with the beginning of terms
5 of commissioners; correcting cross-references; amending s.
6 350.012, F.S.; renaming the Committee on Public Service
7 Commission Oversight, a standing joint committee of the
8 Legislature, as the "Committee on Public Counsel
9 Oversight"; deleting the committee's authority to
10 recommend to the Governor nominees to fill vacancies on
11 the Public Service Commission; deleting the committee's
12 authority to file an ethics complaint against a member,
13 former member, or former employee of the commission, or a
14 member of the Public Service Commission Nominating
15 Council; amending s. 350.03, F.S.; clarifying power of the
16 Governor to remove and fill commission vacancies; amending
17 s. 350.031, F.S.; increasing the number of members on the
18 Public Service Commission Nominating Council; requiring
19 the President of the Senate and the Speaker of the House
20 of Representatives to appoint a chair and vice chair to
21 the council in alternating years; removing spending
22 authority for the council to advertise vacancies;
23 requiring the council to submit recommendations for
24 filling vacancies on the commission to the Governor;
25 requiring the council to nominate a minimum of three
26 persons for each vacancy; revising the date that
27 recommendations for vacancies must be submitted;
28 specifying provisions under which a successor Governor may

29 | remove an appointee; providing for the council to fill a
 30 | vacancy on the commission if the Governor fails to do so;
 31 | amending ss. 350.061 and 350.0614, F.S., relating to the
 32 | appointment, oversight, and compensation of the Public
 33 | Counsel; conforming provisions to changes made by the act;
 34 | providing an effective date.

35 |
 36 | Be It Enacted by the Legislature of the State of Florida:

37 |
 38 | Section 1. Paragraphs (a) and (b) of subsection (2) and
 39 | subsection (4) of section 350.01, Florida Statutes, are amended
 40 | to read:

41 | 350.01 Florida Public Service Commission; terms of
 42 | commissioners; vacancies; election and duties of chair; quorum;
 43 | proceedings.--

44 | (2) (a) Each commissioner serving on July 1, 1978, shall be
 45 | permitted to remain in office until the completion of his or her
 46 | current term. Upon the expiration of the term, a successor shall
 47 | be appointed in the manner prescribed by s. 350.031(4), (5), and
 48 | (6) ~~s. 350.031(5), (6), and (7)~~ for a 4-year term, except that
 49 | the terms of the initial members appointed under this act shall
 50 | be as follows:

51 | 1. The vacancy created by the present term ending in
 52 | January, 1981, shall be filled by appointment for a 4-year term
 53 | and for 4-year terms thereafter; and

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

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

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

69 Section 2. Section 350.012, Florida Statutes, is amended
 70 to read:

71 350.012 Committee on Public Counsel Service ~~Commission~~
 72 Oversight; creation; membership; powers and duties.--

73 (1) There is created a standing joint committee of the
 74 Legislature, designated the Committee on Public Counsel Service
 75 ~~Commission~~ Oversight, and composed of 12 members appointed as
 76 follows: six members of the Senate appointed by the President of
 77 the Senate, two of whom must be members of the minority party;
 78 and six members of the House of Representatives appointed by the
 79 Speaker of the House of Representatives, two of whom must be
 80 members of the minority party. The terms of members shall be for
 81 2 years and shall run from the organization of one Legislature
 82 to the organization of the next Legislature. The President shall
 83 appoint the chair of the committee in even-numbered years and
 84 the vice chair in odd-numbered years, and the Speaker of the

85 House of Representatives shall appoint the chair of the
 86 committee in odd-numbered years and the vice chair in even-
 87 numbered years, from among the committee membership. Vacancies
 88 shall be filled in the same manner as the original appointment.
 89 Members shall serve without additional compensation, but shall
 90 be reimbursed for expenses.

91 (2) The committee shall:

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

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

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

100 (3)-(4) The committee will not have a permanent staff, but
 101 the President of the Senate and the Speaker of the House of
 102 Representatives shall select staff members from among existing
 103 legislative staff, when and as needed.

104 Section 3. Section 350.03, Florida Statutes, is amended to
 105 read:

106 350.03 Power of Governor to remove and to fill
 107 vacancies.--The Governor shall have the same power to remove,
 108 suspend, or appoint to fill vacancies in the office of
 109 commissioners as in other offices, as set forth in s. 7, Art. IV
 110 of the State Constitution.

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

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113 350.031 Florida Public Service Commission Nominating
114 Council.--

115 (1) There is created a Florida Public Service Commission
116 Nominating Council consisting of 12 ~~nine~~ members. At least one
117 member of the council must be 60 years of age or older. Six
118 ~~Three~~ members, including three members ~~one member~~ of the House
119 of Representatives, one of whom must be a member of the minority
120 party, shall be appointed by and serve at the pleasure of the
121 Speaker of the House of Representatives. Six, ~~three~~ members,
122 including three members ~~one member~~ of the Senate, one of whom
123 must be a member of the minority party, shall be appointed by
124 and serve at the pleasure of the President of the Senate; ~~and~~
125 ~~three members shall be selected and appointed by a majority vote~~
126 ~~of the other six members of the council.~~ All terms shall be for
127 4 years except those members of the House and Senate, who shall
128 serve 2-year terms concurrent with the 2-year elected terms of
129 House members. The President of the Senate shall appoint the
130 chair of the council in even-numbered years and the vice chair
131 in odd-numbered years, and the Speaker of the House of
132 Representatives shall appoint the chair of the council in odd-
133 numbered years and the vice chair in even-numbered years, from
134 among the council membership. Vacancies on the council shall be
135 filled for the unexpired portion of the term in the same manner
136 as original appointments to the council. A member may not be
137 reappointed to the council, except for a member of the House of
138 Representatives or the Senate who may be appointed to two 2-year
139 terms or a person who is appointed to fill the remaining portion
140 of an unexpired term.

141 ~~(4) The council may spend a nominal amount, not to exceed~~
 142 ~~\$10,000, to advertise a vacancy on the council, which shall be~~
 143 ~~funded by the Florida Public Service Regulatory Trust Fund.~~

144 (4)~~(5)~~ A person may not be nominated to the Governor
 145 ~~Committee on Public Service Commission Oversight~~ until the
 146 council has determined that the person is competent and
 147 knowledgeable in one or more fields, which shall include, but
 148 not be limited to: public affairs, law, economics, accounting,
 149 engineering, finance, natural resource conservation, energy, or
 150 another field substantially related to the duties and functions
 151 of the commission. The commission shall fairly represent the
 152 above-stated fields. Recommendations of the council shall be
 153 nonpartisan.

154 (5)~~(6)~~ It is the responsibility of the council to nominate
 155 to the Governor no fewer than three ~~Committee on Public Service~~
 156 ~~Commission Oversight six~~ persons for each vacancy occurring on
 157 the Public Service Commission. The council shall submit the
 158 recommendations to the Governor ~~committee~~ by September 15 ~~August~~
 159 ~~±~~ of those years in which the terms are to begin the following
 160 January, or within 60 days after a vacancy occurs for any reason
 161 other than the expiration of the term.

162 (6)~~(7)~~ ~~The Committee on Public Service Commission~~
 163 ~~Oversight shall select from the list of nominees provided by the~~
 164 ~~nominating council three nominees for recommendation to the~~
 165 ~~Governor for appointment to the commission. The recommendations~~
 166 ~~must be provided to the Governor within 45 days after receipt of~~
 167 ~~the list of nominees.~~ The Governor shall fill a vacancy
 168 occurring on the Public Service Commission by appointment of one

169 of the applicants nominated by the council ~~committee~~ only after
 170 a background investigation of such applicant has been conducted
 171 by the Florida Department of Law Enforcement. If the Governor
 172 has not made an appointment within 30 consecutive calendar days
 173 after the receipt of the recommendation, the council ~~committee~~,
 174 by majority vote, shall appoint, within 30 days after the
 175 expiration of the Governor's time to make an appointment, one
 176 person from the applicants previously nominated to the Governor
 177 to fill the vacancy. After an appointment has been made pursuant
 178 to this subsection, a successor Governor may remove an appointee
 179 only as provided in s. 350.03.

180 ~~(7)(8)~~ Each appointment to the Public Service Commission
 181 shall be subject to confirmation by the Senate during the next
 182 regular session after the vacancy occurs. If the Senate refuses
 183 to confirm or fails to consider ~~rejects~~ the Governor's
 184 appointment, the council shall initiate, in accordance with this
 185 section, the nominating process within 30 days.

186 Section 5. Subsection (1) of section 350.061, Florida
 187 Statutes, is amended to read:

188 350.061 Public Counsel; appointment; oath; restrictions on
 189 Public Counsel and his or her employees.--

190 (1) The Committee on Public Counsel ~~Service Commission~~
 191 Oversight shall appoint a Public Counsel by majority vote of the
 192 members of the committee to represent the general public of
 193 Florida before the Florida Public Service Commission. The Public
 194 Counsel shall be an attorney admitted to practice before the
 195 Florida Supreme Court and shall serve at the pleasure of the
 196 Committee on Public Counsel ~~Service Commission~~ Oversight,

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197 subject to biennial reconfirmation by the committee. The Public
198 Counsel shall perform his or her duties independently. Vacancies
199 in the office shall be filled in the same manner as the original
200 appointment.

201 Section 6. Subsection (2) of section 350.0614, Florida
202 Statutes, is amended to read:

203 350.0614 Public Counsel; compensation and expenses.--

204 (2) The Legislature declares and determines that the
205 Public Counsel is under the legislative branch of government
206 within the intention of the legislation as expressed in chapter
207 216, and no power shall be in the Executive Office of the
208 Governor or its successor to release or withhold funds
209 appropriated to it, but the same shall be available for
210 expenditure as provided by law and the rules or decisions of the
211 Committee on Public Counsel ~~Service Commission~~ Oversight.

212 Section 7. This act shall take effect upon becoming a law.