

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Mayfield offered the following:

2
3 **Amendment**

4 Remove lines 1607-1754 and insert:

5 Section 27. Subsections (2), (3), and (4) of section
6 350.01, Florida Statutes, are amended to read:

7 350.01 Florida Public Service Commission; terms of
8 commissioners; vacancies; election and duties of chair; quorum;
9 proceedings.--

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

220699

4/24/2008 12:52 PM

Amendment No.

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

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

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

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

31 (3) Any person serving on the commission who seeks to be
32 appointed or reappointed shall file with the nominating council
33 no later than June 1 prior to the year in which his or her term
34 expires at least 210 days before the expiration of his or her
35 ~~term~~ a statement that he or she desires to serve an additional
36 term.

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

42 Section 28. Section 350.012, Florida Statutes, is amended
43 to read:

220699

4/24/2008 12:52 PM

Amendment No.

44 350.012 Committee on Public Counsel ~~Service Commission~~
45 Oversight; creation; membership; powers and duties.--

46 (1) There is created a standing joint committee of the
47 Legislature, designated the Committee on Public Counsel ~~Service~~
48 ~~Commission~~ Oversight, and composed of 12 members appointed as
49 follows: six members of the Senate appointed by the President of
50 the Senate, two of whom must be members of the minority party;
51 and six members of the House of Representatives appointed by the
52 Speaker of the House of Representatives, two of whom must be
53 members of the minority party. The terms of members shall be for
54 2 years and shall run from the organization of one Legislature
55 to the organization of the next Legislature. The President shall
56 appoint the chair of the committee in even-numbered years and
57 the vice chair in odd-numbered years, and the Speaker of the
58 House of Representatives shall appoint the chair of the
59 committee in odd-numbered years and the vice chair in even-
60 numbered years, from among the committee membership. Vacancies
61 shall be filled in the same manner as the original appointment.
62 Members shall serve without additional compensation, but shall
63 be reimbursed for expenses.

64 (2) The committee shall+

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

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

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

220699

4/24/2008 12:52 PM

Amendment No.

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

73 (3)-(4) The committee will not have a permanent staff, but
74 the President of the Senate and the Speaker of the House of
75 Representatives shall select staff members from among existing
76 legislative staff, when and as needed.

77 Section 29. Section 350.03, Florida Statutes, is amended
78 to read:

79 350.03 Power of Governor to remove and to fill
80 vacancies.-- The Governor shall have the same power to remove,
81 suspend, or appoint to fill vacancies in the office of
82 commissioners as in other offices, as set forth in s. 7, Art. IV
83 of the State Constitution.

84 Section 30. Subsections (1) and (4) through (8) of section
85 350.031, Florida Statutes, are amended, and a new subsection (8)
86 is added to that section, to read:

87 350.031 Florida Public Service Commission Nominating
88 Council.--

89 (1)(a) There is created a Florida Public Service
90 Commission Nominating Council consisting of 12 ~~nine~~ members. At
91 least one member of the council must be 60 years of age or
92 older. Six ~~Three~~ members, including three members ~~one member~~ of
93 the House of Representatives, one of whom shall be a member of
94 the minority party, shall be appointed by and serve at the
95 pleasure of the Speaker of the House of Representatives. Six
96 ~~three~~ members, including three members ~~one member~~ of the Senate,
97 one of whom shall be a member of the minority party, shall be
98 appointed by and serve at the pleasure of the President of the

220699

4/24/2008 12:52 PM

Amendment No.

99 ~~Senate, and three members shall be selected and appointed by a~~
100 ~~majority vote of the other six members of the council.~~

101 (b) All terms shall be for 4 years except those members of
102 the House and Senate, who shall serve 2-year terms concurrent
103 with the 2-year elected terms of House members. All terms of the
104 members of the Public Service Commission Nominating Council
105 existing on June 30, 2008, shall terminate upon the effective
106 date of this act; however, such members may serve an additional
107 term if reappointed by the Speaker of the House of
108 Representatives or the President of the Senate. To establish
109 staggered terms, appointments of members shall be made for
110 initial terms to begin on July 1, 2008, with each appointing
111 officer to appoint three legislator members, one of whom shall
112 be a member of the minority party, to terms through the
113 remainder of the 2-year elected terms of House members; one non-
114 legislator member to a 6-month term; one non-legislator member
115 to a 30-month term; and one non-legislator member to a 42-month
116 term. Thereafter, the terms of the Public Service Commission
117 Nominating Council shall begin on January 2.

118 (c) The President of the Senate shall appoint the chair of
119 the council in even-numbered years and the vice chair in odd-
120 numbered years, and the Speaker of the House of Representatives
121 shall appoint the chair of the council in odd-numbered years and
122 the vice chair in even-numbered years, from among the council
123 membership.

124 (d) Vacancies on the council shall be filled for the
125 unexpired portion of the term in the same manner as original
126 appointments to the council. A member may not be reappointed to

220699

4/24/2008 12:52 PM

Amendment No.

127 the council, except for a member of the House of Representatives
128 or the Senate who may be appointed to two 2-year terms, members
129 who are reappointed pursuant to paragraph (b), or a person who
130 is appointed to fill the remaining portion of an unexpired term.

131 ~~(4) The council may spend a nominal amount, not to exceed~~
132 ~~\$10,000, to advertise a vacancy on the council, which shall be~~
133 ~~funded by the Florida Public Service Regulatory Trust Fund.~~

134 ~~(4)(5)~~ A person may not be nominated to the Governor for
135 appointment to the Committee on Public Service Commission
136 Oversight until the council has determined that the person is
137 competent and knowledgeable in one or more fields, which shall
138 include, but not be limited to: public affairs, law, economics,
139 accounting, engineering, finance, natural resource conservation,
140 energy, or another field substantially related to the duties and
141 functions of the commission. The commission shall fairly
142 represent the above-stated fields. Recommendations of the
143 council shall be nonpartisan.

144 ~~(5)(6)~~ It is the responsibility of the council to nominate
145 to the Governor no fewer than three Committee on Public Service
146 Commission Oversight ~~six~~ persons for each vacancy occurring on
147 the Public Service Commission. The council shall submit the
148 recommendations to the Governor by September 15 ~~committee by~~
149 ~~August 1~~ of those years in which the terms are to begin the
150 following January, or within 60 days after a vacancy occurs for
151 any reason other than the expiration of the term.

152 ~~(6)(7) The Committee on Public Service Commission~~
153 ~~Oversight shall select from the list of nominees provided by the~~
154 ~~nominating council three nominees for recommendation to the~~

220699

4/24/2008 12:52 PM

Amendment No.

155 ~~Governor for appointment to the commission. The recommendations~~
156 ~~must be provided to the Governor within 45 days after receipt of~~
157 ~~the list of nominees.~~ The Governor shall fill a vacancy
158 occurring on the Public Service Commission by appointment of one
159 of the applicants nominated by the council ~~committee~~ only after
160 a background investigation of such applicant has been conducted
161 by the Florida Department of Law Enforcement. If the Governor
162 has not made an appointment within 30 consecutive calendar days
163 after the receipt of the recommendation, the council ~~committee~~,
164 by majority vote, shall appoint, within 30 days after the
165 expiration of the Governor's time to make an appointment, one
166 person from the applicants previously nominated to the Governor
167 to fill the vacancy.

168 (7) ~~(8)~~ Each appointment to the Public Service Commission
169 shall be subject to confirmation by the Senate during the next
170 regular session after the vacancy occurs. If the Senate refuses
171 to confirm or fails to consider ~~rejects~~ the Governor's
172 appointment, the council shall initiate, in accordance with this
173 section, the nominating process within 30 days.

174 (8) When the Governor makes an appointment, to fill a
175 vacancy occurring due to expiration of the term, and that
176 appointment has not been confirmed by the Senate before the
177 appointing Governor's term ends, a successor Governor may,
178 within 30 days after taking office, recall the appointment and,
179 prior to the first day of the next regular session, make a
180 replacement appointment from the list provided to the previous
181 Governor by the council. Such an appointment is subject to
182 confirmation by the Senate at the next regular session following

220699

4/24/2008 12:52 PM

HOUSE AMENDMENT

Bill No. HB 7135

Amendment No.

183 the creation of the vacancy to which the appointments are being
184 made. If the replacement appointment is not timely made, or if
185 the appointment is not confirmed by the Senate for any reason,
186 the council, by majority vote, shall appoint, within 30 days
187 after the Legislature adjourns sine die, one person from the
188 applicants previously nominated to the Governor to fill the
189 vacancy, and this appointee is subject to confirmation by the
190 Senate during the next regular session following the
191 appointment.

220699

4/24/2008 12:52 PM