

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Precourt offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 350.001, Florida Statutes, is amended
6 to read:

7 350.001 Legislative intent.-

8 (1) The Florida Public Service Commission has been and
9 shall continue to be an arm of the legislative branch of
10 government. In the exercise of its jurisdiction, the commission
11 shall neither establish nor implement any regulatory policy that
12 is contrary to, or is an expansion of, the authority granted to
13 it by the Legislature.

14 (2) The Public Service Commission shall perform its duties
15 independently, impartially, professionally, honorably, and
16 without undue influence from any person.

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17 (3) It is the desire of the Legislature that the Governor
18 participate in the appointment process of commissioners to the
19 Public Service Commission. The Legislature accordingly delegates
20 to the Governor a limited authority with respect to the Public
21 Service Commission by authorizing him or her to participate in
22 the selection of members only in the manner prescribed by s.
23 350.031.

24 Section 2. Paragraphs (b) and (d) of subsection (1) and
25 subsection (5) of section 350.031, Florida Statutes, are amended
26 to read:

27 350.031 Florida Public Service Commission Nominating
28 Council.-

29 (1)

30 (b) All terms shall be for 4 years except those members of
31 the House and Senate, who shall serve 2-year terms concurrent
32 with the 2-year elected terms of House members. ~~All terms of the~~
33 ~~members of the Public Service Commission Nominating Council~~
34 ~~existing on June 30, 2008, shall terminate upon the effective~~
35 ~~date of this act; however, such members may serve an additional~~
36 ~~term if reappointed by the Speaker of the House of~~
37 ~~Representatives or the President of the Senate.~~ To establish
38 staggered terms, appointments of members shall be made for
39 initial terms to begin on July 1, 2008, with each appointing
40 officer to appoint three legislator members, one of whom shall
41 be a member of the minority party, to terms through the
42 remainder of the 2-year elected terms of House members; one
43 nonlegislator member to a 6-month term; one nonlegislator member
44 to an 18-month term; and one nonlegislator member to a 42-month

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45 term. Thereafter, the terms of the nonlegislator members of the
46 Public Service Commission Nominating Council shall begin on
47 January 2 of the year the term commences and end 4 years later
48 on January 1.

49 (d) Vacancies on the council shall be filled for the
50 unexpired portion of the term in the same manner as original
51 appointments to the council. A member may not be reappointed to
52 the council, except for a member of the House of Representatives
53 or the Senate who may be appointed to two 2-year terms, ~~members~~
54 ~~who are reappointed pursuant to paragraph (b)~~, or a person who
55 is appointed to fill the remaining portion of an unexpired term.

56 (5) A person may not be nominated to the Governor for
57 appointment to the Public Service Commission until the council
58 has determined that the person satisfies the qualifications set
59 forth in s. 350.04 ~~is competent and knowledgeable in one or more~~
60 ~~fields, which shall include, but not be limited to: public~~
61 ~~affairs, law, economics, accounting, engineering, finance,~~
62 ~~natural resource conservation, energy, or another field~~
63 ~~substantially related to the duties and functions of the~~
64 ~~commission.~~ The commission shall fairly represent the ~~above-~~
65 ~~stated~~ fields identified in s. 350.04(2). Recommendations of the
66 council shall be nonpartisan.

67 Section 3. Section 350.035, Florida Statutes, is created
68 to read:

69 350.035 Prohibited influence on commissioners and
70 commission staff.-

71 (1) (a) Neither the Governor, the President of the Senate,
72 the Speaker of the House of Representatives, nor a member of the
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73 Public Service Commission Nominating Council shall attempt to
74 sway the independent judgment of the commission by bringing
75 pressure to bear upon a commissioner or commission employee
76 through that person's role in the nomination, appointment, or
77 confirmation of commissioners.

78 (b) The Commission on Ethics shall receive and investigate
79 sworn complaints of violations of this subsection pursuant to
80 ss. 112.322-112.3241.

81 (2) (a) To ensure that each commissioner, as a member of a
82 collegial body, is afforded the benefit of unbiased and
83 independent analysis and advice from its professional and
84 technical staff, an individual commissioner may not demand or
85 require any member of the commission staff, other than the
86 commissioner's direct staff, to develop, present, or pursue a
87 particular opinion, position, or course of action in relation to
88 any substantive matter pending before the commission or a panel
89 of commissioners. This paragraph does not prohibit the
90 commission, as a collegial body, from directing its staff to
91 pursue a course of action consistent with direction provided by
92 the collegial body. Further, this paragraph is not intended to
93 prohibit an individual commissioner from any otherwise lawful
94 communication with commission staff, including any expression of
95 opinion, position, or concern regarding a matter within the
96 jurisdiction of the commission. A violation of this subsection
97 is an act of malfeasance for purposes of ss. 112.3187-112.31895.

98 (b) The inspector general of the commission shall receive
99 and investigate complaints of violations of this subsection.

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100 Section 4. Section 350.04, Florida Statutes, is amended to
101 read:

102 350.04 Qualifications of commissioners; training and
103 continuing education.—

104 (1) A commissioner may not, at the time of appointment or
105 during his or her term of office:

106 (a) ~~(1)~~ Have any financial interest, other than ownership
107 of shares in a mutual fund, in any business entity which, either
108 directly or indirectly, owns or controls any public utility
109 regulated by the commission, in any public utility regulated by
110 the commission, or in any business entity which, either directly
111 or indirectly, is an affiliate or subsidiary of any public
112 utility regulated by the commission.

113 (b) ~~(2)~~ Be employed by or engaged in any business activity
114 with any business entity which, either directly or indirectly,
115 owns or controls any public utility regulated by the commission,
116 by any public utility regulated by the commission, or by any
117 business entity which, either directly or indirectly, is an
118 affiliate or subsidiary of any public utility regulated by the
119 commission.

120 (2) Each person recommended for appointment to the Public
121 Service Commission by the Public Service Commission Nominating
122 Council must:

123 (a) Have earned at least a baccalaureate degree from an
124 institution of higher learning accredited by a regional or
125 national accrediting body; and

126 (b) Possess a minimum of 10 years of professional
127 experience, or a minimum of 6 years of professional experience

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128 if the person has earned an advanced degree, in one or more of
129 the following:

130 1. Energy or electric industry issues.

131 2. Telecommunications issues.

132 3. Water and sewer industry issues.

133 4. Finance.

134 5. Economics.

135 6. Accounting.

136 7. Engineering.

137 8. Law.

138 (3) Notwithstanding subsection (2), the council may
139 recommend a person for appointment to the commission if it
140 determines that the person has professional experience of a
141 quality and duration substantial enough to prepare the person to
142 perform the duties of a public service commissioner and
143 functionally equivalent to the standards set forth in subsection
144 (2). The nomination of a person under this subsection who would
145 not otherwise qualify for nomination under subsection (2) shall
146 require a two-thirds vote of the council and shall be
147 accompanied by a written justification for the nomination.

148 (4) Before voting on any matter before the commission,
149 each person appointed to the commission after July 1, 2010,
150 shall complete a comprehensive course of study, developed by the
151 commission's executive director and general counsel in
152 coordination with the National Association of Regulatory Utility
153 Commissioners Subcommittee on Education and Research, that
154 addresses the substantive matters within the jurisdiction of the
155 commission, administrative law applicable to commission

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156 proceedings, and standards of conduct applicable to
157 commissioners. Thereafter, each commissioner must annually
158 complete no less than 10 hours of continuing professional
159 education directly related to substantive matters within the
160 jurisdiction of the commission.

161 (5) No less than once every 12 months, each commissioner
162 and commission employee shall receive training, in a form
163 developed by the commission's executive director and general
164 counsel, that addresses the ethical standards of conduct
165 applicable to commissioners and the commission's staff.

166 (6) The chair of the commission shall certify the
167 commission's compliance with these requirements, and each
168 commissioner shall certify his or her individual compliance with
169 the continuing professional education requirements provided in
170 subsection (4). Each certification of compliance shall be
171 provided to the President of the Senate and the Speaker of the
172 House of Representatives.

173 Section 5. Section 350.041, Florida Statutes, is amended
174 to read:

175 350.041 Commissioners; standards of conduct.—

176 (1) STATEMENT OF INTENT.—

177 (a) Professional, impartial, and honorable commissioners
178 are indispensable to the effective performance of the
179 commission's duties. A commissioner shall maintain high
180 standards of conduct and shall personally observe those
181 standards so that the integrity and impartiality of the
182 commission may be preserved. The standards of conduct provided

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183 in this section should be construed and applied to further that
184 objective.

185 (b) In addition to the provisions of part III of chapter
186 112, which are applicable to public service commissioners by
187 virtue of their being public officers and full-time employees of
188 the legislative branch of government, the conduct of public
189 service commissioners shall be governed by the standards of
190 conduct provided in this section. Nothing shall prohibit the
191 standards of conduct from being more restrictive than part III
192 of chapter 112. Further, this section shall not be construed to
193 contravene the restrictions of part III of chapter 112. In the
194 event of a conflict between this section and part III of chapter
195 112, the more restrictive provision shall apply.

196 (2) STANDARDS OF CONDUCT.—

197 (a) A commissioner may not accept anything from any
198 business entity which, either directly or indirectly, owns or
199 controls any public utility regulated by the commission, from
200 any public utility regulated by the commission, or from any
201 business entity which, either directly or indirectly, is an
202 affiliate or subsidiary of any public utility regulated by the
203 commission. A commissioner may attend conferences and associated
204 meals and events that are generally available to all conference
205 participants without payment of any fees in addition to the
206 conference fee. Additionally, while attending a conference, a
207 commissioner may attend meetings, meals, or events that are not
208 sponsored, in whole or in part, by any representative of any
209 public utility regulated by the commission and that are limited
210 to commissioners only, committee members, or speakers if the

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211 commissioner is a member of a committee of the association of
212 regulatory agencies that organized the conference or is a
213 speaker at the conference. It is not a violation of this
214 paragraph for a commissioner to attend a conference for which
215 conference participants who are employed by a utility regulated
216 by the commission have paid a higher conference registration fee
217 than the commissioner, or to attend a meal or event that is
218 generally available to all conference participants without
219 payment of any fees in addition to the conference fee and that
220 is sponsored, in whole or in part, by a utility regulated by the
221 commission. If, during the course of an investigation by the
222 Commission on Ethics into an alleged violation of this
223 paragraph, allegations are made as to the identity of the person
224 giving or providing the prohibited gift, that person must be
225 given notice and an opportunity to participate in the
226 investigation and relevant proceedings to present a defense. If
227 the Commission on Ethics determines that the person gave or
228 provided a prohibited gift, the person may not appear before the
229 commission or otherwise represent anyone before the commission
230 for a period of 2 years.

231 (b) A commissioner may not accept any form of employment
232 with or engage in any business activity with any business entity
233 which, either directly or indirectly, owns or controls any
234 public utility regulated by the commission, any public utility
235 regulated by the commission, or any business entity which,
236 either directly or indirectly, is an affiliate or subsidiary of
237 any public utility regulated by the commission.

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238 (c) A commissioner may not have any financial interest,
239 other than shares in a mutual fund, in any public utility
240 regulated by the commission, in any business entity which,
241 either directly or indirectly, owns or controls any public
242 utility regulated by the commission, or in any business entity
243 which, either directly or indirectly, is an affiliate or
244 subsidiary of any public utility regulated by the commission. If
245 a commissioner acquires any financial interest prohibited by
246 this section during his or her term of office as a result of
247 events or actions beyond the commissioner's control, he or she
248 shall immediately sell such financial interest or place such
249 financial interest in a blind trust at a financial institution.
250 A commissioner may not attempt to influence, or exercise any
251 control over, decisions regarding the blind trust.

252 (d) A commissioner may not accept anything from a party in
253 a proceeding currently pending before the commission. If, during
254 the course of an investigation by the Commission on Ethics into
255 an alleged violation of this paragraph, allegations are made as
256 to the identity of the person giving or providing the prohibited
257 gift, that person must be given notice and an opportunity to
258 participate in the investigation and relevant proceedings to
259 present a defense. If the Commission on Ethics determines that
260 the person gave or provided a prohibited gift, the person may
261 not appear before the commission or otherwise represent anyone
262 before the commission for a period of 2 years.

263 (e) A commissioner may not serve as the representative of
264 any political party or on any executive committee or other
265 governing body of a political party; serve as an executive

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266 officer or employee of any political party, committee,
267 organization, or association; receive remuneration for
268 activities on behalf of any candidate for public office; engage
269 on behalf of any candidate for public office in the solicitation
270 of votes or other activities on behalf of such candidacy; or
271 become a candidate for election to any public office without
272 first resigning from office.

273 (f) A commissioner, during his or her term of office, may
274 not make any public comment regarding the merits of any
275 proceeding under ss. 120.569 and 120.57 currently pending before
276 the commission.

277 (g) A commissioner may not conduct himself or herself in
278 an unprofessional manner at any time during the performance of
279 his or her official duties.

280 (h) The chair shall require order and decorum in
281 proceedings before the commission. In the absence of the chair,
282 the commissioner presiding over a commission proceeding shall
283 require order and decorum in the proceeding.

284 (i) A commissioner shall be patient, dignified, and
285 courteous to litigants, other commissioners, witnesses, lawyers,
286 commission staff, and others with whom the commissioner deals in
287 an official capacity.

288 (j) A commissioner shall perform his or her official
289 duties without bias or prejudice. A commissioner may not, in the
290 performance of his or her official duties, by words or conduct
291 manifest bias or prejudice.

292 (k) A commissioner may not, with respect to parties or
293 classes of parties, cases, controversies, or issues likely to

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294 come before the commission, make pledges, promises, or
295 commitments that are inconsistent with the impartial performance
296 of the commissioner's official duties.

297 (l) A commissioner may not be swayed by partisan
298 interests, public clamor, or fear of criticism.

299 (m) ~~(h)~~ A commissioner must avoid impropriety in all of his
300 or her activities and must act at all times in a manner that
301 promotes public confidence in the integrity and impartiality of
302 the commission.

303 (n) ~~(i)~~ A commissioner may not directly or indirectly,
304 through staff or other means, solicit anything of value from any
305 public utility regulated by the commission, or from any business
306 entity that, whether directly or indirectly, is an affiliate or
307 subsidiary of any public utility regulated by the commission, or
308 from any party appearing in a proceeding considered by the
309 commission in the last 2 years.

310 (3) INVESTIGATIONS; REPORTS; ADVISORY OPINIONS.-

311 (a) The Commission on Ethics shall accept and investigate
312 any alleged violations of this section pursuant to the
313 procedures contained in ss. 112.322-112.3241.

314 (b) The Commission on Ethics shall provide the Governor
315 and the Florida Public Service Commission Nominating Council
316 with a report of its findings and recommendations with respect
317 to alleged violations by a public service commissioner. The
318 Governor is authorized to enforce these ~~the~~ findings and
319 recommendations ~~of the Commission on Ethics,~~ pursuant to part
320 III of chapter 112.

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321 (c) A public service commissioner, a commission employee,
322 or a member of the Florida Public Service Commission Nominating
323 Council may request an advisory opinion from the Commission on
324 Ethics, pursuant to s. 112.322(3)(a), regarding the standards of
325 conduct or prohibitions set forth in this section and ss.
326 350.031, 350.04, and 350.042.

327 Section 6. Section 350.042, Florida Statutes, is amended
328 to read:

329 350.042 Ex parte communications.-

330 (1) Each A commissioner and member of a commissioner's
331 direct staff shall ~~should~~ accord to every person who is a party
332 to or is registered with the commission as an interested person
333 in a proposed agency action proceeding, or who is a party to a
334 proceeding under s. 120.565, s. 120.569, or s. 120.57 ~~legally~~
335 ~~interested in a proceeding,~~ or the person's lawyer, full right
336 to be heard according to law, and, except as authorized by law,
337 shall not ~~neither~~ initiate, solicit, or ~~nor~~ consider ex parte
338 communications concerning a pending proposed agency action ~~the~~
339 ~~merits, threat, or offer of reward in any proceeding~~ or a
340 proceeding under s. 120.565, s. 120.569, or s. 120.57 ~~other than~~
341 ~~a proceeding under s. 120.54 or s. 120.565, workshops, or~~
342 ~~internal affairs meetings.~~ No individual shall discuss ex parte
343 with a commissioner or a member of a commissioner's direct staff
344 the merits of any issue that he or she reasonably foresees ~~knows~~
345 will be filed with the commission ~~within 90 days.~~ ~~The provisions~~
346 ~~of this subsection shall not apply to commission staff.~~

347 (a) As used in this section, the term "ex parte
348 communication" means any communication that:

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349 1. If it is a written or printed communication or a
350 communication in electronic form, is not served on all parties
351 to a proceeding; or

352 2. If it is an oral communication, is made without
353 adequate notice to the parties and without an opportunity for
354 the parties to be present and heard.

355 (b) Where circumstances require, ex parte communications
356 concerning scheduling, administrative purposes, or emergencies
357 that do not deal with substantive matters or issues on the
358 merits are authorized, if:

359 1. The commissioner or member of a commissioner's direct
360 staff reasonably believes that no party will gain a procedural
361 or tactical advantage as a result of the ex parte communication;
362 and

363 2. The commissioner or member of a commissioner's direct
364 staff makes provision promptly to notify all parties of the
365 substance of the ex parte communication and, where possible,
366 allows an opportunity to respond.

367 (2) The provisions of this section shall not prohibit an
368 individual residential ratepayer from communicating with a
369 commissioner or member of a commissioner's direct staff,
370 provided that the ratepayer is representing only himself or
371 herself, without compensation.

372 (3) This section shall not apply to oral communications or
373 discussions in scheduled and noticed open public meetings of
374 educational programs or of a conference or other meeting of an
375 association of regulatory agencies.

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376 (4) If a commissioner or member of a commissioner's direct
377 staff knowingly receives an ex parte communication prohibited by
378 this section ~~relative to a proceeding other than as set forth in~~
379 ~~subsection (1)~~, to which he or she is assigned, he or she must
380 place on the record of the proceeding copies of all written
381 communications received, all written responses to the
382 communications, and a memorandum stating the substance of all
383 oral communications received and all oral responses made, and
384 shall give written notice to all parties to the communication
385 that such matters have been placed on the record. Any party to
386 the proceeding who desires to respond to the ~~an ex parte~~
387 communication may do so. The response must be received by the
388 commission within 10 days after receiving notice that the ~~ex~~
389 ~~parte~~ communication has been placed on the record. The
390 commissioner may, if he or she deems it necessary to eliminate
391 the effect of an ex parte communication received by him or her,
392 withdraw from the proceeding, in which case the chair shall
393 substitute another commissioner for the proceeding.

394 (5) Any individual who makes an ex parte communication
395 prohibited by this section shall submit to the commission a
396 written statement describing the nature of such communication,
397 to include the name of the person making the communication, the
398 name of each ~~the~~ commissioner or direct staff member of a
399 commissioner ~~commissioners~~ receiving the communication, copies
400 of all written communications made, all written responses to
401 such communications, and a memorandum stating the substance of
402 all oral communications received and all oral responses made.

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403 The commission shall place on the record of a proceeding all
404 such communications.

405 (6) Any commissioner or member of a commissioner's direct
406 staff who knowingly fails to place on the record any ex parte
407 communication prohibited by this section ~~such communications~~, in
408 violation of this ~~the~~ section, within 15 days after ~~of~~ the date
409 of the ~~such~~ communication is subject to removal or dismissal and
410 may be assessed a civil penalty not to exceed \$5,000. Any
411 individual who knowingly fails to comply with subsection (5) may
412 be assessed a civil penalty not to exceed \$5,000.

413 (7) (a) It is ~~shall be~~ the duty of the Commission on Ethics
414 to receive and investigate sworn complaints of violations of
415 this section pursuant to the procedures contained in ss.
416 112.322-112.3241.

417 (b) If the Commission on Ethics finds that there has been
418 a violation of this section by a public service commissioner or
419 member of a commissioner's direct staff, it shall provide the
420 Governor and the Florida Public Service Commission Nominating
421 Council with a report of its findings and recommendations. The
422 Governor is authorized to enforce the findings and
423 recommendations of the Commission on Ethics, pursuant to part
424 III of chapter 112.

425 (c) If a commissioner, a member of a commissioner's direct
426 staff, or other individual fails or refuses to pay the
427 Commission on Ethics any civil penalties assessed pursuant to
428 ~~the provisions of~~ this section, the Commission on Ethics may
429 bring an action in any circuit court to enforce the ~~such~~
430 penalty.

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431 (d) If, during the course of an investigation by the
432 Commission on Ethics into an alleged violation of this section,
433 allegations are made as to the identity of the person who
434 participated in the ex parte communication, that person must be
435 given notice and an opportunity to participate in the
436 investigation and relevant proceedings to present a defense. If
437 the Commission on Ethics determines that the person participated
438 in the ex parte communication, the person may not appear before
439 the commission or otherwise represent anyone before the
440 commission for a period of 2 years.

441 Section 7. Subsections (1), (2), and (3) of section
442 350.06, Florida Statutes, are amended to read:

443 350.06 Place of meeting; expenditures; employment of
444 personnel; records availability and fees.—

445 (1) The offices of the commission ~~said commissioners~~ shall
446 be in the vicinity of Tallahassee, but the commissioners may
447 hold sessions anywhere in the state at their discretion.

448 (2) All sums of money authorized to be paid on account of
449 the commission ~~said commissioners~~ shall be paid out of the State
450 Treasury only on the order of the Chief Financial Officer.

451 (3) (a) The commission shall ~~commissioners may~~ employ an
452 executive director, a general counsel, and an inspector general
453 ~~clerical, technical, and professional personnel reasonably~~
454 ~~necessary for the performance of their duties and may also~~
455 ~~employ one or more persons capable of stenographic court~~
456 ~~reporting, to be known as the official reporters of the~~
457 ~~commission.~~ Selection of the executive director shall be subject
458 to confirmation by the Senate. Until such time as the Senate

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459 confirms the selection of the executive director, the individual
460 selected shall perform the functions of the position. If the
461 Senate refuses to confirm or fails to consider the selection
462 during its next regular session, the commission shall, within 30
463 days, select another individual for Senate confirmation. This
464 process shall continue until the Senate has confirmed a
465 selection. In case of a vacancy in the position of executive
466 director, the commission shall select a new executive director
467 in the same manner as the original selection.

468 (b) Each commissioner may employ a chief advisor and an
469 executive assistant to serve as the direct staff of the
470 commissioner.

471 (c) Notwithstanding any other provision of law, the
472 executive director shall employ clerical, technical, and
473 professional personnel reasonably necessary to assist the
474 commission in the performance of its duties, and may employ one
475 or more persons capable of stenographic court reporting, to be
476 known as the official reporters of the commission. The executive
477 director shall have sole authority with respect to employment,
478 compensation, supervision, and direction of agency personnel
479 other than those personnel employed by the commission and
480 individual commissioners under paragraphs (a) and (b).

481 (d) The general counsel shall, in consultation with the
482 executive director, employ attorneys, paralegals, legal
483 secretaries, and other personnel reasonably necessary to assist
484 the commission in the performance of its duties.

485 Section 8. Section 350.122, Florida Statutes, is created
486 to read:

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487 350.122 Testimony; public disclosure of affiliation.—

488 (1) Each person offering testimony at a meeting, workshop,
489 hearing, or other scheduled event of the commission shall
490 disclose any financial or fiduciary relationship with any party
491 to the proceedings at the time the testimony is provided to the
492 commission.

493 (2) The determination by the commission that a person has
494 knowingly violated this section constitutes agency action for
495 which a hearing may be sought under chapter 120.

496 Section 9. Prior to the 2011 Regular Session, the
497 Legislature intends to study and evaluate the structure and
498 processes of the Public Service Commission and any related
499 matters to determine whether the commission should be
500 restructured in a manner that establishes the commission's
501 primary role as an independent and impartial decisionmaking
502 body, enhances due process for all persons involved in
503 commission proceedings, ensures that a public interest position
504 will be presented in commission proceedings, and allows
505 commission staff to freely gather information necessary to
506 advise the commission and advocate for the public interest,
507 while ensuring that the staff is not used as a conduit for
508 prohibited ex parte communications. In cooperation with the
509 Legislature, the commission's staff shall, as requested, provide
510 assistance and information relevant to this study.

511 Section 10. This act shall take effect July 1, 2010.
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T I T L E A M E N D M E N T

Remove the entire title and insert:

A bill to be entitled

An act relating to reorganization of the Public Service Commission; amending s. 350.001, F.S.; revising legislative intent; amending s. 350.031, F.S.; revising requirements for nomination by the Public Service Commission Nominating Council for appointment to the commission; creating s. 350.035, F.S.; prohibiting attempts by certain persons to sway the judgment of commissioners; providing for the Commission on Ethics to receive and investigate complaints of violations pursuant to specified procedures; prohibiting commissioners from requiring or demanding that certain commission staff pursue particular positions or courses of action; requiring the inspector general of the commission to investigate complaints of violations; amending s. 350.04, F.S.; providing requirements for nomination by the Public Service Commission Nominating Council for appointment to the commission; requiring commissioners to complete a course of study developed by the executive director and general counsel; requiring commissioners to complete continuing education; providing training requirements for commissioners and commission employees; requiring certifications of compliance to be provided to the Legislature; amending s. 350.041, F.S.; revising legislative intent; revising standards of conduct for commissioners; revising provisions for investigation and reports by the Commission on Ethics of alleged violations; authorizing commission employees to request opinions from the Commission on Ethics; amending s. 350.042, F.S.;

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543 revising provisions for communications concerning agency action
544 proceedings and proceedings under specified provisions;
545 providing for application of such provisions to members of a
546 commissioner's direct staff; revising restrictions on such
547 communications by commissioners and their direct staff; defining
548 the term "ex parte communication"; providing a civil penalty;
549 amending s. 350.06, F.S.; revising provisions for the offices of
550 the commission, payment of moneys, and employment of personnel;
551 creating s. 350.122, F.S.; requiring persons testifying before
552 the Public Service Commission to disclose certain financial and
553 fiduciary relationships; providing that a determination by the
554 commission that a violation occurred constitutes agency action
555 for which a hearing may be sought; providing legislative intent
556 to evaluate and study the structure and processes of the Public
557 Service Commission; providing an effective date.