

1 A bill to be entitled
2 An act relating to reorganization of the Public Service
3 Commission; amending s. 350.001, F.S.; revising
4 legislative intent; amending s. 350.031, F.S.; revising
5 requirements for nomination by the Public Service
6 Commission Nominating Council for appointment to the
7 commission; requiring at least one commissioner to be a
8 certified accountant practicing in the state; creating s.
9 350.035, F.S.; prohibiting attempts by certain persons to
10 sway the judgment of commissioners; providing for the
11 Commission on Ethics to receive and investigate complaints
12 of violations pursuant to specified procedures;
13 prohibiting commissioners from requiring or demanding that
14 certain commission staff pursue particular positions or
15 courses of action; requiring the inspector general of the
16 commission to investigate complaints of violations;
17 amending s. 350.04, F.S.; providing requirements for
18 nomination by the Public Service Commission Nominating
19 Council for appointment to the commission; requiring
20 commissioners to complete a course of study developed by
21 the executive director and general counsel; requiring
22 commissioners to complete continuing education; providing
23 training requirements for commissioners and commission
24 employees; requiring certifications of compliance to be
25 provided to the Legislature; amending s. 350.041, F.S.;
26 revising legislative intent; revising standards of conduct
27 for commissioners; revising provisions for investigation
28 and reports by the Commission on Ethics of alleged

29 | violations; authorizing commission employees to request
 30 | opinions from the Commission on Ethics; amending s.
 31 | 350.042, F.S.; revising provisions for communications
 32 | concerning agency action proceedings and proceedings under
 33 | specified provisions; providing for application of such
 34 | provisions to members of a commissioner's direct staff;
 35 | revising restrictions on such communications by
 36 | commissioners and their direct staff; defining the term
 37 | "ex parte communication"; providing a civil penalty;
 38 | amending s. 350.06, F.S.; revising provisions for the
 39 | offices of the commission, payment of moneys, and
 40 | employment of personnel; creating s. 350.122, F.S.;
 41 | requiring persons testifying before the Public Service
 42 | Commission to disclose certain financial and fiduciary
 43 | relationships; providing that a determination by the
 44 | commission that a violation occurred constitutes agency
 45 | action for which a hearing may be sought; providing
 46 | legislative intent to evaluate and study the structure and
 47 | processes of the Public Service Commission; providing an
 48 | effective date.

49 |
 50 | Be It Enacted by the Legislature of the State of Florida:

51 |
 52 | Section 1. Section 350.001, Florida Statutes, is amended
 53 | to read:

54 | 350.001 Legislative intent.—

55 | (1) The Florida Public Service Commission has been and
 56 | shall continue to be an arm of the legislative branch of

57 | government. In the exercise of its jurisdiction, the commission
58 | shall neither establish nor implement any regulatory policy that
59 | is contrary to, or is an expansion of, the authority granted to
60 | it by the Legislature.

61 | (2) The Public Service Commission shall perform its duties
62 | independently, impartially, professionally, honorably, and
63 | without undue influence from any person.

64 | (3) It is the desire of the Legislature that the Governor
65 | participate in the appointment process of commissioners to the
66 | Public Service Commission. The Legislature accordingly delegates
67 | to the Governor a limited authority with respect to the Public
68 | Service Commission by authorizing him or her to participate in
69 | the selection of members only in the manner prescribed by s.
70 | 350.031.

71 | Section 2. Paragraphs (b) and (d) of subsection (1) and
72 | subsection (5) of section 350.031, Florida Statutes, are amended
73 | to read:

74 | 350.031 Florida Public Service Commission Nominating
75 | Council.—

76 | (1)

77 | (b) All terms shall be for 4 years except those members of
78 | the House and Senate, who shall serve 2-year terms concurrent
79 | with the 2-year elected terms of House members. ~~All terms of the~~
80 | ~~members of the Public Service Commission Nominating Council~~
81 | ~~existing on June 30, 2008, shall terminate upon the effective~~
82 | ~~date of this act; however, such members may serve an additional~~
83 | ~~term if reappointed by the Speaker of the House of~~
84 | ~~Representatives or the President of the Senate. To establish~~

85 staggered terms, appointments of members shall be made for
86 initial terms to begin on July 1, 2008, with each appointing
87 officer to appoint three legislator members, one of whom shall
88 be a member of the minority party, to terms through the
89 remainder of the 2-year elected terms of House members; one
90 nonlegislator member to a 6-month term; one nonlegislator member
91 to an 18-month term; and one nonlegislator member to a 42-month
92 term. Thereafter, the terms of the nonlegislator members of the
93 Public Service Commission Nominating Council shall begin on
94 January 2 of the year the term commences and end 4 years later
95 on January 1.

96 (d) Vacancies on the council shall be filled for the
97 unexpired portion of the term in the same manner as original
98 appointments to the council. A member may not be reappointed to
99 the council, except for a member of the House of Representatives
100 or the Senate who may be appointed to two 2-year terms, ~~members~~
101 ~~who are reappointed pursuant to paragraph (b)~~, or a person who
102 is appointed to fill the remaining portion of an unexpired term.

103 (5) A person may not be nominated to the Governor for
104 appointment to the Public Service Commission until the council
105 has determined that the person satisfies the qualifications set
106 forth in s. 350.04 ~~is competent and knowledgeable in one or more~~
107 ~~fields, which shall include, but not be limited to: public~~
108 ~~affairs, law, economics, accounting, engineering, finance,~~
109 ~~natural resource conservation, energy, or another field~~
110 ~~substantially related to the duties and functions of the~~
111 ~~commission.~~ The commission shall fairly represent the ~~above-~~
112 ~~stated~~ fields identified in s. 350.04(2); however, at least one

113 commissioner shall be an accountant certified under the Public
114 Accountancy Law in this state and practicing in this state.
115 Recommendations of the council shall be nonpartisan.

116 Section 3. Section 350.035, Florida Statutes, is created
117 to read:

118 350.035 Prohibited influence on commissioners and
119 commission staff.—

120 (1) (a) Neither the Governor, the President of the Senate,
121 the Speaker of the House of Representatives, nor a member of the
122 Public Service Commission Nominating Council shall attempt to
123 sway the independent judgment of the commission by bringing
124 pressure to bear upon a commissioner or commission employee
125 through that person's role in the nomination, appointment, or
126 confirmation of commissioners.

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

130 (2) (a) To ensure that each commissioner, as a member of a
131 collegial body, is afforded the benefit of unbiased and
132 independent analysis and advice from its professional and
133 technical staff, an individual commissioner may not demand or
134 require any member of the commission staff, other than the
135 commissioner's direct staff, to develop, present, or pursue a
136 particular opinion, position, or course of action in relation to
137 any substantive matter pending before the commission or a panel
138 of commissioners. This paragraph does not prohibit the
139 commission, as a collegial body, from directing its staff to
140 pursue a course of action consistent with direction provided by

141 the collegial body. Further, this paragraph is not intended to
 142 prohibit an individual commissioner from any otherwise lawful
 143 communication with commission staff, including any expression of
 144 opinion, position, or concern regarding a matter within the
 145 jurisdiction of the commission. A violation of this subsection
 146 is an act of malfeasance for purposes of ss. 112.3187-112.31895.

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

149 Section 4. Section 350.04, Florida Statutes, is amended to
 150 read:

151 350.04 Qualifications of commissioners; training and
 152 continuing education.-

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

155 (a)~~(1)~~ Have any financial interest, other than ownership
 156 of shares in a mutual fund, in any business entity which, either
 157 directly or indirectly, owns or controls any public utility
 158 regulated by the commission, in any public utility regulated by
 159 the commission, or in any business entity which, either directly
 160 or indirectly, is an affiliate or subsidiary of any public
 161 utility regulated by the commission.

162 (b)~~(2)~~ Be employed by or engaged in any business activity
 163 with any business entity which, either directly or indirectly,
 164 owns or controls any public utility regulated by the commission,
 165 by any public utility regulated by the commission, or by any
 166 business entity which, either directly or indirectly, is an
 167 affiliate or subsidiary of any public utility regulated by the
 168 commission.

169 (2) Each person recommended for appointment to the Public
170 Service Commission by the Public Service Commission Nominating
171 Council must:

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

175 (b) Possess a minimum of 10 years of professional
176 experience, or a minimum of 6 years of professional experience
177 if the person has earned an advanced degree, in one or more of
178 the following:

179 1. Energy or electric industry issues.

180 2. Telecommunications issues.

181 3. Water and sewer industry issues.

182 4. Finance.

183 5. Economics.

184 6. Accounting.

185 7. Engineering.

186 8. Law.

187 (3) Notwithstanding subsection (2), the council may
188 recommend a person for appointment to the commission if it
189 determines that the person has professional experience of a
190 quality and duration substantial enough to prepare the person to
191 perform the duties of a public service commissioner and
192 functionally equivalent to the standards set forth in subsection
193 (2). The nomination of a person under this subsection who would
194 not otherwise qualify for nomination under subsection (2) shall
195 require a two-thirds vote of the council and shall be
196 accompanied by a written justification for the nomination.

197 (4) Before voting on any matter before the commission,
198 each person appointed to the commission after July 1, 2010,
199 shall complete a comprehensive course of study, developed by the
200 commission's executive director and general counsel in
201 coordination with the National Association of Regulatory Utility
202 Commissioners Subcommittee on Education and Research, that
203 addresses the substantive matters within the jurisdiction of the
204 commission, administrative law applicable to commission
205 proceedings, and standards of conduct applicable to
206 commissioners. Thereafter, each commissioner must annually
207 complete no less than 10 hours of continuing professional
208 education directly related to substantive matters within the
209 jurisdiction of the commission.

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

215 (6) The chair of the commission shall certify the
216 commission's compliance with these requirements, and each
217 commissioner shall certify his or her individual compliance with
218 the continuing professional education requirements provided in
219 subsection (4). Each certification of compliance shall be
220 provided to the President of the Senate and the Speaker of the
221 House of Representatives.

222 Section 5. Section 350.041, Florida Statutes, is amended
223 to read:

224 350.041 Commissioners; standards of conduct.—

225 (1) STATEMENT OF INTENT.—

226 (a) Professional, impartial, and honorable commissioners
 227 are indispensable to the effective performance of the
 228 commission's duties. A commissioner shall maintain high
 229 standards of conduct and shall personally observe those
 230 standards so that the integrity and impartiality of the
 231 commission may be preserved. The standards of conduct provided
 232 in this section should be construed and applied to further that
 233 objective.

234 (b) In addition to the provisions of part III of chapter
 235 112, which are applicable to public service commissioners by
 236 virtue of their being public officers and full-time employees of
 237 the legislative branch of government, the conduct of public
 238 service commissioners shall be governed by the standards of
 239 conduct provided in this section. Nothing shall prohibit the
 240 standards of conduct from being more restrictive than part III
 241 of chapter 112. Further, this section shall not be construed to
 242 contravene the restrictions of part III of chapter 112. In the
 243 event of a conflict between this section and part III of chapter
 244 112, the more restrictive provision shall apply.

245 (2) STANDARDS OF CONDUCT.—

246 (a) A commissioner may not accept anything from any
 247 business entity which, either directly or indirectly, owns or
 248 controls any public utility regulated by the commission, from
 249 any public utility regulated by the commission, or from any
 250 business entity which, either directly or indirectly, is an
 251 affiliate or subsidiary of any public utility regulated by the
 252 commission. A commissioner may attend conferences and associated

253 meals and events that are generally available to all conference
254 participants without payment of any fees in addition to the
255 conference fee. Additionally, while attending a conference, a
256 commissioner may attend meetings, meals, or events that are not
257 sponsored, in whole or in part, by any representative of any
258 public utility regulated by the commission and that are limited
259 to commissioners only, committee members, or speakers if the
260 commissioner is a member of a committee of the association of
261 regulatory agencies that organized the conference or is a
262 speaker at the conference. It is not a violation of this
263 paragraph for a commissioner to attend a conference for which
264 conference participants who are employed by a utility regulated
265 by the commission have paid a higher conference registration fee
266 than the commissioner, or to attend a meal or event that is
267 generally available to all conference participants without
268 payment of any fees in addition to the conference fee and that
269 is sponsored, in whole or in part, by a utility regulated by the
270 commission. If, during the course of an investigation by the
271 Commission on Ethics into an alleged violation of this
272 paragraph, allegations are made as to the identity of the person
273 giving or providing the prohibited gift, that person must be
274 given notice and an opportunity to participate in the
275 investigation and relevant proceedings to present a defense. If
276 the Commission on Ethics determines that the person gave or
277 provided a prohibited gift, the person may not appear before the
278 commission or otherwise represent anyone before the commission
279 for a period of 2 years.

280 (b) A commissioner may not accept any form of employment

281 with or engage in any business activity with any business entity
282 which, either directly or indirectly, owns or controls any
283 public utility regulated by the commission, any public utility
284 regulated by the commission, or any business entity which,
285 either directly or indirectly, is an affiliate or subsidiary of
286 any public utility regulated by the commission.

287 (c) A commissioner may not have any financial interest,
288 other than shares in a mutual fund, in any public utility
289 regulated by the commission, in any business entity which,
290 either directly or indirectly, owns or controls any public
291 utility regulated by the commission, or in any business entity
292 which, either directly or indirectly, is an affiliate or
293 subsidiary of any public utility regulated by the commission. If
294 a commissioner acquires any financial interest prohibited by
295 this section during his or her term of office as a result of
296 events or actions beyond the commissioner's control, he or she
297 shall immediately sell such financial interest or place such
298 financial interest in a blind trust at a financial institution.
299 A commissioner may not attempt to influence, or exercise any
300 control over, decisions regarding the blind trust.

301 (d) A commissioner may not accept anything from a party in
302 a proceeding currently pending before the commission. If, during
303 the course of an investigation by the Commission on Ethics into
304 an alleged violation of this paragraph, allegations are made as
305 to the identity of the person giving or providing the prohibited
306 gift, that person must be given notice and an opportunity to
307 participate in the investigation and relevant proceedings to
308 present a defense. If the Commission on Ethics determines that

309 | the person gave or provided a prohibited gift, the person may
 310 | not appear before the commission or otherwise represent anyone
 311 | before the commission for a period of 2 years.

312 | (e) A commissioner may not serve as the representative of
 313 | any political party or on any executive committee or other
 314 | governing body of a political party; serve as an executive
 315 | officer or employee of any political party, committee,
 316 | organization, or association; receive remuneration for
 317 | activities on behalf of any candidate for public office; engage
 318 | on behalf of any candidate for public office in the solicitation
 319 | of votes or other activities on behalf of such candidacy; or
 320 | become a candidate for election to any public office without
 321 | first resigning from office.

322 | (f) A commissioner, during his or her term of office, may
 323 | not make any public comment regarding the merits of any
 324 | proceeding under ss. 120.569 and 120.57 currently pending before
 325 | the commission.

326 | (g) A commissioner may not conduct himself or herself in
 327 | an unprofessional manner at any time during the performance of
 328 | his or her official duties.

329 | (h) The chair shall require order and decorum in
 330 | proceedings before the commission. In the absence of the chair,
 331 | the commissioner presiding over a commission proceeding shall
 332 | require order and decorum in the proceeding.

333 | (i) A commissioner shall be patient, dignified, and
 334 | courteous to litigants, other commissioners, witnesses, lawyers,
 335 | commission staff, and others with whom the commissioner deals in
 336 | an official capacity.

337 (j) A commissioner shall perform his or her official
338 duties without bias or prejudice. A commissioner may not, in the
339 performance of his or her official duties, by words or conduct
340 manifest bias or prejudice.

341 (k) A commissioner may not, with respect to parties or
342 classes of parties, cases, controversies, or issues likely to
343 come before the commission, make pledges, promises, or
344 commitments that are inconsistent with the impartial performance
345 of the commissioner's official duties.

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

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

352 (n)~~(i)~~ A commissioner may not directly or indirectly,
353 through staff or other means, solicit anything of value from any
354 public utility regulated by the commission, or from any business
355 entity that, whether directly or indirectly, is an affiliate or
356 subsidiary of any public utility regulated by the commission, or
357 from any party appearing in a proceeding considered by the
358 commission in the last 2 years.

359 (3) INVESTIGATIONS; REPORTS; ADVISORY OPINIONS.—

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

363 (b) The Commission on Ethics shall provide the Governor
364 and the Florida Public Service Commission Nominating Council

365 with a report of its findings and recommendations with respect
 366 to alleged violations by a public service commissioner. The
 367 Governor is authorized to enforce these ~~the~~ findings and
 368 recommendations ~~of the Commission on Ethics~~, pursuant to part
 369 III of chapter 112.

370 (c) A public service commissioner, a commission employee,
 371 or a member of the Florida Public Service Commission Nominating
 372 Council may request an advisory opinion from the Commission on
 373 Ethics, pursuant to s. 112.322(3)(a), regarding the standards of
 374 conduct or prohibitions set forth in this section and ss.
 375 350.031, 350.04, and 350.042.

376 Section 6. Section 350.042, Florida Statutes, is amended
 377 to read:

378 350.042 Ex parte communications.—

379 (1) Each ~~A~~ commissioner and member of a commissioner's
 380 direct staff shall ~~should~~ accord to every person who is a party
 381 to or is registered with the commission as an interested person
 382 in a proposed agency action proceeding, or who is a party to a
 383 proceeding under s. 120.565, s. 120.569, or s. 120.57 ~~legally~~
 384 ~~interested in a proceeding~~, or the person's lawyer, full right
 385 to be heard according to law, and, except as authorized by law,
 386 shall not ~~neither~~ initiate, solicit, or ~~nor~~ consider ex parte
 387 communications concerning a pending proposed agency action ~~the~~
 388 ~~merits, threat, or offer of reward in any proceeding or a~~
 389 proceeding under s. 120.565, s. 120.569, or s. 120.57 ~~other than~~
 390 ~~a proceeding under s. 120.54 or s. 120.565, workshops, or~~
 391 ~~internal affairs meetings~~. No individual shall discuss ex parte
 392 with a commissioner or a member of a commissioner's direct staff

393 the merits of any issue that he or she reasonably foresees ~~knows~~
394 will be filed with the commission ~~within 90 days~~. ~~The provisions~~
395 ~~of this subsection shall not apply to commission staff.~~

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

398 1. If it is a written or printed communication or a
399 communication in electronic form, is not served on all parties
400 to a proceeding; or

401 2. If it is an oral communication, is made without
402 adequate notice to the parties and without an opportunity for
403 the parties to be present and heard.

404 (b) Where circumstances require, ex parte communications
405 concerning scheduling, administrative purposes, or emergencies
406 that do not deal with substantive matters or issues on the
407 merits are authorized, if:

408 1. The commissioner or member of a commissioner's direct
409 staff reasonably believes that no party will gain a procedural
410 or tactical advantage as a result of the ex parte communication;
411 and

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

416 (2) The provisions of this section shall not prohibit an
417 individual residential ratepayer from communicating with a
418 commissioner or member of a commissioner's direct staff,
419 provided that the ratepayer is representing only himself or
420 herself, without compensation.

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

425 (4) If a commissioner or member of a commissioner's direct
 426 staff knowingly receives an ex parte communication prohibited by
 427 this section relative to a proceeding other than as set forth in
 428 ~~subsection (1)~~, to which he or she is assigned, he or she must
 429 place on the record of the proceeding copies of all written
 430 communications received, all written responses to the
 431 communications, and a memorandum stating the substance of all
 432 oral communications received and all oral responses made, and
 433 shall give written notice to all parties to the communication
 434 that such matters have been placed on the record. Any party to
 435 the proceeding who desires to respond to the an-ex parte
 436 communication may do so. The response must be received by the
 437 commission within 10 days after receiving notice that the ~~ex~~
 438 ~~parte~~ communication has been placed on the record. The
 439 commissioner may, if he or she deems it necessary to eliminate
 440 the effect of an ex parte communication received by him or her,
 441 withdraw from the proceeding, in which case the chair shall
 442 substitute another commissioner for the proceeding.

443 (5) Any individual who makes an ex parte communication
 444 prohibited by this section shall submit to the commission a
 445 written statement describing the nature of such communication,
 446 to include the name of the person making the communication, the
 447 name of each ~~the~~ commissioner or direct staff member of a
 448 commissioner ~~commissioners~~ receiving the communication, copies

449 of all written communications made, all written responses to
450 such communications, and a memorandum stating the substance of
451 all oral communications received and all oral responses made.
452 The commission shall place on the record of a proceeding all
453 such communications.

454 (6) Any commissioner or member of a commissioner's direct
455 staff who knowingly fails to place on the record any ex parte
456 communication prohibited by this section ~~such communications~~, in
457 violation of this ~~the~~ section, within 15 days after ~~of~~ the date
458 of the ~~such~~ communication is subject to removal or dismissal and
459 may be assessed a civil penalty not to exceed \$5,000. Any
460 individual who knowingly fails to comply with subsection (5) may
461 be assessed a civil penalty not to exceed \$5,000.

462 (7) (a) It is ~~shall be~~ the duty of the Commission on Ethics
463 to receive and investigate sworn complaints of violations of
464 this section pursuant to the procedures contained in ss.
465 112.322-112.3241.

466 (b) If the Commission on Ethics finds that there has been
467 a violation of this section by a public service commissioner or
468 member of a commissioner's direct staff, it shall provide the
469 Governor and the Florida Public Service Commission Nominating
470 Council with a report of its findings and recommendations. The
471 Governor is authorized to enforce the findings and
472 recommendations of the Commission on Ethics, pursuant to part
473 III of chapter 112.

474 (c) If a commissioner, a member of a commissioner's direct
475 staff, or other individual fails or refuses to pay the
476 Commission on Ethics any civil penalties assessed pursuant to

477 ~~the provisions of~~ this section, the Commission on Ethics may
 478 bring an action in any circuit court to enforce the ~~such~~
 479 penalty.

480 (d) If, during the course of an investigation by the
 481 Commission on Ethics into an alleged violation of this section,
 482 allegations are made as to the identity of the person who
 483 participated in the ex parte communication, that person must be
 484 given notice and an opportunity to participate in the
 485 investigation and relevant proceedings to present a defense. If
 486 the Commission on Ethics determines that the person participated
 487 in the ex parte communication, the person may not appear before
 488 the commission or otherwise represent anyone before the
 489 commission for a period of 2 years.

490 Section 7. Subsections (1), (2), and (3) of section
 491 350.06, Florida Statutes, are amended to read:

492 350.06 Place of meeting; expenditures; employment of
 493 personnel; records availability and fees.—

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

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

500 (3) (a) The commission shall ~~commissioners may~~ employ an
 501 executive director, a general counsel, and an inspector general
 502 ~~clerical, technical, and professional personnel reasonably~~
 503 ~~necessary for the performance of their duties and may also~~
 504 ~~employ one or more persons capable of stenographic court~~

505 ~~reporting, to be known as the official reporters of the~~
506 ~~commission.~~ Selection of the executive director shall be subject
507 to confirmation by the Senate. Until such time as the Senate
508 confirms the selection of the executive director, the individual
509 selected shall perform the functions of the position. If the
510 Senate refuses to confirm or fails to consider the selection
511 during its next regular session, the commission shall, within 30
512 days, select another individual for Senate confirmation. This
513 process shall continue until the Senate has confirmed a
514 selection. In case of a vacancy in the position of executive
515 director, the commission shall select a new executive director
516 in the same manner as the original selection.

517 (b) Each commissioner may employ a chief advisor and an
518 executive assistant to serve as the direct staff of the
519 commissioner.

520 (c) Notwithstanding any other provision of law, the
521 executive director shall employ clerical, technical, and
522 professional personnel reasonably necessary to assist the
523 commission in the performance of its duties, and may employ one
524 or more persons capable of stenographic court reporting, to be
525 known as the official reporters of the commission. The executive
526 director shall have sole authority with respect to employment,
527 compensation, supervision, and direction of agency personnel
528 other than those personnel employed by the commission and
529 individual commissioners under paragraphs (a) and (b).

530 (d) The general counsel shall, in consultation with the
531 executive director, employ attorneys, paralegals, legal
532 secretaries, and other personnel reasonably necessary to assist

533 the commission in the performance of its duties.

534 Section 8. Section 350.122, Florida Statutes, is created
535 to read:

536 350.122 Testimony; public disclosure of affiliation.—

537 (1) Each person offering testimony at a meeting, workshop,
538 hearing, or other scheduled event of the commission shall
539 disclose any financial or fiduciary relationship with any party
540 to the proceedings at the time the testimony is provided to the
541 commission.

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

545 Section 9. Prior to the 2011 Regular Session, the
546 Legislature intends to study and evaluate the structure and
547 processes of the Public Service Commission and any related
548 matters to determine whether the commission should be
549 restructured in a manner that establishes the commission's
550 primary role as an independent and impartial decisionmaking
551 body, enhances due process for all persons involved in
552 commission proceedings, ensures that a public interest position
553 will be presented in commission proceedings, and allows
554 commission staff to freely gather information necessary to
555 advise the commission and advocate for the public interest,
556 while ensuring that the staff is not used as a conduit for
557 prohibited ex parte communications. In cooperation with the
558 Legislature, the commission's staff shall, as requested, provide
559 assistance and information relevant to this study.

560 Section 10. This act shall take effect July 1, 2010.