

By Senator Legg

17-00562A-14

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1 A bill to be entitled  
 2 An act relating to the Florida Public Service  
 3 Commission; amending s. 350.01, F.S.; authorizing each  
 4 commissioner serving on July 1, 2014, to remain in  
 5 office until the completion of his or her term;  
 6 deleting obsolete provisions; restricting  
 7 commissioners appointed after July 1, 2014, from  
 8 serving more than two consecutive terms; making  
 9 technical changes; amending s. 350.031, F.S.; for the  
 10 purpose of statewide representation on the commission,  
 11 creating five districts whose boundaries align with  
 12 the five state district courts of appeal; requiring  
 13 one commissioner to be appointed to represent each  
 14 district; requiring the Florida Public Service  
 15 Commission Nominating Council to select nominees who  
 16 are residents of the district they are being nominated  
 17 to represent; providing an effective date.

18  
 19 Be It Enacted by the Legislature of the State of Florida:

20  
 21 Section 1. Section 350.01, Florida Statutes, is amended to  
 22 read:

23 350.01 Florida Public Service Commission; terms of  
 24 commissioners; vacancies; election and duties of chair; quorum;  
 25 proceedings.—

26 (1) APPOINTMENT.—The Florida Public Service Commission  
 27 consists ~~shall consist~~ of five commissioners appointed pursuant  
 28 to s. 350.031.

29 ~~(2)~~ (a) Each commissioner serving on July 1, 2014 ~~1978~~, is

17-00562A-14

2014964\_\_

30 authorized shall be permitted to remain in office until the  
31 completion of his or her current term. An individual appointed  
32 to fill a vacancy for an unexpired portion of a term of a  
33 commissioner serving on July 1, 2014, is authorized to remain in  
34 office until completing the unexpired portion of such term.

35 (b) Upon the expiration of a the term, a successor shall be  
36 appointed for a 4-year term beginning on January 2 and ending 4  
37 years later on January 1 in the manner prescribed by s. 350.031.  
38 ~~for a 4-year term, except that~~ The following vacancies ~~terms of~~  
39 ~~the initial members appointed under this act~~ shall be filled as  
40 follows:

41 1. The vacancies ~~vacancy~~ created by the expiration of the  
42 two terms ~~present term~~ ending in January 2015, 1981, shall be  
43 filled by the appointment of two individuals, each representing  
44 a different district ~~for a 4-year term and for 4-year terms~~  
45 ~~thereafter; and~~

46 2. The vacancy ~~vacancies~~ created by the expiration of the  
47 term two present terms ending in January 2017, 1979, shall be  
48 filled by the appointment of an individual representing a  
49 district not represented by the appointments made under  
50 subparagraph 1.; and ~~for a 3-year term and for 4-year terms~~  
51 ~~thereafter~~

52 3. The vacancies created by the expiration of the two terms  
53 ending in January 2018, shall be filled by the appointment of  
54 two individuals, each representing a district not represented by  
55 the appointments made under subparagraphs 1. and 2.

56 (b) ~~Two additional commissioners shall be appointed in the~~  
57 ~~manner prescribed by s. 350.031 for 4-year terms beginning the~~  
58 ~~first Tuesday after the first Monday in January, 1979, and~~

17-00562A-14

2014964\_\_

59 ~~successors shall be appointed for 4-year terms thereafter with~~  
60 ~~each term beginning on January 2 of the year the term commences~~  
61 ~~and ending 4 years later on January 1.~~

62 (c) Vacancies on the commission shall be filled for the  
63 unexpired portion of the term in the same manner as original  
64 appointments to the commission.

65 ~~(d)(3)~~ A Any person serving on the commission who seeks  
66 reappointment for a second consecutive 4-year term to be  
67 appointed or reappointed shall file a statement to that effect  
68 with the nominating council by no later than June 1 prior to the  
69 year in which his or her term expires ~~a statement that he or she~~  
70 ~~desires to serve an additional term.~~

71 (e) A commissioner appointed after July 1, 2014, may not  
72 serve more than two consecutive terms.

73 (2)(4) COMMISSION CHAIR.-

74 (a) One member of the commission shall be elected by  
75 majority vote to serve as chair for a term of 2 years, beginning  
76 on January 2 of the first year of the 2-year term. A member may  
77 not serve two consecutive terms as chair.

78 (b)(5) The primary duty of the chair is to serve as chief  
79 administrative officer of the commission; however, the chair may  
80 participate in any proceedings pending before the commission if  
81 ~~when~~ administrative duties and time permit. In order to  
82 distribute the workload and expedite the commission's calendar,  
83 the chair, in addition to other administrative duties, may has  
84 ~~authority to~~ assign the various proceedings pending before the  
85 commission which require ~~requiring~~ hearings to two or more  
86 commissioners or to the commission's staff of hearing examiners  
87 under the supervision of the office of general counsel.

17-00562A-14

2014964\_\_

88           (3) PROCEEDINGS.-

89           (a) Only those commissioners assigned to a proceeding that  
90 requires hearings ~~requiring hearings~~ are entitled to participate  
91 in the final decision of the commission relating as to that  
92 proceeding; however provided, if only two commissioners are  
93 assigned to a proceeding requiring hearings and they cannot  
94 agree on a final decision, the chair shall cast the deciding  
95 vote for final disposition of the proceeding. If more than two  
96 commissioners are assigned to any proceeding, a majority of the  
97 members assigned constitutes ~~shall constitute~~ a quorum and a  
98 majority vote of the members assigned is ~~shall be~~ essential to  
99 final commission disposition of those proceedings requiring  
100 actual participation by the commissioners. If a commissioner  
101 becomes unavailable after assignment to a particular proceeding,  
102 the chair shall assign a substitute commissioner. After the  
103 conclusion of hearings in those proceedings assigned to a  
104 hearing examiner, ~~following the conclusion of the hearings~~, the  
105 designated hearing examiner is responsible for preparing  
106 recommendations for final disposition by a majority vote of the  
107 commission. A petition for reconsideration shall be voted upon  
108 by those commissioners participating in the final disposition of  
109 the proceeding.

110           (b) (6) A majority of the commissioners may determine  
111 whether that the full commission shall sit in any proceeding.

112           (c) The public counsel or a person regulated by the Public  
113 Service Commission and substantially affected by a proceeding  
114 may file a petition requesting that the proceeding be assigned  
115 to the full commission. Within 15 days after ~~of~~ receipt ~~by the~~  
116 ~~commission~~ of a any petition ~~or application~~, the full commission

17-00562A-14

2014964\_\_

117 shall dispose of the ~~such~~ petition by majority vote and render a  
118 written decision before ~~thereon prior to~~ assignment of less than  
119 the full commission to a proceeding. In disposing of such  
120 petition, the commission shall consider the overall general  
121 public interest and impact of the pending proceeding, including,  
122 but not limited to, the following criteria: the magnitude of a  
123 rate filing, including the number of customers affected and the  
124 total revenues requested; the services rendered to the affected  
125 public; the urgency of the requested action; the needs of the  
126 consuming public and the utility; the value of service involved;  
127 the effect on consumer relations, regulatory policies,  
128 conservation, the economy, competition, and the public health,  
129 and safety of the area involved. If the petition is denied, the  
130 commission shall specify ~~set forth~~ the grounds for denial.

131 (d) ~~(7)~~ This section does not prohibit a commissioner,  
132 designated by the chair, from conducting a hearing as provided  
133 under ss. 120.569 and 120.57(1) and ~~the rules of the~~ commission  
134 rules adopted pursuant thereto.

135 Section 2. Subsection (5) of section 350.031, Florida  
136 Statutes, is amended to read:

137 350.031 Florida Public Service Commission Nominating  
138 Council.—

139 (5) (a) To provide for statewide representation on the  
140 Florida Public Service Commission, five districts whose  
141 boundaries align with the five state district courts of appeal  
142 as provided under chapter 35 are created. One commissioner shall  
143 be appointed to represent each district. A person may not be  
144 nominated to the Governor for appointment to the commission  
145 unless he or she is a resident of the district he or she is

17-00562A-14

2014964\_\_

146 being nominated to represent.

147 (b) A person may not be nominated to the Governor for  
148 appointment to the ~~Public Service~~ commission until the council  
149 has determined that the person is competent and knowledgeable in  
150 one or more fields, including ~~which shall include~~, but not ~~be~~  
151 limited to, ~~+~~ public affairs, law, economics, accounting,  
152 engineering, finance, natural resource conservation, energy, or  
153 another field substantially related to the duties and functions  
154 of the commission. The commission membership shall fairly  
155 represent these ~~the above-stated~~ fields.

156 (c) Recommendations of the council shall be nonpartisan.

157 Section 3. This act shall take effect July 1, 2014.