

By Senator Legg

17-00088A-15

2015170\_\_

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, 2015, to remain in  
5           office until the completion of his or her term;  
6           deleting obsolete provisions; prohibiting  
7           commissioners appointed after July 1, 2015, from  
8           serving more than two consecutive terms; prohibiting  
9           an elected official from serving on the commission  
10          within a specified period of time after he or she  
11          leaves office; making technical changes; amending s.  
12          350.031, F.S.; creating five districts with boundaries  
13          that align with those of the five state district  
14          courts of appeal for the purpose of statewide  
15          representation on the commission; requiring one  
16          commissioner to be appointed to represent each  
17          district; requiring the Florida Public Service  
18          Commission Nominating Council to select nominees who  
19          are residents of the district they are being nominated  
20          to represent; providing an effective date.

21  
22   Be It Enacted by the Legislature of the State of Florida:

23  
24           Section 1. Section 350.01, Florida Statutes, is amended to  
25   read:

26           350.01 Florida Public Service Commission; terms of  
27   commissioners; vacancies; election and duties of chair; quorum;  
28   proceedings.—

29           (1) APPOINTMENT.—The Florida Public Service Commission

17-00088A-15

2015170\_\_

30 ~~consists shall consist~~ of five commissioners appointed pursuant  
31 to s. 350.031.

32 ~~(2)~~(a) Each commissioner serving on July 1, 2015 ~~1978~~, is  
33 authorized ~~shall be permitted~~ to remain in office until the  
34 completion of his or her current term. An individual serving on  
35 July 1, 2015, who was appointed to fill a vacancy for an  
36 unexpired portion of a term of a commissioner is authorized to  
37 remain in office until completing such term.

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

44 1. The vacancy created by the expiration of the term  
45 ~~present term~~ ending in January 2017, ~~1981~~, shall be filled by  
46 the appointment of an individual representing one of the  
47 established districts ~~for a 4-year term and for 4-year terms~~  
48 ~~thereafter; and~~

49 2. The vacancies created by the expiration of the two  
50 ~~present~~ terms ending in January 2018, ~~1979~~, shall be filled by  
51 the appointment of two individuals representing districts not  
52 represented by the appointment made under subparagraph 1.; and  
53 ~~for a 3-year term and for 4-year terms thereafter~~

54 3. The vacancies created by the expiration of the two terms  
55 ending in January 2019 shall be filled by the appointment of two  
56 individuals, each representing a district not represented by the  
57 appointments made under subparagraphs 1. and 2.

58 ~~(b) Two additional commissioners shall be appointed in the~~

17-00088A-15

2015170\_\_

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

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

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

73 (e) A commissioner appointed after July 1, 2015, may not  
74 serve more than two consecutive terms.

75 (f) An elected official may not serve on the commission for  
76 2 years after leaving office.

77 (2)(4) COMMISSION CHAIR.-

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

82 (b)(5) The primary duty of the chair is to serve as chief  
83 administrative officer of the commission; however, the chair may  
84 participate in any proceedings pending before the commission if  
85 ~~when~~ administrative duties and time permit. In order to  
86 distribute the workload and expedite the commission's calendar,  
87 the chair, in addition to other administrative duties, may ~~has~~

17-00088A-15

2015170\_\_

88 ~~authority to~~ assign the various proceedings pending before the  
89 commission which require ~~requiring~~ hearings to two or more  
90 commissioners or to the commission's staff of hearing examiners  
91 under the supervision of the office of general counsel.

92 (3) PROCEEDINGS.-

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

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

116 (c) The public counsel or a person regulated by the ~~Public~~

17-00088A-15

2015170\_\_

117 ~~Service~~ commission and substantially affected by a proceeding  
118 may file a petition requesting that the proceeding be assigned  
119 to the full commission. Within 15 days after ~~of~~ receipt ~~by the~~  
120 ~~commission~~ of a ~~any~~ petition ~~or application~~, the full commission  
121 shall dispose of the ~~such~~ petition by majority vote and render a  
122 written decision before ~~thereon~~ ~~prior to~~ assignment of less than  
123 the full commission to a proceeding. In disposing of such  
124 petition, the commission shall consider the overall general  
125 public interest and impact of the pending proceeding, including,  
126 but not limited to, the following criteria: the magnitude of a  
127 rate filing, including the number of customers affected and the  
128 total revenues requested; the services rendered to the affected  
129 public; the urgency of the requested action; the needs of the  
130 consuming public and the utility; the value of service involved;  
131 the effect on consumer relations, regulatory policies,  
132 conservation, the economy, competition, and the public health,  
133 and safety of the area involved. If the petition is denied, the  
134 commission shall specify ~~set forth~~ the grounds for denial.

135 (d) ~~(7)~~ This section does not prohibit a commissioner,  
136 designated by the chair, from conducting a hearing as provided  
137 under ss. 120.569 and 120.57(1) and ~~the rules of the~~ commission  
138 rule adopted pursuant thereto.

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

141 350.031 Florida Public Service Commission Nominating  
142 Council.—

143 (5)(a) To provide for statewide representation on the  
144 commission, five districts, with boundaries that align with  
145 those of the five state district courts of appeal established

17-00088A-15

2015170\_\_

146 under chapter 35, are created. A person may not be nominated to  
147 the Governor for appointment to the commission unless he or she  
148 is a resident of the district that he or she is nominated to  
149 represent.

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

159 (c) Recommendations of the council shall be nonpartisan.  
160 Section 3. This act shall take effect July 1, 2015.