

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

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

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

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

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

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

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

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

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

52 3. The vacancies created by expiration of the two terms

53 ending in January 2019 shall be filled by appointment of two
 54 individuals, each representing a district not represented by the
 55 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~~
 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 of the year
 69 preceding ~~prior to~~ the year in which his or her term expires a
 70 ~~statement that he or she desires to serve an additional term.~~

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

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

75 (2) (4) COMMISSION CHAIR.—

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

79 | serve two consecutive terms as chair.

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

90 | **(3) PROCEEDINGS.-**

91 | **(a)** Only those commissioners assigned to a proceeding **that**
 92 | **requires** ~~requiring~~ hearings are entitled to participate in the
 93 | final decision of the commission **relating as** to that proceeding;
 94 | **however provided**, if only two commissioners are assigned to a
 95 | proceeding **that requires** ~~requiring~~ hearings and **they** cannot
 96 | agree on a final decision, the chair shall cast the deciding
 97 | vote for final disposition of the proceeding. If more than two
 98 | commissioners are assigned to any proceeding, a majority of the
 99 | members assigned **constitutes** ~~shall constitute~~ a quorum and a
 100 | majority vote of the members assigned **is** ~~shall be~~ essential to
 101 | final commission disposition of those proceedings **that require**
 102 | ~~requiring~~ actual participation by the commissioners. If a
 103 | commissioner becomes unavailable after assignment to a
 104 | particular proceeding, the chair shall assign a substitute

105 commissioner. After the conclusion of all hearings in those
 106 proceedings assigned to a hearing examiner, ~~following the~~
 107 ~~conclusion of the hearings,~~ the designated hearing examiner is
 108 responsible for preparing recommendations for final disposition
 109 by a majority vote of the commission. A petition for
 110 reconsideration shall be voted upon by those commissioners
 111 participating in the final disposition of the proceeding.

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

114 (c) The public counsel or a person regulated by the ~~Public~~
 115 ~~Service~~ commission and substantially affected by a proceeding
 116 may file a petition requesting that the proceeding be assigned
 117 to the full commission. Within 15 days after ~~of~~ receipt ~~by the~~
 118 ~~commission~~ of a ~~any~~ petition ~~or application,~~ the full commission
 119 shall dispose of the ~~such~~ petition by majority vote and render a
 120 written decision before ~~thereon prior to~~ assignment of less than
 121 the full commission to a proceeding. In disposing of such
 122 petition, the commission shall consider the overall general
 123 public interest and impact of the pending proceeding, including,
 124 but not limited to, the following criteria: the magnitude of a
 125 rate filing, including the number of customers affected and the
 126 total revenues requested; the services rendered to the affected
 127 public; the urgency of the requested action; the needs of the
 128 consuming public and the utility; the value of service involved;
 129 the effect on consumer relations, regulatory policies,
 130 conservation, the economy, competition, and the public health,

131 and safety of the area involved. If the petition is denied, the
132 commission shall specify ~~set forth~~ the grounds for denial.

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

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

139 350.031 Florida Public Service Commission Nominating
140 Council.—

141 (5) (a) To provide for statewide representation on the
142 commission, five districts, with boundaries that align with
143 those of the five state district courts of appeal established
144 under chapter 35, are created. A person may not be nominated for
145 appointment to the commission unless he or she is a resident of
146 the district that he or she is 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.

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Section 3. This act shall take effect July 1, 2015.