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1 A bill to be entitled
2 An act relating to the Public Service Commission; amending
3 s. 350.01, F.S.; conforming the beginning of a Public
4 Service Commissioner's term as chair with the beginning of
5 terms of commissioners; correcting cross-references;
6 amending s. 350.012, F.S.; renaming the Committee on
7 Public Service Commission Oversight, a standing joint
8 committee of the Legislature, as the "Committee on Public
9 Counsel Oversight"; deleting the committee's authority to
10 recommend to the Governor nominees to fill vacancies on
11 the Public Service Commission; deleting the committee's
12 authority to file an ethics complaint against a member,
13 former member, or former employee of the commission, or a
14 member of the Public Service Commission Nominating
15 Council; amending s. 350.03, F.S., clarify power of
16 Governor to remove and fill Commission vacancies; amending
17 s. 350.031, F.S.; increasing the number of members on the
18 council; requiring the President of the Senate and the
19 Speaker of the House of Representatives to appoint a chair
20 and vice chair to the council in alternating years;
21 removing spending authority for the council to advertise
22 vacancies; requiring the council to submit recommendations
23 for vacancies on the Public Service Commission to the
24 Governor; requiring the council to nominate a minimum of
25 three persons for each vacancy; revising the date that
26 recommendations for vacancies must be submitted; providing
27 that a successor Governor may remove an appointee only as
28 provided; providing for the council to fill a vacancy on

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29 | the commission if the Governor fails to do so amending ss.
 30 | 350.061 and 350.0614, F.S., relating to the appointment,
 31 | oversight, and compensation of the Public Counsel;
 32 | conforming provisions to changes made by the act;
 33 | providing an effective date.

34 |

35 | Be It Enacted by the Legislature of the State of Florida:

36 |

37 | Section 1. Paragraphs (a) and (b) of subsection (2) and
 38 | subsection (4) of section 350.01, Florida Statutes, is amended
 39 | to read:

40 | 350.01 Florida Public Service Commission; terms of
 41 | commissioners; vacancies; election and duties of chair; quorum;
 42 | proceedings.

43 | (2) (a) Each commissioner serving on July 1, 1978, shall be
 44 | permitted to remain in office until the completion of his or her
 45 | current term. Upon the expiration of the term, a successor shall
 46 | be appointed in the manner prescribed by s. 350.031(4), (5), and
 47 | (6) ~~s. 350.031(5), (6), and (7)~~ for a 4-year term, except that
 48 | the terms of the initial members appointed under this act shall
 49 | be as follows:

50 | 1. The vacancy created by the present term ending in
 51 | January, 1981, shall be filled by appointment for a 4-year term
 52 | and for 4-year terms thereafter; and

53 | 2. The vacancies created by the two present terms ending
 54 | in January, 1979, shall be filled by appointment for a 3-year
 55 | term and for 4-year terms thereafter.

56 | (b) Two additional commissioners shall be appointed in the

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57 manner prescribed by s. 350.031 (4), (5), and (6) ~~s. 350.031(5),~~
 58 ~~(6), and (7)~~ for 4-year terms beginning the first Tuesday after
 59 the first Monday in January, 1979, and successors shall be
 60 appointed for 4-year terms thereafter with each term beginning
 61 on January 2 of the year the term commences and ending 4 years
 62 later on January 1.

63 (4) One member of the commission shall be elected by
 64 majority vote to serve as chair for a term of 2 years, beginning
 65 on January 2 of the first year of the term ~~with the first~~
 66 ~~Tuesday after the first Monday in January 1979.~~ A member may not
 67 serve two consecutive terms as chair.

68 Section 2. Section 350.012, Florida Statutes, is amended
 69 to read:

70 350.012 Committee on Public Counsel ~~Service Commission~~
 71 Oversight; creation; membership; powers and duties.--

72 (1) There is created a standing joint committee of the
 73 Legislature, designated the Committee on Public Counsel ~~Service~~
 74 ~~Commission~~ Oversight, and composed of 12 members appointed as
 75 follows: six members of the Senate appointed by the President of
 76 the Senate, two of whom must be members of the minority party;
 77 and six members of the House of Representatives appointed by the
 78 Speaker of the House of Representatives, two of whom must be
 79 members of the minority party. The terms of members shall be for
 80 2 years and shall run from the organization of one Legislature
 81 to the organization of the next Legislature. The President shall
 82 appoint the chair of the committee in even-numbered years and
 83 the vice chair in odd-numbered years, and the Speaker of the
 84 House of Representatives shall appoint the chair of the

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85 committee in odd-numbered years and the vice chair in even-
 86 numbered years, from among the committee membership. Vacancies
 87 shall be filled in the same manner as the original appointment.
 88 Members shall serve without additional compensation, but shall
 89 be reimbursed for expenses.

90 (2) The committee shall+

91 ~~(a) Recommend to the Governor nominees to fill a vacancy~~
 92 ~~on the Public Service Commission, as provided by general law;~~
 93 and

94 ~~(b) appoint a Public Counsel as provided by general law.~~

95 ~~(3) The committee is authorized to file a complaint with~~
 96 ~~the Commission on Ethics alleging a violation of this chapter by~~
 97 ~~a commissioner, former commissioner, former commission employee,~~
 98 ~~or member of the Public Service Commission Nominating Council.~~

99 (3)~~(4)~~ The committee will not have a permanent staff, but
 100 the President of the Senate and the Speaker of the House of
 101 Representatives shall select staff members from among existing
 102 legislative staff, when and as needed.

103 Section 3. Section 350.03, Florida Statutes, is amended to
 104 read:

105 350.03 Power of Governor to remove and to fill vacancies.-
 106 -The Governor shall have the same power to remove, suspend, or
 107 appoint to fill vacancies in the office of commissioners as in
 108 other offices, as set forth in s. 7, Art. IV of the State
 109 Constitution.

110 Section 4. Subsections (1), ~~(4)~~, (5), (6), (7), and (8) of
 111 section 350.031, Florida Statutes, are amended to read:

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112 350.031 Florida Public Service Commission Nominating
 113 Council.--

114 (1) There is created a Florida Public Service Commission
 115 Nominating Council consisting of 12 ~~nine~~ members. At least one
 116 member of the council must be 60 years of age or older. Six
 117 ~~Three~~ members, including three members ~~one member~~ of the House
 118 of Representatives, one of whom must be a member of the minority
 119 party, shall be appointed by and serve at the pleasure of the
 120 Speaker of the House of Representatives. Six, ~~three~~ members,
 121 including three members ~~one member~~ of the Senate, one of whom
 122 must be a member of the minority party, shall be appointed by
 123 and serve at the pleasure of the President of the Senate; ~~and~~
 124 ~~three members shall be selected and appointed by a majority vote~~
 125 ~~of the other six members of the council.~~ All terms shall be for
 126 4 years except those members of the House and Senate, who shall
 127 serve 2-year terms concurrent with the 2-year elected terms of
 128 House members. The President of the Senate shall appoint the
 129 chair of the council in even-numbered years and the vice chair
 130 in odd-numbered years, and the Speaker of the House of
 131 Representatives shall appoint the chair of the council in odd-
 132 numbered years and the vice chair in even-numbered years, from
 133 among the council membership. Vacancies on the council shall be
 134 filled for the unexpired portion of the term in the same manner
 135 as original appointments to the council. A member may not be
 136 reappointed to the council, except for a member of the House of
 137 Representatives or the Senate who may be appointed to two 2-year
 138 terms or a person who is appointed to fill the remaining portion
 139 of an unexpired term.

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140 ~~(4) The council may spend a nominal amount, not to exceed~~
 141 ~~\$10,000, to advertise a vacancy on the council, which shall be~~
 142 ~~funded by the Florida Public Service Regulatory Trust Fund.~~

143 (4)~~(5)~~ A person may not be nominated to the Governor
 144 ~~Committee on Public Service Commission Oversight~~ until the
 145 council has determined that the person is competent and
 146 knowledgeable in one or more fields, which shall include, but
 147 not be limited to: public affairs, law, economics, accounting,
 148 engineering, finance, natural resource conservation, energy, or
 149 another field substantially related to the duties and functions
 150 of the commission. The commission shall fairly represent the
 151 above-stated fields. Recommendations of the council shall be
 152 nonpartisan.

153 (5)~~(6)~~ It is the responsibility of the council to nominate
 154 to the Governor no fewer than three ~~Committee on Public Service~~
 155 ~~Commission Oversight six~~ persons for each vacancy occurring on
 156 the Public Service Commission. The council shall submit the
 157 recommendations to the Governor ~~committee~~ by September 15 ~~August~~
 158 ~~±~~ of those years in which the terms are to begin the following
 159 January, or within 60 days after a vacancy occurs for any reason
 160 other than the expiration of the term.

161 (6)~~(7)~~ ~~The Committee on Public Service Commission~~
 162 ~~Oversight shall select from the list of nominees provided by the~~
 163 ~~nominating council three nominees for recommendation to the~~
 164 ~~Governor for appointment to the commission. The recommendations~~
 165 ~~must be provided to the Governor within 45 days after receipt of~~
 166 ~~the list of nominees.~~ The Governor shall fill a vacancy
 167 occurring on the Public Service Commission by appointment of one

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168 of the applicants nominated by the council ~~committee~~ only after
 169 a background investigation of such applicant has been conducted
 170 by the Florida Department of Law Enforcement. If the Governor
 171 has not made an appointment within 30 consecutive calendar days
 172 after the receipt of the recommendation, the council ~~committee~~,
 173 by majority vote, shall appoint, within 30 days after the
 174 expiration of the Governor's time to make an appointment, one
 175 person from the applicants previously nominated to the Governor
 176 to fill the vacancy. After an appointment has been made pursuant
 177 to this subsection, a successor Governor may remove an appointee
 178 only as provided in s. 350.03.

179 (8) Each appointment to the Public Service Commission
 180 shall be subject to confirmation by the Senate during the next
 181 regular session after the vacancy occurs. If the Senate refuses
 182 to confirm or fails to consider ~~rejects~~ the Governor's
 183 appointment, the council shall initiate, in accordance with this
 184 section, the nominating process within 30 days.

185 Section 5. Subsection (1) of section 350.061, Florida
 186 Statutes, is amended to read:

187 350.061 Public Counsel; appointment; oath; restrictions on
 188 Public Counsel and his or her employees.--

189 (1) The Committee on Public Counsel ~~Service Commission~~
 190 Oversight shall appoint a Public Counsel by majority vote of the
 191 members of the committee to represent the general public of
 192 Florida before the Florida Public Service Commission. The Public
 193 Counsel shall be an attorney admitted to practice before the
 194 Florida Supreme Court and shall serve at the pleasure of the
 195 Committee on Public Counsel ~~Service Commission~~ Oversight,

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196 subject to biennial reconfirmation by the committee. The Public
 197 Counsel shall perform his or her duties independently. Vacancies
 198 in the office shall be filled in the same manner as the original
 199 appointment.

200 Section 6. Subsection (2) of section 350.0614, Florida
 201 Statutes, is amended to read:

202 350.0614 Public Counsel; compensation and expenses.--

203 (2) The Legislature declares and determines that the
 204 Public Counsel is under the legislative branch of government
 205 within the intention of the legislation as expressed in chapter
 206 216, and no power shall be in the Executive Office of the
 207 Governor or its successor to release or withhold funds
 208 appropriated to it, but the same shall be available for
 209 expenditure as provided by law and the rules or decisions of the
 210 Committee on Public Counsel ~~Service Commission~~ Oversight.

211 Section 7. This act shall take effect upon becoming law.