

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Energy & Utilities
 2 Subcommittee

3 Representative Dudley offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove lines 40-75 and insert:

7 Section 1. Paragraph (a) of subsection (8) of section
 8 112.324, Florida Statutes, is amended to read:

9 112.324 Procedures on complaints of violations and
 10 referrals; public records and meeting exemptions.—

11 (8) If, in cases other than complaints or referrals
 12 against impeachable officers or members of the Legislature, upon
 13 completion of a full and final investigation by the commission,
 14 the commission finds that there has been a violation of this
 15 part or of s. 8, Art. II of the State Constitution, it is the
 16 duty of the commission to report its findings and recommend
 17 appropriate action to the proper disciplinary official or body

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18 as follows, and such official or body has the power to invoke
19 the penalty provisions of this part, including the power to
20 order the appropriate elections official to remove a candidate
21 from the ballot for a violation of s. 112.3145 or s. 8(a) and
22 (i), Art. II of the State Constitution:

23 (a) The President of the Senate and the Speaker of the
24 House of Representatives, jointly, in any case concerning the
25 Public Counsel, members of the Public Service Commission,
26 ~~members of the Public Service Commission Nominating Council,~~ the
27 Auditor General, or the director of the Office of Program Policy
28 Analysis and Government Accountability.

29 Section 2. Section 350.001, Florida Statutes, is amended
30 to read:

31 350.001 Legislative intent.—The Florida Public Service
32 Commission has been and shall continue to be an arm of the
33 legislative branch of government. The Public Service Commission
34 shall perform its duties independently. ~~It is the desire of the~~
35 ~~Legislature that the Governor participate in the appointment~~
36 ~~process of commissioners to the Public Service Commission. The~~
37 ~~Legislature accordingly delegates to the Governor a limited~~
38 ~~authority with respect to the Public Service Commission by~~
39 ~~authorizing him or her to participate in the selection of~~
40 ~~members only in the manner prescribed by s. 350.031.~~

41 Section 3. Subsections (1), (2), and (3), of section
42 350.01, Florida Statutes, are amended, and subsection (8) is
43 added to that section, to read:

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44 350.01 Florida Public Service Commission; election and
45 terms of commissioners; vacancies; election and duties of chair;
46 quorum; proceedings.-

47 (1) The Florida Public Service Commission shall consist of
48 five commissioners elected for terms of 2 years each by the
49 qualified electors of this state voting in nonpartisan elections
50 within each of the following commission districts: ~~appointed~~
51 ~~pursuant to s. 350.031.~~

52 (a) District one.-One commissioner shall be elected within
53 a district comprising the First Appellate District described in
54 s. 35.02.

55 (b) District two.-One commissioner shall be elected within
56 a district comprising the Second Appellate District described in
57 s. 35.03.

58 (c) District three.-One commissioner shall be elected
59 within a district comprising the Third Appellate District
60 described in s. 35.04.

61 (d) District four.-One commissioner shall be elected
62 within a district comprising the Fourth Appellate District
63 described in s. 35.042.

64 (e) District five.-One commissioner shall be elected
65 within a district comprising the Fifth Appellate District
66 described in s. 35.043.

67 (2) (a) Each appointed commissioner serving on July 1,
68 2015, shall remain in office until January 2, 2016, unless the
69 commissioner vacates the office or is otherwise removed from the

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70 commission before that date. ~~July 1, 1978, shall be permitted to~~
71 ~~remain in office until the completion of his or her current~~
72 ~~term. Upon the expiration of the term, a successor shall be~~
73 ~~appointed in the manner prescribed by s. 350.031 for a 4-year~~
74 ~~term, except that the terms of the initial members appointed~~
75 ~~under this act shall be as follows:~~

76 ~~1. The vacancy created by the present term ending in~~
77 ~~January, 1981, shall be filled by appointment for a 4-year term~~
78 ~~and for 4-year terms thereafter; and~~

79 ~~2. The vacancies created by the two present terms ending~~
80 ~~in January, 1979, shall be filled by appointment for a 3-year~~
81 ~~term and for 4-year terms thereafter.~~

82 ~~(b) Two additional commissioners shall be appointed in the~~
83 ~~manner prescribed by s. 350.031 for 4-year terms beginning the~~
84 ~~first Tuesday after the first Monday in January, 1979, and~~
85 ~~successors shall be appointed for 4-year terms thereafter with~~
86 ~~each term beginning on January 2 of the year the term commences~~
87 ~~and ending 4 years later on January 1.~~

88 ~~(b)(e) Vacancies on the commission shall be filled for the~~
89 ~~unexpired portion of the term by appointment by the Governor~~
90 ~~subject to confirmation by the Senate in the same manner as~~
91 ~~original appointments to the commission.~~

92 (3) Any person serving on the commission may seek election
93 or reelection to the commission; however, a person may not
94 appear on the ballot for reelection as a commissioner if, by the
95 end of the current term of office, the person will have served,

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96 or, but for resignation, would have served, as commissioner for
97 8 or more years, inclusive of service as an elected or ~~who seeks~~
98 ~~to be appointed commissioner or reappointed shall file with the~~
99 ~~nominating council no later than June 1 prior to the year in~~
100 ~~which his or her term expires a statement that he or she desires~~
101 ~~to serve an additional term.~~

102 (8) Each meeting, including each internal affairs meeting,
103 workshop, hearing, or other proceeding that is attended by two
104 or more commissioners and each meeting, workshop, hearing, or
105 other proceeding at which a decision is made which concerns the
106 rights or obligations of any person, shall be streamed live on
107 the Internet and a recorded copy of such meeting, workshop,
108 hearing, or proceeding shall be made available on the
109 commission's web page.

110 Section 4. Section 350.031, Florida Statutes, is repealed.

111 Section 5. Section 350.04, Florida Statutes, is amended to
112 read:

113 350.04 Qualifications of commissioners.—A commissioner may
114 not, at the time of election ~~appointment~~ or during his or her
115 term of office:

116 (1) Have any financial interest, other than ownership of
117 shares in a mutual fund, in any business entity which, either
118 directly or indirectly, owns or controls any public utility
119 regulated by the commission, in any public utility regulated by
120 the commission, or in any business entity which, either directly

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121 or indirectly, is an affiliate or subsidiary of any public
122 utility regulated by the commission.

123 (2) Be employed by or engaged in any business activity
124 with any business entity which, either directly or indirectly,
125 owns or controls any public utility regulated by the commission,
126 by any public utility regulated by the commission, or by any
127 business entity which, either directly or indirectly, is an
128 affiliate or subsidiary of any public utility regulated by the
129 commission.

130 Section 6. Subsection (3) of section 350.041, Florida
131 Statutes, is amended to read:

132 350.041 Commissioners; standards of conduct.—

133 (3) The Commission on Ethics shall accept and investigate
134 any alleged violations of this section pursuant to the
135 procedures contained in ss. 112.322-112.3241. The Commission on
136 Ethics shall provide the Governor ~~and the Florida Public Service~~
137 ~~Commission Nominating Council~~ with a report of its findings and
138 recommendations. The Governor is authorized to enforce the
139 findings and recommendations of the Commission on Ethics,
140 pursuant to part III of chapter 112. A public service
141 commissioner ~~or a member of the Florida Public Service~~
142 ~~Commission Nominating Council~~ may request an advisory opinion
143 from the Commission on Ethics, pursuant to s. 112.322(3)(a),
144 regarding the standards of conduct or prohibitions set forth in
145 this section and ss. ~~350.031~~, 350.04~~7~~ and 350.042.

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146 Section 7. Paragraph (b) of subsection (7) of section
147 350.042, Florida Statutes, is amended to read:

148 350.042 Ex parte communications.—

149 (7)

150 (b) If the Commission on Ethics finds that there has been
151 a violation of this section by a public service commissioner, it
152 shall provide the Governor ~~and the Florida Public Service~~
153 ~~Commission Nominating Council~~ with a report of its findings and
154 recommendations. The Governor is authorized to enforce the
155 findings and recommendations of the Commission on Ethics,
156 pursuant to part III of chapter 112.

157 Section 8. Section 350.043, Florida Statutes, is amended
158 to read:

159 350.043 Enforcement and interpretation.—Any violation of
160 ~~s. 350.031,~~ s. 350.04, s. 350.041, s. 350.042, or s. 350.0605 by
161 a commissioner, former commissioner, or former employee, ~~or~~
162 ~~Public Service Commission Nominating Council member~~ shall be
163 punishable as provided in ss. 112.317 and 112.324. The
164 Commission on Ethics is hereby given the power and authority to
165 investigate complaints of violation of this chapter in the
166 manner provided in part III of chapter 112, as if this section
167 were included in that part. A commissioner may request an
168 advisory opinion from the Commission on Ethics as provided by s.
169 112.322 (3) (a).

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172 **T I T L E A M E N D M E N T**
173 Remove lines 2-11 and insert:
174 An act relating to the Florida Public Service
175 Commission; amending s. 112.324, F.S.; conforming
176 provisions to changes made by the act; amending s.
177 350.001, F.S.; deleting a provision relating to the
178 Governor's duty to appoint public service
179 commissioners; amending s. 350.01, F.S.; providing for
180 the nonpartisan election of commissioners; providing
181 for commission districts; providing for terms of
182 commissioners; providing for the filling of vacancies
183 on the commission; limiting the number of years that a
184 commissioner may serve; requiring that specified
185 meetings, workshops, hearings, and proceedings of the
186 commission be streamed live and recorded copies be
187 made available on the commission's web page; repealing
188 s. 350.031, F.S., relating to the Florida Public
189 Service Commission Nominating Council; amending ss.
190 350.04, 350.041, 350.042, and 350.043, F.S.;
191 conforming provisions; amending,