

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
COMMUNICATIONS, ENERGY, AND PUBLIC UTILITIES
Senator Flores, Chair
Senator Garcia, Vice Chair

MEETING DATE: Tuesday, March 18, 2014
TIME: 8:30 —9:30 a.m.
PLACE: 301 Senate Office Building

MEMBERS: Senator Flores, Chair; Senator Garcia, Vice Chair; Senators Abruzzo, Bean, Evers, Gibson, Hukill, Simpson, and Smith

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 910 Legg (Compare H 1107)	Utility Projects; Citing this act as the "Utility Cost Containment Bond Act"; authorizing certain local government entities to finance the cost of a utility project by issuing utility cost containment bonds upon application by a local agency; authorizing an authority to issue utility cost containment bonds for specified purposes related to utility projects; requiring the governing body of the authority to adopt a financing resolution and impose a utility project charge on customers of a publicly owned utility as a condition of utility project financing, etc. CU 03/18/2014 Favorable CA AP	Favorable Yeas 9 Nays 0

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
Florida Public Service Commission			
2	Brise, Ronald A. (Tallahassee)	01/01/2018	Recommend Confirm Yeas 9 Nays 0
3	Graham, Art (Jacksonville Beach)	01/01/2018	Recommend Confirm Yeas 9 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Other related meeting documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Communications, Energy, and Public Utilities

BILL: SB 910

INTRODUCER: Senator Legg

SUBJECT: Utility Projects

DATE: March 18, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Caldwell	CU	Favorable
2.			CA	
3.			AP	

I. Summary:

SB 910 creates an alternative method for financing the costs of certain utility projects using utility cost containment bonds. These bonds are issued by an authority on behalf of a local agency that owns and operates a publicly owned utility that provides public utility services, including water, wastewater, electric, or stormwater. The bonds may receive a lower interest rate because payment is secured by a pledge of the utility project. The primary utility project property is the utility project charge, which is imposed on customers, based on estimates of water, wastewater, electric, or stormwater service usage, to ensure timely payment of all financing costs with respect to utility cost containment bonds.

II. Present Situation:

The Florida Interlocal Cooperation Act of 1969 is intended to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.¹ The Act provides that local governmental entities may conduct a joint exercise of power by entering into a contract in the form of an interlocal agreement.² Further, an interlocal agreement may provide for a separate legal or administrative entity to administer or execute the agreement, which may be a commission, board, or council.³ Among the authority granted such an entity is the power to authorize, issue, and sell bonds.⁴

¹ Section 163.01(2), F.S.

² Section 163.01(5), F.S.

³ Section 163.01(7), F.S.

⁴ Section 163.01(7)(d), F.S.

Separate provisions relate to projects for water or wastewater or for electricity. A separate legal entity, the membership of which is limited to municipalities and counties and which may include a special district, may acquire, own, construct, improve, operate, and manage public facilities, or finance facilities on behalf of any person, relating to a governmental function or purpose, including, but not limited to, wastewater facilities, water or alternative water supply facilities, and water reuse facilities, which may serve populations within or outside (the geographic and political boundaries?) of the members of the entity.⁵ Such an entity may finance or refinance the acquisition, construction, expansion, and improvement of such facilities through the issuance of its bonds, notes, or other obligations. Except as may be limited by the interlocal agreement under which the entity is created, all of the privileges, benefits, powers, and terms of the statutes relating to counties⁶ and municipalities⁷ are fully applicable to the entity. Bonds, notes, and other obligations issued by the entity are issued on behalf of the public agencies that are members of the entity.

A separate legal entity, the membership of which consists only of electric utilities and which is created for the purpose of exercising the powers granted by the Joint Power Act, may exercise specified powers relating to ownership and operation of an electric project⁸ and may, for the purpose of financing or refinancing the costs of an electric project, exercise all powers in connection with the authorization, issuance, and sale of bonds as are conferred by the bond financing statutes for counties,⁹ or municipalities,¹⁰ or both.¹¹

There is one separate legal entity organized for water utilities, the Florida Governmental Utility Authority (FGUA), and one organized for electric utilities, the Florida Municipal Power Agency (FMPA). The FGUA consists of seven counties: Citrus, DeSoto, Hendry, Lee, Marion, Pasco, and Polk.¹² The FMPA is owned by 31 municipal electric utilities: Alachua, Bartow, Blountstown, Bushnell, Chattahoochee, Clewiston, Fort Meade, Fort Pierce, Gainesville, Green Cove Springs, Havana, Homestead, Jacksonville Beach, Key West, Kissimmee, Lake Worth, Lakeland, Leesburg, Moore Haven, Mount Dora, New Smyrna Beach, Newberry, Ocala, Orlando, Quincy, St. Cloud, Starke, Vero Beach, Wauchula, Williston, and Winter Park.¹³

⁵ Section 163.01(7)(g), F.S.

⁶ Section 125.01, F.S.

⁷ Section 166.021, F.S.

⁸ Section 163.01(15), F.S.

⁹ Chapter 159, F.S.

¹⁰ Chapter 166, F.S.

¹¹ Section 163.01(7)(c), F.S.

¹² <http://www.fgua.com/the-board>, last accessed 3/10/2014.

¹³ <http://www.fmpa.com/index.php/about-us/members>, last accessed 3/10/2014.

III. Effect of Proposed Changes:

The bill creates an alternative method for financing¹⁴ the costs¹⁵ of certain utility projects¹⁶ using utility cost containment bonds.¹⁷ These bonds are issued by an authority¹⁸ on behalf of a local agency¹⁹ that owns and operates a publicly owned utility²⁰ that provides public utility services, including water, wastewater, electric, or stormwater. The bonds may receive a lower interest rate because payment is secured by a pledge of the utility project property²¹ for the benefit of, and enforceable by, the beneficiaries of the pledge to the extent provided in the financing documents relating to the utility cost containment bonds. The primary utility project property is the utility project charge, which is imposed on customers,²² based on estimates of water, wastewater, electric, or stormwater service usage, to ensure timely payment of all financing costs²³ with respect to utility cost containment bonds.

¹⁴ The terms “finance” or “financing” include refinancing.

¹⁵ “Cost,” as applied to a utility project or a portion of a utility project financed under this act, means:

- Any part of the expense of constructing, renovating or acquiring lands, structures, real or personal property, rights, rights-of-way, franchises, easements, and interests acquired or used for a utility project.
- The expense of demolishing or removing any buildings or structures on acquired land, including the expense of acquiring any lands to which the buildings or structures may be moved, and the cost of all machinery and equipment used for the demolition or removal.
- Finance charges.
- Interest, as determined by the authority.
- Provisions for working capital and debt service reserves.
- Expenses for extensions, enlargements, additions, replacements, renovations, and improvements.
- Expenses for architectural, engineering, financial, accounting, and legal services, plans, specifications, estimates, and administration.
- Any other expense necessary or incidental to determining the feasibility of constructing any utility project or incidental to the construction, acquisition, or financing of any utility project.

¹⁶ “Utility project” means the acquisition, construction, installation, retrofitting, rebuilding, or other addition to or improvement of any equipment, device, structure, process, facility, technology, rights, or property located within or outside this state which is used in connection with the operations of a publicly owned utility.

¹⁷ “Utility cost containment bonds” means bonds, notes, commercial paper, variable rate securities, and any other evidence of indebtedness issued by an authority, the proceeds of which are used directly or indirectly to pay or reimburse a local agency or its publicly owned utility for the costs of a utility project, and which are secured by a pledge of, and are payable from, utility project property.

¹⁸ “Authority” means an entity created pursuant to s. 163.01(7)(g), F.S., which provides public utility services and whose membership consists of at least three counties. The term includes any successor to the powers and functions of such an entity. – As is stated above, the FGUA is currently the only entity created under this paragraph.

¹⁹ “Local agency” means a member of the authority, or an agency or subdivision of that member, which is sponsoring or refinancing a utility project, or any municipality, county, authority, special district, public corporation, or other governmental entity of the state that is sponsoring or refinancing a utility project.

²⁰ “Publicly owned utility” means a utility furnishing water, wastewater, electric, or stormwater service that is owned and operated by a local agency. The term includes any successor to the powers and functions of such a utility.

²¹ “Utility project property” means the property right, title, and interest of an authority in any of the following:

- The financing resolution, the utility project charge, and any adjustment to the utility project charge.
- The financing costs of the utility cost containment bonds and all revenues, and all collections, claims, payments, moneys, or proceeds for, or arising from, the utility project charge.
- All rights to obtain adjustments to the utility project charge.

²² “Customer” means a person receiving water, wastewater, electric, or stormwater service from a publicly owned utility.

²³ “Financing costs” means any of the following:

- Interest and redemption premiums that are payable on utility cost containment bonds.
- The cost of retiring the principal of utility cost containment bonds, whether at maturity, including acceleration of maturity upon an event of default, or upon redemption, including sinking fund redemption.

To obtain utility cost containment bonds, a local agency that owns and operates a publicly owned utility may apply to an authority to finance the costs of a utility project using the proceeds of utility cost containment bonds. The local agency must specify the utility project to be financed by the cost containment bonds and the maximum principal amount, the maximum interest rate, and the maximum stated terms of the utility cost containment bonds.

Before applying, the governing body²⁴ of the local agency must determine all of the following:

- The project to be financed is a utility project.
- The local agency will finance costs of the utility project and the financing costs associated with the financing will be paid from utility project property (the charge to utility customers).
- Based on the best information available to the governing body, the rates charged to the local agency's retail customers by the publicly owned utility, including the utility project charge resulting from the financing of the utility project with utility cost containment bonds, are expected to be lower than the rates that would be charged if the project was financed with bonds payable from revenues of the publicly owned utility.

A determination by the governing body that a project to be financed with utility cost containment bonds is a utility project is final and conclusive and the utility cost containment bonds issued to finance the utility project and the utility project charge are valid and enforceable as set forth in the financing resolution and the documents relating to the utility cost containment bonds.

If a local agency that has outstanding utility cost containment bonds ceases to operate a water, wastewater, electric, or stormwater utility, directly or through its publicly owned utility, references to the local agency or to its publicly owned utility apply to the successor entity. The successor entity must assume and perform all obligations of the local agency and its publicly owned utility and assume the servicing agreement while the utility cost containment bonds remain outstanding.

An authority may issue utility cost containment bonds to finance or refinance utility projects; refinance debt of a local agency incurred in financing or refinancing utility projects, provided the refinancing results in present value savings to the local agency; or, with the approval of the local agency, refinance previously issued utility cost containment bonds.

To finance a utility project, the authority may form a single-purpose limited liability company and authorize the company to adopt the financing resolution of such utility project or create a new single-purpose entity by interlocal agreement whose membership shall consist of the authority and two or more of its members or other public agencies. The authority may create a single-purpose limited liability company or a single-purpose entity solely for the purpose of

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- The cost related to issuing or servicing utility cost containment bonds, including any payment under an interest rate swap agreement and any type of fee.
 - A payment or expense associated with a bond insurance policy; financial guaranty; a contract, agreement, or other credit or liquidity enhancement for bonds; or a contract, agreement, or other financial agreement entered into in connection with utility cost containment bonds.
 - Any coverage charges.
 - The funding of one or more reserve accounts relating to utility cost containment bonds.

²⁴ "Governing body" means the body that governs a local agency.

performing the cost containment bond related duties and responsibilities of the authority and constitutes an authority for all cost containment bond purposes. Reference to the authority includes such a company or entity.

The governing body of an authority that is financing the costs of a utility project must adopt a financing resolution²⁵ and impose a utility project charge. All provisions of a financing resolution adopted pursuant to this section are binding on the authority. The financing resolution must:

- Provide a brief description of the financial calculation method the authority will use in determining the utility project charge. The calculation method must include a periodic adjustment methodology to be applied at least annually to the utility project charge. The authority must establish the allocation of the utility project charge among classes of customers of the publicly owned utility. The decision of the authority is final and conclusive, and the method of calculating the utility project charge and the periodic adjustment may not be changed.
- Require each customer in the class or classes of customers specified in the financing resolution who receives water, wastewater, electric, or stormwater service through the publicly owned utility to pay the utility project charge regardless of whether the customer has an agreement to receive water, wastewater, electric, or stormwater service from a person other than the publicly owned utility.
- Require that the utility project charge be charged separately from other charges on the bill of customers of the publicly owned utility in the class or classes of customers specified in the financing resolution.
- Require that the authority enter into a servicing agreement with the local agency or its publicly owned utility to collect the utility project charge.

The authority may require in the financing resolution that, in the event of a default by the local agency or its publicly owned utility with respect to revenues from the utility project property, the authority, upon application by the beneficiaries of the statutory lien, must order the sequestration and payment to the beneficiaries of revenues arising from utility project property. This provision does not limit any other remedies available to the beneficiaries by reason of default.

The utility project charge imposed on customers to ensure timely payment of all financing costs with respect to utility cost containment bonds is a nonbypassable charge to all present and future customers of the publicly owned utility in the class or classes of customers specified in the financing resolution upon its adoption. If a customer of the publicly owned utility that is subject to a utility project charge enters into an agreement to purchase service from a person other than the publicly owned utility, the customer remains liable for the payment of the utility project charge as if the customer had not entered into the agreement. The customer may discharge the liability by continuing to pay the utility project charge as it accrues or by making a one-time payment, as determined by the authority.

²⁵ “Financing resolution” means a resolution adopted by the governing body of an authority that provides for the financing or refinancing of a utility project with utility cost containment bonds and that imposes a utility project charge in connection with the utility cost containment bonds. A financing resolution may be separate from a resolution authorizing the issuance of the bonds.

The authority must determine at least annually whether adjustments to the utility project charge are required to correct for any overcollection or undercollection of financing costs from the utility project charge or to make any other adjustment necessary to ensure the timely payment of the financing costs of the utility cost containment bonds. If the authority determines that an adjustment is required, the adjustment must be made using the methodology specified in the financing resolution. The adjustment may not impose the utility project charge on a class of customers that was not subject to the utility project charge pursuant to the financing resolution imposing the utility project charge.

Revenues²⁶ from a utility project charge are special revenues of the authority and do not constitute revenue of the local agency or its publicly owned utility for any purpose. The local agency or its publicly owned utility must act as a servicing agent for collecting the utility project charge throughout the duration of the servicing agreement required by the financing resolution. The local agency or its publicly owned utility shall hold the money collected in trust for the exclusive benefit of the persons entitled to have the financing costs paid from the utility project charge and the money does not lose its character as revenues of the authority by virtue of possession by the local agency or its publicly owned utility.

The timely and complete payment of all utility project charges by the customer is a condition of receiving water, wastewater, electric, or stormwater service from the publicly owned utility. The local agency or its publicly owned utility may use its established collection policies and remedies provided under law to enforce collection of the utility project charge. A customer liable for a utility project charge may not withhold payment, in whole or in part.

The pledge of a utility project charge to secure payment of utility cost containment bonds is irrevocable, and the state, or any other entity, may not reduce, impair, or otherwise adjust the utility project charge, except that the authority shall implement the periodic adjustments to the utility project charge as provided under this subsection.

The utility project charge imposed on customers constitutes utility project property on the effective date of the financing resolution authorizing such utility project charge.²⁷ Utility project property constitutes property, including contracts securing utility cost containment bonds, regardless of whether the revenues and proceeds arising with respect to the utility project property have accrued. Utility project property must continuously exist as property for all purposes with all of the rights and privileges of this section for the period provided in the

²⁶ "Revenue" means income and receipts of the authority from any of the following:

- A bond purchase agreement.
- Bonds acquired by the authority.
- Installment sales agreements and other revenue-producing agreements entered into by the authority.
- Utility projects financed or refinanced by the authority.
- Grants and other sources of income.
- Moneys paid by a local agency.
- Interlocal agreements with a local agency.
- Interest or other income from any investment of money in any fund or account established for the payment of principal, interest, or premiums on utility cost containment bonds, or the deposit of proceeds of utility cost containment bonds.

²⁷ This appears to mean that if the bond is for construction of new facilities, customer payment on the bond will begin before construction is complete and the facility comes into use.

financing resolution or until all financing costs with respect to the related utility cost containment bonds are paid in full, whichever occurs first.

Upon the effective date of the financing resolution, the utility project property is subject to a first priority statutory lien to secure the payment of the utility cost containment bonds. The lien secures the payment of all financing costs then existing or subsequently arising to the holders of the utility cost containment bonds, the trustee or representative for the holders of the utility cost containment bonds, and any other entity specified in the financing resolution or the documents relating to the utility cost containment bonds. The lien attaches to the utility project property regardless of the current ownership of the utility project property, including any local agency or its publicly owned utility, the authority, or other person. Upon the effective date of the financing resolution, the lien is valid and enforceable against the owner of the utility project property and all third parties and additional public notice is not required. The lien is a continuously perfected lien on all revenues and proceeds generated from the utility project property, regardless of whether the revenues or proceeds have accrued.

All revenues with respect to utility project property related to utility cost containment bonds, including payments of the utility project charge, must be applied first to the payment of the financing costs of the utility cost containment bonds then due, including the funding of reserves for the utility cost containment bonds. Any excess revenues must be applied as determined by the authority for the benefit of the utility for which the utility cost containment bonds were issued.

If utility project property is pledged as security for the payment of utility cost containment bonds, the local agency or its publicly owned utility must enter into a contract with the authority which requires, at a minimum, that the publicly owned utility:

- Continue to operate its publicly owned utility, including the utility project that is being financed or refinanced.
- Collect the utility project charge from customers for the benefit and account of the authority and the beneficiaries of the pledge of the utility project charge.
- Separately account for and remit revenue from the utility project charge to, or for the account of, the authority.

Utility cost containment bonds are nonrecourse to the credit or any assets of the local agency or the publicly owned utility but are payable from, and secured by a pledge of, the utility project property relating to the utility cost containment bonds and any additional security or credit enhancement specified in the documents relating to the utility cost containment bonds. If the authority is financing the project through a single-purpose limited liability company, the utility cost containment bonds are payable from, and secured by, a pledge of amounts paid by the company to the authority from the applicable utility project property. This provision is the exclusive method of perfecting a pledge of utility project property by the company securing the payment of financing costs under any agreement of the company in connection with the issuance of utility cost containment bonds.

The issuance of utility cost containment bonds does not obligate the state or any political subdivision thereof to levy or to pledge any form of taxation to pay the utility cost containment bonds or to make any appropriation for their payment. All utility cost containment bonds must contain on their face a statement in substantially the following form:

Neither the full faith and credit nor the taxing power of the State of Florida or any political subdivision thereof is pledged to the payment of the principal of, or interest on, this bond.

The authority may not rescind, alter, or amend any resolution or document that pledges utility cost charges for payment of utility cost containment bonds. Except as provided with respect to adjustments to a utility project charge, the recovery of the financing costs for the utility cost containment bonds from the utility project charge is irrevocable and the authority does not have the power, either by rescinding, altering, or amending the applicable financing resolution, to revalue or revise for ratemaking purposes the financing costs of utility cost containment bonds; to determine that the financing costs for the related utility cost containment bonds or the utility project charge is unjust or unreasonable; or to in any way reduce or impair the value of utility project property that includes the utility project charge, either directly or indirectly. The amount of revenues arising with respect to the financing costs for the related utility cost containment bonds or the utility project charge are not subject to reduction, impairment, postponement, or termination for any reason until all financing costs to be paid from the utility project charge are fully met and discharged.

Subject to the terms of the pledge document, the validity and relative priority of a pledge is not defeated or adversely affected by the commingling of revenues generated by the utility project property with other funds of the local agency or the publicly owned utility collecting a utility project charge on behalf of an authority.

Financing costs in connection with utility cost containment bonds are a special obligation of the authority and do not constitute a liability of the state or any political subdivision thereof. Financing costs are not a pledge of the full faith and credit of the state or any political subdivision thereof, including the authority, but are payable solely from the funds in the documents relating to the utility cost containment bonds. This provision does not preclude guarantees or credit enhancements in connection with utility cost containment bonds.

Except as provided with respect to adjustments to a utility project charge, the state does hereby pledge and agree with the owners of utility cost containment bonds that the state shall neither limit nor alter the financing costs or the utility project property, including the utility project charge, relating to the utility cost containment bonds, or any rights in, to, or under the utility project property until all financing costs with respect to the utility cost containment bonds are fully met and discharged. This paragraph does not preclude limitation or alteration if adequate provision is made by law for the protection of the owners. The authority may include this pledge by the state in the governing documents for utility cost containment bonds.

Notwithstanding any other law, an authority that issued utility cost containment bonds may not, and no governmental officer or organization shall so authorize the authority to, become a debtor under the United States Bankruptcy Code or become the subject of any similar case or proceeding under any other state or federal law if any payment obligation from utility project property remains with respect to the utility cost containment bonds.

The provisions of the bill and all grants of power and authority are to be liberally construed to effectuate their purposes. All incidental powers necessary to carry into effect the provisions of this section are expressly granted to, and conferred upon, public entities.

The bill takes effect July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that a publicly owned utility has lower interest costs and passes these savings on to customers, these customers will benefit.

C. Government Sector Impact:

Governmental entities that own and operate a publicly owned utility that provides water, wastewater, electric, or stormwater services and that finance a project using cost containment bonds may have lower interest costs.

VI. Technical Deficiencies:

The word "UTILITIY" on line 363 should be "UTILITY."

The sentence on lines 408-410 is unclear; there may be a word missing.

On line 418, the cross-reference to s. 163.01(7)(g)9, should have a period before the comma.

VII. Related Issues:

The bill seems to contemplate that once a "customer" is established, there will always be such a customer:

- The utility project charge is established as a nonbypassable charge to all present and future customers (lines 298-299).
- If an existing customer obtains services elsewhere, the customer is still liable for payment of the charge as if the customer still received services from the publicly owned utility (lines 301-309 and 268-270).
- If an existing customer sells property, for the purchaser to receive utility services the timely payment of all utility project charges by the purchaser is a condition of receiving the services (lines 349-356).

However, there may be circumstances in which a customer ceases to be a customer and there is no replacement customer, at least for some time, for example:

- if an electricity customer goes completely off grid and purchases no electricity;
- if a property is foreclosed or otherwise sits empty due to non-use by the owner; or
- if a tenant is the customer of record and leaves and is not replaced, or not immediately replaced.

It is unclear what would happen relative to the utility project charge in such circumstances. It is also unclear whether these potential circumstances will be addressed in the resolution documents and whether they matter.

The bill defines “utility project” to mean the acquisition, construction, installation, retrofitting, rebuilding, or other addition to or improvement of any equipment, device, structure, process, facility, technology, rights, or property *located within or outside this state* which is used in connection with the operations of a publicly owned utility (lines 166-171). It is unclear which of the items in this list the italicized phrase would apply to. It is also unclear under what circumstances a publicly owned utility would acquire real property or other property located outside Florida for use in connections with its operations.

The utility project charge imposed on each customer is to be based on estimates of water, wastewater, electric, or stormwater service usage (lines 290-292). It is unclear how the charge will be calculated, whether the charge will be a set-amount or an amount per unit of service, or whether each customer will pay the same amount for this charge.

The bill contains redundant provisions, for example those on securing services from a source other than the publicly owned utility (lines 264-270 and 301-309) and those relating to the irrevocability and immutability of the pledge of a utility project charge (lines 357-363 and 441-446). While this is not problematic in itself, it could create problems if provisions are amended in one location but not the other.

VIII. Statutes Affected:

This bill creates an un-numbered section of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Legg

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1 A bill to be entitled
2 An act relating to utility projects; providing a short
3 title; providing definitions; authorizing certain
4 local government entities to finance the cost of a
5 utility project by issuing utility cost containment
6 bonds upon application by a local agency; specifying
7 application requirements; requiring any successor
8 entity of a local agency to assume and perform the
9 obligations of the local agency with respect to the
10 financing of a utility project; authorizing an
11 authority to issue utility cost containment bonds for
12 specified purposes related to utility projects;
13 authorizing an authority to form alternate entities to
14 finance utility projects; requiring the governing body
15 of the authority to adopt a financing resolution and
16 impose a utility project charge on customers of a
17 publicly owned utility as a condition of utility
18 project financing; specifying required and optional
19 provisions of the financing resolution; specifying
20 powers of the authority; requiring the local agency or
21 its publicly owned utility to assist the authority in
22 the establishment or adjustment of the utility project
23 charge; requiring that customers of the public utility
24 specified in the financing resolution pay the utility
25 project charge; providing for adjustment of the
26 utility project charge; establishing ownership of the
27 revenues of the utility project charge; requiring the
28 local agency or its publicly owned utility to collect
29 the utility project charge; conditioning a customer's

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30 receipt of public utility services on payment of the
31 utility project charge; authorizing a local agency or
32 its publicly owned utility to use available remedies
33 to enforce collection of the utility project charge;
34 providing that the pledge of the utility project
35 charge or the utility project property to secure
36 payment of bonds issued to finance the utility project
37 is irrevocable and cannot be reduced or impaired
38 except under certain conditions; providing that a
39 utility project charge constitutes utility project
40 property; providing that utility project property is
41 subject to a lien to secure payment of costs relating
42 to utility cost containment bonds; establishing
43 payment priorities for the use of revenues of the
44 utility project property; providing for the issuance
45 and validation of utility cost containment bonds;
46 securing the payment of utility cost containment bonds
47 and related costs; providing that utility cost
48 containment bonds do not obligate the state or any
49 political subdivision thereof and are not backed by
50 their full faith and credit and taxing power;
51 requiring that certain disclosures be printed on
52 utility cost containment bonds; providing that
53 financing costs related to utility cost containment
54 bonds are an obligation of the authority only;
55 securing the payment of the financing costs of utility
56 cost containment bonds; prohibiting an authority with
57 outstanding payment obligations on utility cost
58 containment bonds from becoming a debtor under certain

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59 federal or state laws; providing for construction;
60 endowing public entities with certain powers;
61 providing an effective date.

62
63 Be It Enacted by the Legislature of the State of Florida:

64
65 Section 1. Utility Cost Containment Bond Act.-

66 (1) SHORT TITLE.-This section may be cited as the "Utility
67 Cost Containment Bond Act."

68 (2) DEFINITIONS.-As used in this section, the term:

69 (a) "Authority" means an entity created pursuant to s.
70 163.01(7)(g), Florida Statutes, which provides public utility
71 services and whose membership consists of at least three
72 counties. The term includes any successor to the powers and
73 functions of such an entity.

74 (b) "Cost," as applied to a utility project or a portion of
75 a utility project financed under this act, means:

76 1. Any part of the expense of constructing, renovating or
77 acquiring lands, structures, real or personal property, rights,
78 rights-of-way, franchises, easements, and interests acquired or
79 used for a utility project.

80 2. The expense of demolishing or removing any buildings or
81 structures on acquired land, including the expense of acquiring
82 any lands to which the buildings or structures may be moved, and
83 the cost of all machinery and equipment used for the demolition
84 or removal.

85 3. Finance charges.

86 4. Interest, as determined by the authority.

87 5. Provisions for working capital and debt service

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88 reserves.

89 6. Expenses for extensions, enlargements, additions,
90 replacements, renovations, and improvements.

91 7. Expenses for architectural, engineering, financial,
92 accounting, and legal services, plans, specifications,
93 estimates, and administration.

94 8. Any other expense necessary or incidental to determining
95 the feasibility of constructing any utility project or
96 incidental to the construction, acquisition, or financing of any
97 utility project.

98 (c) "Customer" means a person receiving water, wastewater,
99 electric, or stormwater service from a publicly owned utility.

100 (d) "Financing costs" means any of the following:

101 1. Interest and redemption premiums that are payable on
102 utility cost containment bonds.

103 2. The cost of retiring the principal of utility cost
104 containment bonds, whether at maturity, including acceleration
105 of maturity upon an event of default, or upon redemption,
106 including sinking fund redemption.

107 3. The cost related to issuing or servicing utility cost
108 containment bonds, including any payment under an interest rate
109 swap agreement and any type of fee.

110 4. A payment or expense associated with a bond insurance
111 policy; financial guaranty; a contract, agreement, or other
112 credit or liquidity enhancement for bonds; or a contract,
113 agreement, or other financial agreement entered into in
114 connection with utility cost containment bonds.

115 5. Any coverage charges.

116 6. The funding of one or more reserve accounts relating to

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117 utility cost containment bonds.

118 (e) "Finance" or "financing" includes refinancing.

119 (f) "Financing resolution" means a resolution adopted by
120 the governing body of an authority that provides for the
121 financing or refinancing of a utility project with utility cost
122 containment bonds and that imposes a utility project charge in
123 connection with the utility cost containment bonds in accordance
124 with subsection (4). A financing resolution may be separate from
125 a resolution authorizing the issuance of the bonds.

126 (g) "Governing body" means the body that governs a local
127 agency.

128 (h) "Local agency" means a member of the authority, or an
129 agency or subdivision of that member, which is sponsoring or
130 refinancing a utility project, or any municipality, county,
131 authority, special district, public corporation, or other
132 governmental entity of the state that is sponsoring or
133 refinancing a utility project.

134 (i) "Public utility services" means any of the following
135 services provided by a publicly owned utility:

136 1. Water.

137 2. Wastewater.

138 3. Electric.

139 4. Stormwater.

140 (j) "Publicly owned utility" means a utility furnishing
141 water, wastewater, electric, or stormwater service that is owned
142 and operated by a local agency. The term includes any successor
143 to the powers and functions of such a utility.

144 (k) "Revenue" means income and receipts of the authority
145 from any of the following:

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146 1. A bond purchase agreement.

147 2. Bonds acquired by the authority.

148 3. Installment sales agreements and other revenue-producing
149 agreements entered into by the authority.

150 4. Utility projects financed or refinanced by the
151 authority.

152 5. Grants and other sources of income.

153 6. Moneys paid by a local agency.

154 7. Interlocal agreements with a local agency.

155 8. Interest or other income from any investment of money in
156 any fund or account established for the payment of principal,
157 interest, or premiums on utility cost containment bonds, or the
158 deposit of proceeds of utility cost containment bonds.

159 (1) "Utility cost containment bonds" means bonds, notes,
160 commercial paper, variable rate securities, and any other
161 evidence of indebtedness issued by an authority, the proceeds of
162 which are used directly or indirectly to pay or reimburse a
163 local agency or its publicly owned utility for the costs of a
164 utility project, and which are secured by a pledge of, and are
165 payable from, utility project property.

166 (m) "Utility project" means the acquisition, construction,
167 installation, retrofitting, rebuilding, or other addition to or
168 improvement of any equipment, device, structure, process,
169 facility, technology, rights, or property located within or
170 outside this state which is used in connection with the
171 operations of a publicly owned utility.

172 (n) "Utility project property" means the property right
173 created pursuant to subsection (6) including the right, title,
174 and interest of an authority in any of the following:

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175 1. The financing resolution, the utility project charge,
176 and any adjustment to the utility project charge established in
177 accordance with subsection (5).

178 2. The financing costs of the utility cost containment
179 bonds and all revenues, and all collections, claims, payments,
180 moneys, or proceeds for, or arising from, the utility project
181 charge.

182 3. All rights to obtain adjustments to the utility project
183 charge pursuant to subsection (5).

184 (3) UTILITY PROJECTS.—

185 (a) A local agency that owns and operates a publicly owned
186 utility may apply to an authority to finance the costs of a
187 utility project using the proceeds of utility cost containment
188 bonds. In its application to the authority, the local agency
189 shall specify the utility project to be financed by the utility
190 cost containment bonds and the maximum principal amount, the
191 maximum interest rate, and the maximum stated terms of the
192 utility cost containment bonds.

193 (b) A local agency may not apply to an authority for the
194 financing of a utility project under this section unless the
195 governing body has determined all of the following:

196 1. The project to be financed is a utility project.

197 2. The local agency will finance costs of the utility
198 project and the financing costs associated with the financing
199 will be paid from utility project property, including the
200 utility project charge for the utility cost containment bonds.

201 3. Based on the best information available to the governing
202 body, the rates charged to the local agency's retail customers
203 by the publicly owned utility, including the utility project

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204 charge resulting from the financing of the utility project with
205 utility cost containment bonds, are expected to be lower than
206 the rates that would be charged if the project was financed with
207 bonds payable from revenues of the publicly owned utility.

208 (c) A determination by the governing body that a project to
209 be financed with utility cost containment bonds is a utility
210 project is final and conclusive and the utility cost containment
211 bonds issued to finance the utility project and the utility
212 project charge shall be valid and enforceable as set forth in
213 the financing resolution and the documents relating to the
214 utility cost containment bonds.

215 (d) If a local agency that has outstanding utility cost
216 containment bonds ceases to operate a water, wastewater,
217 electric, or stormwater utility, directly or through its
218 publicly owned utility, references in this section to the local
219 agency or to its publicly owned utility shall be to the
220 successor entity. The successor entity shall assume and perform
221 all obligations of the local agency and its publicly owned
222 utility required by this section and shall assume the servicing
223 agreement required under subsection (4) while the utility cost
224 containment bonds remain outstanding.

225 (4) FINANCING UTILITY PROJECTS.-

226 (a) An authority may issue utility cost containment bonds
227 to finance or refinance utility projects; refinance debt of a
228 local agency incurred in financing or refinancing utility
229 projects, provided such refinancing results in present value
230 savings to the local agency; or, with the approval of the local
231 agency, refinance previously issued utility cost containment
232 bonds.

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233 1. To finance a utility project, the authority may:

234 a. Form a single-purpose limited liability company and
235 authorize the company to adopt the financing resolution of such
236 utility project; or

237 b. Create a new single-purpose entity by interlocal
238 agreement whose membership shall consist of the authority and
239 two or more of its members or other public agencies.

240 2. A single-purpose limited liability company or a single-
241 purpose entity may be created by the authority solely for the
242 purpose of performing the duties and responsibilities of the
243 authority specified in this section and shall constitute an
244 authority for all purposes of this section. Reference to the
245 authority includes a company or entity created under this
246 paragraph.

247 (b) The governing body of an authority that is financing
248 the costs of a utility project shall adopt a financing
249 resolution and shall impose a utility project charge as
250 described in subsection (5). All provisions of a financing
251 resolution adopted pursuant to this section are binding on the
252 authority.

253 1. The financing resolution must:

254 a. Provide a brief description of the financial calculation
255 method the authority will use in determining the utility project
256 charge. The calculation method shall include a periodic
257 adjustment methodology to be applied at least annually to the
258 utility project charge. The authority shall establish the
259 allocation of the utility project charge among classes of
260 customers of the publicly owned utility. The decision of the
261 authority shall be final and conclusive, and the method of

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262 calculating the utility project charge and the periodic
263 adjustment may not be changed.

264 b. Require each customer in the class or classes of
265 customers specified in the financing resolution who receives
266 water, wastewater, electric, or stormwater service through the
267 publicly owned utility to pay the utility project charge
268 regardless of whether the customer has an agreement to receive
269 water, wastewater, electric, or stormwater service from a person
270 other than the publicly owned utility.

271 c. Require that the utility project charge be charged
272 separately from other charges on the bill of customers of the
273 publicly owned utility in the class or classes of customers
274 specified in the financing resolution.

275 d. Require that the authority enter into a servicing
276 agreement with the local agency or its publicly owned utility to
277 collect the utility project charge.

278 2. The authority may require in the financing resolution
279 that, in the event of a default by the local agency or its
280 publicly owned utility with respect to revenues from the utility
281 project property, the authority, upon application by the
282 beneficiaries of the statutory lien as set forth in subsection
283 (6), shall order the sequestration and payment to the
284 beneficiaries of revenues arising from utility project property.
285 This provision does not limit any other remedies available to
286 the beneficiaries by reason of default.

287 (c) An authority has all the powers provided in this
288 section and under s. 163.01(7)(g), Florida Statutes.

289 (5) UTILITY PROJECT CHARGE.—

290 (a) The authority shall impose a sufficient utility project

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291 charge, based on estimates of water, wastewater, electric, or
292 stormwater service usage, to ensure timely payment of all
293 financing costs with respect to utility cost containment bonds.
294 The local agency or its publicly owned utility shall provide the
295 authority with information concerning the publicly owned utility
296 which may be required by the authority in establishing the
297 utility project charge.

298 (b) The utility project charge is a nonbypassable charge to
299 all present and future customers of the publicly owned utility
300 in the class or classes of customers specified in the financing
301 resolution upon its adoption. If a customer of the publicly
302 owned utility that is subject to a utility project charge enters
303 into an agreement to purchase water, wastewater, electric, or
304 stormwater service from a person other than the publicly owned
305 utility, the customer shall remain liable for the payment of the
306 utility project charge as if the customer had not entered into
307 the agreement. The customer may discharge the liability by
308 continuing to pay the utility project charge as it accrues or by
309 making a one-time payment, as determined by the authority.

310 (c) The authority shall determine at least annually and at
311 such additional intervals as provided in the financing
312 resolution and documents related to the applicable utility cost
313 containment bonds whether adjustments to the utility project
314 charge are required. The authority shall use the adjustment to
315 correct for any overcollection or undercollection of financing
316 costs from the utility project charge or to make any other
317 adjustment necessary to ensure the timely payment of the
318 financing costs of the utility cost containment bonds, including
319 adjustment of the utility project charge to pay any debt service

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320 coverage requirement for the utility cost containment bonds. The
321 local agency or its publicly owned utility shall provide the
322 authority with information concerning the publicly owned utility
323 which may be required by the authority in adjusting the utility
324 project charge.

325 1. If the authority determines that an adjustment to the
326 utility project charge is required, the adjustment shall be made
327 using the methodology specified in the financing resolution.

328 2. The adjustment may not impose the utility project charge
329 on a class of customers that was not subject to the utility
330 project charge pursuant to the financing resolution imposing the
331 utility project charge.

332 (d) Revenues from a utility project charge are special
333 revenues of the authority and do not constitute revenue of the
334 local agency or its publicly owned utility for any purpose,
335 including, but not limited to, any dedication, commitment, or
336 pledge of revenue, receipts, or other income that the local
337 agency or its publicly owned utility has made or will make for
338 the security of any of its obligations.

339 (e) The local agency or its publicly owned utility shall
340 act as a servicing agent for collecting the utility project
341 charge throughout the duration of the servicing agreement
342 required by the financing resolution. The local agency or its
343 publicly owned utility shall hold the money collected in trust
344 for the exclusive benefit of the persons entitled to have the
345 financing costs paid from the utility project charge and the
346 money does not lose its character as revenues of the authority
347 by virtue of possession by the local agency or its publicly
348 owned utility.

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349 (f) The timely and complete payment of all utility project
350 charges by the customer shall be a condition of receiving water,
351 wastewater, electric, or stormwater service from the publicly
352 owned utility. The local agency or its publicly owned utility
353 may use its established collection policies and remedies
354 provided under law to enforce collection of the utility project
355 charge. A customer liable for a utility project charge may not
356 withhold payment, in whole or in part, thereof.

357 (g) The pledge of a utility project charge to secure
358 payment of utility cost containment bonds is irrevocable, and
359 the state, or any other entity, may not reduce, impair, or
360 otherwise adjust the utility project charge, except that the
361 authority shall implement the periodic adjustments to the
362 utility project charge as provided under this subsection.

363 (6) UTILITIY PROJECT PROPERTY.—

364 (a) A utility project charge constitutes utility project
365 property on the effective date of the financing resolution
366 authorizing such utility project charge. Utility project
367 property constitutes property, including for contracts securing
368 utility cost containment bonds, regardless of whether the
369 revenues and proceeds arising with respect to the utility
370 project property have accrued. Utility project property shall
371 continuously exist as property for all purposes with all of the
372 rights and privileges of this section for the period provided in
373 the financing resolution or until all financing costs with
374 respect to the related utility cost containment bonds are paid
375 in full, whichever occurs first.

376 (b) Upon the effective date of the financing resolution,
377 the utility project property is subject to a first priority

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378 statutory lien to secure the payment of the utility cost
379 containment bonds.

380 1. The lien secures the payment of all financing costs then
381 existing or subsequently arising to the holders of the utility
382 cost containment bonds, the trustee or representative for the
383 holders of the utility cost containment bonds, and any other
384 entity specified in the financing resolution or the documents
385 relating to the utility cost containment bonds.

386 2. The lien attaches to the utility project property
387 regardless of the current ownership of the utility project
388 property, including any local agency or its publicly owned
389 utility, the authority, or other person.

390 3. Upon the effective date of the financing resolution, the
391 lien is valid and enforceable against the owner of the utility
392 project property and all third parties and additional public
393 notice is not required.

394 4. The lien is a continuously perfected lien on all
395 revenues and proceeds generated from the utility project
396 property, regardless of whether the revenues or proceeds have
397 accrued.

398 (c) All revenues with respect to utility project property
399 related to utility cost containment bonds, including payments of
400 the utility project charge, shall be applied first to the
401 payment of the financing costs of the utility cost containment
402 bonds then due, including the funding of reserves for the
403 utility cost containment bonds. Any excess revenues shall be
404 applied as determined by the authority for the benefit of the
405 utility for which the utility cost containment bonds were
406 issued.

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407 (7) UTILITY COST CONTAINMENT BONDS.—

408 (a) Utility cost containment bonds shall be within the
409 parameters of the financing provided by the authority pursuant
410 to this section. The proceeds of the utility cost containment
411 bonds made available to the local agency or its publicly owned
412 utility shall be used for the utility project identified in the
413 application for financing of the utility project or used to
414 refinance indebtedness of the local agency which financed or
415 refinanced utility projects.

416 (b) Utility cost containment bonds shall be issued in
417 accordance with this section and s. 163.01(7)(g)8., Florida
418 Statutes, and may be validated pursuant to s. 163.01(7)(g)9,
419 Florida Statutes.

420 (c) The authority shall pledge the utility project property
421 as security for the payment of the utility cost containment
422 bonds. All rights of an authority with respect to utility
423 project property pledged as security for the payment of utility
424 cost containment bonds shall be for the benefit of, and
425 enforceable by, the beneficiaries of the pledge to the extent
426 provided in the financing documents relating to the utility cost
427 containment bonds.

428 1. If utility project property is pledged as security for
429 the payment of utility cost containment bonds, the local agency
430 or its publicly owned utility shall enter into a contract with
431 the authority which requires, at a minimum, that the publicly
432 owned utility:

433 a. Continue to operate its publicly owned utility,
434 including the utility project that is being financed or
435 refinanced.

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436 b. Collect the utility project charge from customers for
437 the benefit and account of the authority and the beneficiaries
438 of the pledge of the utility project charge.

439 c. Separately account for and remit revenue from the
440 utility project charge to, or for the account of, the authority.

441 2. The pledge of a utility project charge to secure payment
442 of utility cost containment bonds is irrevocable, and the state
443 or any other entity may not reduce, impair, or otherwise adjust
444 the utility project charge, except that the authority shall
445 implement periodic adjustments to the utility project charge as
446 provided under subsection (5).

447 (d) Utility cost containment bonds shall be nonrecourse to
448 the credit or any assets of the local agency or the publicly
449 owned utility but shall be payable from, and secured by a pledge
450 of, the utility project property relating to the utility cost
451 containment bonds and any additional security or credit
452 enhancement specified in the documents relating to the utility
453 cost containment bonds. If, pursuant to subsection (4), the
454 authority is financing the project through a single-purpose
455 limited liability company, the utility cost containment bonds
456 shall be payable from, and secured by, a pledge of amounts paid
457 by the company to the authority from the applicable utility
458 project property. This provision shall be the exclusive method
459 of perfecting a pledge of utility project property by the
460 company securing the payment of financing costs under any
461 agreement of the company in connection with the issuance of
462 utility cost containment bonds.

463 (e) The issuance of utility cost containment bonds does not
464 obligate the state or any political subdivision thereof to levy

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465 or to pledge any form of taxation to pay the utility cost
466 containment bonds or to make any appropriation for their
467 payment. All utility cost containment bonds must contain on
468 their face a statement in substantially the following form:

469
470 "Neither the full faith and credit nor the taxing power of the
471 State of Florida or any political subdivision thereof is pledged
472 to the payment of the principal of, or interest on, this bond."

473
474 (f) Notwithstanding any other law or this section, a
475 financing resolution or other resolution of the authority, or
476 documents relating to utility cost containment bonds, the
477 authority may not rescind, alter, or amend any resolution or
478 document that pledges utility cost charges for payment of
479 utility cost containment bonds.

480 (g) Subject to the terms of the pledge document created
481 under this part, the validity and relative priority of a pledge
482 is not defeated or adversely affected by the commingling of
483 revenues generated by the utility project property with other
484 funds of the local agency or the publicly owned utility
485 collecting a utility project charge on behalf of an authority.

486 (h) Financing costs in connection with utility cost
487 containment bonds are a special obligation of the authority and
488 do not constitute a liability of the state or any political
489 subdivision thereof. Financing costs are not a pledge of the
490 full faith and credit of the state or any political subdivision
491 thereof, including the authority, but are payable solely from
492 the funds in the documents relating to the utility cost
493 containment bonds. This provision does not preclude guarantees

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494 or credit enhancements in connection with utility cost
495 containment bonds.

496 (i) Except as otherwise provided in this section with
497 respect to adjustments to a utility project charge, the recovery
498 of the financing costs for the utility cost containment bonds
499 from the utility project charge shall be irrevocable and the
500 authority does not have the power, either by rescinding,
501 altering, or amending the applicable financing resolution, to
502 revalue or revise for ratemaking purposes the financing costs of
503 utility cost containment bonds; to determine that the financing
504 costs for the related utility cost containment bonds or the
505 utility project charge is unjust or unreasonable; or to in any
506 way reduce or impair the value of utility project property that
507 includes the utility project charge, either directly or
508 indirectly. The amount of revenues arising with respect to the
509 financing costs for the related utility cost containment bonds
510 or the utility project charge are not subject to reduction,
511 impairment, postponement, or termination for any reason until
512 all financing costs to be paid from the utility project charge
513 are fully met and discharged.

514 (j) Except as provided in subsection (5) with respect to
515 adjustments to a utility project charge, the state does hereby
516 pledge and agree with the owners of utility cost containment
517 bonds that the state shall neither limit nor alter the financing
518 costs or the utility project property, including the utility
519 project charge, relating to the utility cost containment bonds,
520 or any rights in, to, or under the utility project property
521 until all financing costs with respect to the utility cost
522 containment bonds are fully met and discharged. This paragraph

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523 does not preclude limitation or alteration if adequate provision
524 is made by law for the protection of the owners. The authority
525 may include this pledge by the state in the governing documents
526 for utility cost containment bonds.

527 (8) LIMITATION ON DEBT RELIEF.—Notwithstanding any other
528 law, an authority that issued utility cost containment bonds may
529 not, and no governmental officer or organization shall so
530 authorize the authority to, become a debtor under the United
531 States Bankruptcy Code or become the subject of any similar case
532 or proceeding under any other state or federal law if any
533 payment obligation from utility project property remains with
534 respect to the utility cost containment bonds.

535 (9) CONSTRUCTION.—This section and all grants of power and
536 authority in this section shall be liberally construed to
537 effectuate their purposes. All incidental powers necessary to
538 carry into effect the provisions of this section are expressly
539 granted to, and conferred upon, public entities.

540 Section 2. This act shall take effect July 1, 2014.

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Ronald A. Brise
Florida Public Service Commission

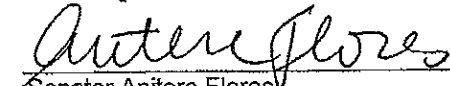
NOTICE OF HEARING

TO: Commissioner Ronald A. Brise

YOU ARE HEREBY NOTIFIED that the Committee on Communications, Energy, and Public Utilities of the Florida Senate will conduct a hearing on your executive appointment on Tuesday, March 18, 2014, in 301 Senate Office Building, commencing at 8:30 a.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 13th day of March, 2014

Committee on Communications, Energy, and
Public Utilities



Senator Anitere Flores
As Chair and by authority of the committee

cc: Members, Committee on Communications, Energy, and Public Utilities
Office of the Sergeant at Arms

2020

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

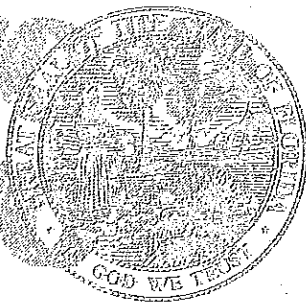
I, Ken Detzner, Secretary of State,
do hereby certify that

Ronald A. Brise

is duly appointed a member of the
Florida Public Service Commission

for a term beginning on the
Second day of January, A.D., 2014,
until the First day of January, A.D., 2018
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Eighteenth day of November, A.D., 2013.*



Ken Detzner

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear

State of Florida" appears in small letters across the face of this 8 1/2" x 11" document.

OATH OF OFFICE
(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF
2013 NOV 18 PM 12:14
STATE OF FLORIDA

STATE OF FLORIDA

County of LEON

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Public Service Commissioner
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

Sworn to and subscribed before me this 14 day of November, 2013.

Joyce P. Pafford
Signature of Officer Administering Oath of Notary Public

Print, Type, or Stamp Commission Expires July 31, 2015
JOYCE P. PAFFORD
Commission # EE 117248
Expires July 31, 2015
Notary Public
Bundled thru Troy Fair Insurance 800-305-7619

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

2540 Shumard Oak Boulevard
Street or Post Office Box

Tallahassee, FL 32399
City, State, Zip Code

Ronald A. BRISÉ
Print name as you desire commission issued

[Signature]
Signature



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2013 OCT -1 AM 9:02
DIVISION OF ELECTIONS
TALLAHASSEE, FL

September 26, 2013

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 1001.71, Florida Statutes:

Mr. Ronald A. Brisé
2540 Shumard Oak Boulevard
Tallahassee, Florida 32311

as a member of the Florida Public Service Commission, subject to confirmation by the Senate. This appointment is effective January 2, 2014, for a term ending January 1, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh

18479

105851

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

10/15/2013

Date Completed

RECEIVED
13 OCT 21 AM 10:50
DIVISION OF ELECTIONS
SECRETARY OF STATE

1. Name: Mr. Brisé Ronald Anthony
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 2540 Shumard Oak Boulevard Tallahassee
Street Office # City
Florida 32399-0850 850-413-6036
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 2500 Merchants Row Blvd Apt 228 Tallahassee Leon
Street City County
Florida 32311 305-934-3979
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business Residence Fax # _____ (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
2500 Merchants Row Blvd., Apt 228 Tallahassee, FL		2010	Present
80 NE 135St	North Miami, FL	2004	2010

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
7000 Adventist Blvd., N.W.	Huntsville, AL	1992	1999

5. Date of Birth: June 12, 1974 Place of Birth: Port-au-Prince, Haiti

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: November 22, 1999

10. Since what year have you been a continuous resident of Florida? 1981

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Leon County B. Current Party Affiliation: Democrat

12. Education

A. High School: Miami Union Academy, Hialeah Gardens Year Graduated: 1992
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>American Intercontinental University</u>	<u>August 2002 - May 2004</u>	<u>M.B.A. in Management & Marketing</u>
<u>Oakwood College, AL</u>	<u>August 1992 - May 1999</u>	<u>B.S. in Biology Education</u>

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of Service: _____

B. Branch or Component: _____

C. Date & type of discharge: _____

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>Florida Public Service Commission</u>	<u>Regulatory</u>	<u>Commissioner</u>	<u>07/2010 - Present</u>
<u>Strategic Partner Consulting</u>	<u>Management Consulting</u>	<u>CEO</u>	<u>2009 - 06/ 2010</u>
<u>Florida House of Representatives</u>	<u>Legislative</u>	<u>State Representative</u>	<u>11/2006 - 07/2010</u>

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
<u>Commissioner</u>	<u>Florida Public Service Commission</u>	<u>07/2010 - Present</u>
<u>State Representative</u>	<u>Florida House of Representatives</u>	<u>11/2006 - 07/2010</u>

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Having served a full term at the Commission, I realize to what extent my previous experience has aided me in my capacity as commissioner. They have solidified my qualifications in public affairs, economics, finance, energy policy, and telecommunications. I credit my experience as a small business executive for my familiarity with financial principles as well as economic principles that play a role in virtually every rate case. In addition, my service on the Energy and Telecommunications Committee gave me a strong foundation for understanding the unique challenges and opportunities of Florida's utility sector. Finally, I have been engaged in the national dialogue on telecom issues through my leadership roles at NARUC as a result of my interest in and understanding the importance that telecommunications plays in the lives of people.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

POLITIC365's Game Changers, 2011

D. Identify all association memberships and association offices held by you that relate to this appointment:

Board of Directors, National Association of Regulatory Utility Commissioners
2nd Vice President, Southeastern Association of Regulatory Utility Commissioners (SEARUC)
NARUC Task Force on Federalism and Telecommunications
Board of Directors, Universal Service Administrative Company
Federal Communications Commission's Intergovernmental Advisory Committee
NARUC Committees: Telecommunications, Utility Market Access, International Relations

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No If "Yes", list:

Federal Communications Commission's Intergovernmental Advisory Committee
Board of Directors, Universal Service Administrative Company

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
Commissioner	July, 23, 2010	4 years	State
State Representative	November 6, 2006	2 years	State
North Miami Planning Commission	June 2005	4 years	City

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: Bi-weekly

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes No If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____

B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No If "Yes", list:

A. Title of Office: Commissioner

B. Term of Appointment: 2010 - 2014

C. Confirmation results: Confirmed

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
Florida Legislature	Florida Public Service Commission

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Juan Zapata			
Regina Harris			
Jean Monestime			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
Leadership Florida	201 E. Park Ave, Tallahassee 32301	Member	2012 - Present
Hallian-American Chamber of Commerce	1510 NE 162nd Street, North Miami Beach, 33162	Board Member, 2012-2013	2009 - Present
Miami Union Academy Alumni Association	12600 NW 4th Avenue, North Miami 33168	Board Member	2002 - Present
Florida NAACP	230 Seneca Trail, Crest View 32536	Member	2004 - Present
Miami-Dade DEC	2141 SW 1st Street, Suite 24, Miami 33135	Member	2005-2010

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

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13 OCT 21 AM 10:53

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) _____

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

CERTIFICATION

RECEIVED

13 OCT 21 AM 10:53

DIVISION OF ELECTIONS
SECRETARY OF STATE

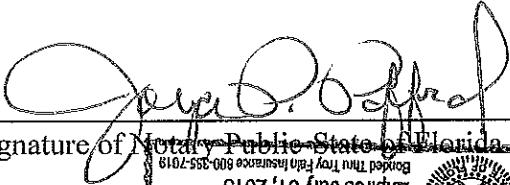
STATE OF FLORIDA
COUNTY OF Leon

Before me, the undersigned Notary Public of Florida, personally appeared Ronald A. Brisé, who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

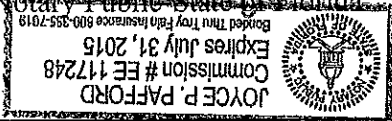


Signature of Applicant-Affiant

Sworn to and subscribed before me this 15th day of October, 2013



Signature of Notary Public State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 07/31/2015

Personally Known OR Produced Identification

Type of Identification Produced _____

(seal)

THE FLORIDA SENATE

COMMITTEE WITNESS OATH

CHAIR:

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

WITNESS'S NAME: Ronald A. Brise

ANSWER: I Do

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Communications, Energy and Public Utilities

DATE: March 18, 2014

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Art Graham
Florida Public Service Commission

NOTICE OF HEARING

TO: Commissioner Art Graham

YOU ARE HEREBY NOTIFIED that the Committee on Communications, Energy, and Public Utilities of the Florida Senate will conduct a hearing on your executive appointment on Tuesday, March 18, 2014, in 301 Senate Office Building, commencing at 8:30 a.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 13th day of March, 2014

Committee on Communications, Energy, and
Public Utilities



Senator Anitere Flores
As Chair and by authority of the committee

cc: Members, Committee on Communications, Energy, and Public Utilities
Office of the Sergeant at Arms

2020

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

Art Graham

is duly appointed a member of the
Florida Public Service Commission

for a term beginning on the
Second day of January, A.D., 2014,
until the First day of January, A.D., 2018
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Second day of November, A.D., 2013*

Ken Detzner

Secretary of State



If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.) 19 NOV 22 AM 11:19

STATE OF FLORIDA

DIVISION OF ELECTIONS
SECRETARY OF STATE

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Commissioner, Florida Public Service Commission

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

Sworn to and subscribed before me this 14th day of November, 2013

[Signature]
Signature of Officer Administering Oath or of Notary Public



Theresa Farley Walsh
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

2540 Shumard Oak Blvd.

Street or Post Office Box

Tallahassee, FL 32399

City, State, Zip Code

Art Graham

Print name as you desire commission issued

[Signature]
Signature



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2013 OCT -1 AM 9:02
DIVISION OF ELECTIONS
TALLAHASSEE, FL

September 20, 2013

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 1001.71, Florida Statutes:

Mr. Art L. Graham
2540 Shumard Oak Boulevard
Tallahassee, Florida 32311

as a member of the Florida Public Service Commission, subject to confirmation by the Senate. This appointment is effective January 2, 2014, for a term ending January 1, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

November 14, 2013

Date Completed

1. Name: Mr. Graham Arthur L.
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 2540 Shumard Oak Boulevard Tallahassee
Street Office # City
N/A FL 32399-0850 (850) 413-6040
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 15 North 16th Ave. Jacksonville Beach Duval
Street City County
N/A FL 32250 (904) 318-0485
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business Residence Fax # _____ (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
3153 Mulberry Park Ct.	Tallahassee, FL	2010	Current
15 North 16th Ave.	Jacksonville Beach, FL	1997	Current

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
23680 Hillhurst Dr.	Laguna Niguel, CA 92677	1988	1991
703 Techwood Dr.	Atlanta, GA 30313	1982	1988

5. Date of Birth: 03/17/1964 Place of Birth: Paris, France

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

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DEPARTMENT OF STATE
2013 NOV 18 AM 11:16
DIVISION OF ELECTIONS

2020

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

Art Graham

is duly appointed a member of the
Florida Public Service Commission

for a term beginning on the
Second day of January, A.D., 2014,
until the First day of January, A.D., 2018
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Second day of November, A.D., 2013*



Ken Detzner

Secretary of State

DSIDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.) 19 NOV 22 AM 11:19

STATE OF FLORIDA

County of Leon

DIVISION OF ELECTIONS
SECRETARY OF STATE

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Commissioner, Florida Public Service Commission

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

Sworn to and subscribed before me this 14th day of November, 2013

[Signature]
Signature of Officer Administering Oath or of Notary Public



THERESA FARLEY WALSH
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

2540 Shumard Oak Blvd.

Street or Post Office Box

Tallahassee, FL 32399

City, State, Zip Code

Art Graham

Print name as you desire commission issued

[Signature]
Signature



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2013 OCT -1 AM 9:02
DIVISION OF ELECTIONS
TALLAHASSEE, FL

September 20, 2013

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 1001.71, Florida Statutes:

Mr. Art L. Graham
2540 Shumard Oak Boulevard
Tallahassee, Florida 32311

as a member of the Florida Public Service Commission, subject to confirmation by the Senate. This appointment is effective January 2, 2014, for a term ending January 1, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh

15791

106277

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

November 14, 2013

Date Completed

1. Name: Mr. Graham Arthur L.
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 2540 Shumard Oak Boulevard Tallahassee
Street Office # City
N/A FL 32399-0850 (850) 413-6040
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 15 North 16th Ave. Jacksonville Beach Duval
Street City County
N/A FL 32250 (904) 318-0485
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business Residence Fax # _____ (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
3153 Mulberry Park Ct.	Tallahassee, FL	2010	Current
15 North 16th Ave.	Jacksonville Beach, FL	1997	Current

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
23680 Hillhurst Dr.	Laguna Niguel, CA 92677	1988	1991
703 Techwood Dr.	Atlanta, GA 30313	1982	1988

5. Date of Birth: 03/17/1964 Place of Birth: Paris, France

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

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2013 NOV 18 AM 11:16
DIVISION OF ELECTIONS

9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 1991

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Duval

B. Current Party Affiliation: Republican

12. Education

A. High School: Redan High School; Stone Mountain, Georgia
(Name and Location)

Year Graduated: 1982

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>GA Tech; Atlanta, GA</u>	<u>9/1982 - 3/1988</u>	<u>Chemical Engineering</u>

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of Service: _____

B. Branch or Component: _____

C. Date & type of discharge: _____

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
			<u>As a 20 year old student at Georgia Tech, I was charged with DUI, although I had only sat in a parked vehicle with the motor running. I entered a plea of nolo contendere and was fined \$100.</u>

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>FL Public Service Comm. 2540 Shumard Oak Blvd., Tallahassee, FL 32399</u>		<u>State Govt. Commissioner</u>	<u>7/2010 - Current</u>
<u>ART Environmental Consulting Services</u>	<u>Environmental Consulting</u>	<u>President</u>	<u>9/2005 - 7/2010</u>
<u>15 North 16th Ave.; Jacksonville Beach, FL</u>			
<u>City of Jacksonville, FL</u>	<u>Local Government</u>	<u>City Councilman-County Commissioner</u>	<u>7/2003 - 6/2010</u>

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
<u>Commissioner</u>	<u>FL Public Service Commission</u>	<u>7/2010 - Current</u>
<u>City Councilman/County Commissioner</u>	<u>City of Jacksonville, FL</u>	<u>7/2003 - 6/2010</u>
<u>City Councilman</u>	<u>City of Jacksonville Beach, FL</u>	<u>1998 - 2002</u>

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Three years as a Florida Public Service Commissioner, regulating rates and service quality in a quasi-judicial role, including reviewing briefs, hearing oral testimony, and applying state code to complex and highly technical information in the evidentiary record. Ten years as an environmental engineer in paper mills, optimizing water use and recovering material used to fuel electric generation. Eleven years city council experience exercising quasi-judicial responsibility and making public policy.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

Bachelor of Chemical Engineering from Georgia Tech.

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:

National Association of Regulatory Utility Commissioners

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
PSC Commissioner	July 2010	4 years	State
Jacksonville City Councilman	2003 - 2010		City/County
Jacksonville Beach City Council	1998 - 2002		City

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: Twice a month, with frequent additional meetings.

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
<u>All</u>	<u>None</u>	

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes No If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____
B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No If "Yes", list:

A. Title of Office: Commissioner, Florida Public Service Commission
B. Term of Appointment: July 2010 - January 2014
C. Confirmation results: Confirmed

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
<u>Art Environmental Consulting - HMOC 08-00100094</u>	<u>December 2007</u>	<u>City of Jacksonville Beach</u>	<u>None</u>

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
John Peyton			
Ron Townsend			
Kathy Barco			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
Rotary Club	PO Box 37028, Jacksonville, FL	32236	1998 - Current

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) _____

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

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2013 NOV 18 PM 12:17
OFFICE OF THE ATTORNEY GENERAL
DIVISION OF ELECTIONS

CERTIFICATION

STATE OF FLORIDA
COUNTY OF Leon

Before me, the undersigned Notary Public of Florida, personally appeared

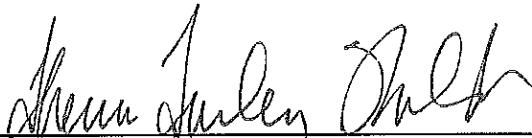
Art Graham

who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.



Signature of Applicant-Affiant

Sworn to and subscribed before me this 14th day of November, 2013



Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: _____

Personally Known OR Produced Identification

Type of Identification Produced _____

(seal)

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Senate Confirmation Questionnaire

Please mail to: Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

The information from this page has been requested and will be used exclusively for Minority Statistics.
Please type or use blue ink.

1. Board of Interest: Florida Public Service Commission

2. Current Employer and Occupation: Florida Public Service Commission, Commissioner

3. Are you applying for reappointment: Yes No

4. *Do you have a disability? Yes No If "Yes", please describe your disability that would qualify you for this appointment, if applicable.

5. *Sex: Male Female

6. *Race: White African-American
Hispanic-American Asian/Pacific Islander
Native-American/Alaskan Native

7. Do you now, or have you, within the last three years, been a member of any club or organization that, to your knowledge, in practice or policy, restricts membership or restricted membership during the time that you belonged on the basis of race, religion, national origin, or gender? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices, and state whether you intend to continue as a member if you appointed by the Governor.

NO

8. One of the Governor's top priorities is to improve the conditions of the children living in our state. Would you be willing to spend an hour a week with a child in need in your community? If so, please identify the type of program and/or activity you would be willing to participate in as a mentor.

Arthur L. "Art" Graham
Applicant's Name, including name commonly used
(Please print)

* This information will be used to provide demographic statistics and is not requested for the purpose of discriminating on any basis

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DIVISION OF ELECTIONS

THE FLORIDA SENATE

COMMITTEE WITNESS OATH

CHAIR:

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

WITNESS'S NAME: Art Graham

ANSWER: I Do

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Communications, Energy and Public Utilities

DATE: March 18, 2014

Public Service Commission Report Card: 7/1/2010 - 12/31/13

	<u>2010</u>	<u>2013</u>
Public Service Commission Budget	\$28 million	\$25 million
Public Service Commission Headcount	323	293
Average residential electric bill (regulated utilities)	\$103.20/mo	\$99.80/mo

	<u>Requested by utilities</u>	<u>Granted by PSC</u>
Utility rate case decisions	\$2.535 billion	\$1.033 billion

	<u>Appealed</u>	<u>Overtured</u>
Judicial review of PSC final orders	24	0

- Over 100 rules repealed to streamline regulation
- \$356,000 per year saved by reducing office space and consolidating Tallahassee operations in one building

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/18/14

Meeting Date

Topic Utility projects / securitization

Bill Number ~~910~~ 910

(if applicable)

Name Barry Moline

Amendment Barcode

Job Title Executive Director

(if applicable)

Address 417 E. College Ave

Phone 850-224-3314

Street

Tallahassee FL 32301

City

State

Zip

E-mail b.moline@publicpower.com

Speaking: For Against Information

Representing Florida Municipal Electric Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-18-14

Meeting Date

Topic Communications and Broadband Bill Number SB 910

(if applicable)

Name Jason Smith

Amendment Barcode

(if applicable)

Job Title Cable Splicer

Address 9822 Lema Ct Phone 727 457 7876

Street

New Port Richey FL 34655

City

State

Zip

Speaking: For Against Information

Representing Pasco County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/18/11 Meeting Date

Topic Bond cost contract Bill Number 910 (if applicable)

Name Robert Sheets Amendment Barcode (if applicable)

Job Title FGLA System Mgr. Phone 686-3717

Address 1500 Mahan Street City Tallahassee State FL Zip 32305 E-mail Rshets@fla.gov

Speaking: [X] For [] Against [] Information

Representing FGLA

Appearing at request of Chair: [] Yes [] No Lobbyist registered with Legislature: [] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/18/14

Meeting Date

Topic Utility Cost Containment Bonds Bill Number SB 910
(if applicable)

Name John Pelham Amendment Barcode _____
(if applicable)

Job Title General Counsel- FGUA

Address 215 S. Monroe Phone 222-3533

City Tall. State FL Zip _____
Street *City* *State* *Zip*

Speaking: For Against Information

Representing FGUA

Appearing at request of Chair: Yes No
Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

APPEARANCE RECORD

Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-18-2014

Meeting Date

Public Service Commission

Bill Number

(if applicable)

Susan Clickman

Amendment Barcode

(if applicable)

Florida Director

Job Title

PO Box 310

Phone

727 742 9003

Street

Indian Rocks Beach FL 33785

E-mail

Susan@cleanenergy.org

City

State

Zip

Speaking:

For

Against

Information

Representing Southern Alliance for Clean Energy

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

CourtSmart Tag Report

Room: SB 301

Case:

Type:

Caption: Communications, Energy, and Public Utilities Senate Committee

Judge:

Started: 3/18/2014 8:34:11 AM

Ends: 3/18/2014 8:56:17 AM

Length: 00:22:07

8:34:14 AM Call to Order
8:34:19 AM Roll Call
8:34:29 AM Quorum Present
8:34:36 AM Tab 1- SB 910
8:34:45 AM Spencer Pylant presents bill on Senator Legg's behalf
8:35:56 AM Senator Gibson- Questions pertaining to SB 910
8:36:37 AM Spencer responds
8:37:07 AM Senator Gibson follow-up
8:37:33 AM Spencer responds
8:37:53 AM Senator Gibson follow up question
8:38:17 AM Spencer responds
8:40:30 AM Barry Moline Waives in support
8:40:34 AM Jason Smith - representing Pasco County residents speaks in support
8:42:29 AM Jason Smith - Presents a newspaper article and requests to expand the bill
8:42:58 AM Senator Hukill raises a question
8:44:15 AM Robert Sheets waives in support
8:44:53 AM John Pelham waives in support of SB 910
8:45:07 AM Senator Hukill- Raises question regarding bill
8:45:39 AM Senator Gibson- Raises questions regarding bill
8:46:41 AM Roll Call Vote
8:46:52 AM SB 910 favorable
8:47:05 AM Tab 2-Commissioner Art Graham
8:47:09 AM Graham sworn in
8:47:24 AM Graham makes a statement
8:47:52 AM Senator Bean highlights Graham's success
8:48:51 AM Senator Gibson applauds Graham's hard work
8:49:21 AM Senator Abruzzo commends Commissioner Graham
8:50:06 AM Senator Flores congratulates Graham
8:50:15 AM Roll Call Vote
8:50:23 AM Commissioner Graham appointment confirmed
8:50:30 AM Tab 3- Ronald Brise
8:50:46 AM Commissioner Ronald Brise sworn in
8:51:08 AM Senator Gibson supports confirmation
8:51:44 AM Senator Garcia supports commissioner Brise
8:52:22 AM Senator Bean moves confirmation
8:52:26 AM Roll Call Vote
8:52:37 AM Appointment Confirmed for Commissioner Brise
8:52:52 AM Susan Glickman- comments on reappointments- representing Southern Alliance
8:56:11 AM Senator Flores moves to rise