

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Precourt offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 350.001, Florida Statutes, is amended to read:

350.001 Legislative intent.-

(1) The Florida Public Service Commission has been and shall continue to be an arm of the legislative branch of government. In the exercise of its jurisdiction, the commission shall neither establish nor implement any regulatory policy that is contrary to, or is an expansion of, the authority granted to it by the Legislature.

(2) The Public Service Commission shall perform its duties independently, impartially, professionally, honorably, and without undue influence from any person.

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17 (3) It is the desire of the Legislature that the Governor
18 participate in the appointment process of commissioners to the
19 Public Service Commission. The Legislature accordingly delegates
20 to the Governor a limited authority with respect to the Public
21 Service Commission by authorizing him or her to participate in
22 the selection of members only in the manner prescribed by s.
23 350.031.

24 Section 2. Paragraphs (b) and (d) of subsection (1) and
25 subsection (5) of section 350.031, Florida Statutes, are amended
26 to read:

27 350.031 Florida Public Service Commission Nominating
28 Council.—

29 (1)

30 (b) All terms shall be for 4 years except those members of
31 the House and Senate, who shall serve 2-year terms concurrent
32 with the 2-year elected terms of House members. ~~All terms of the~~
33 ~~members of the Public Service Commission Nominating Council~~
34 ~~existing on June 30, 2008, shall terminate upon the effective~~
35 ~~date of this act; however, such members may serve an additional~~
36 ~~term if reappointed by the Speaker of the House of~~
37 ~~Representatives or the President of the Senate.~~ To establish
38 staggered terms, appointments of members shall be made for
39 initial terms to begin on July 1, 2008, with each appointing
40 officer to appoint three legislator members, one of whom shall
41 be a member of the minority party, to terms through the
42 remainder of the 2-year elected terms of House members; one
43 nonlegislator member to a 6-month term; one nonlegislator member
44 to an 18-month term; and one nonlegislator member to a 42-month

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45 term. Thereafter, the terms of the nonlegislator members of the
46 Public Service Commission Nominating Council shall begin on
47 January 2 of the year the term commences and end 4 years later
48 on January 1.

49 (d) Vacancies on the council shall be filled for the
50 unexpired portion of the term in the same manner as original
51 appointments to the council. A member may not be reappointed to
52 the council, except for a member of the House of Representatives
53 or the Senate who may be appointed to two 2-year terms, ~~members~~
54 ~~who are reappointed pursuant to paragraph (b)~~, or a person who
55 is appointed to fill the remaining portion of an unexpired term.

56 (5) A person may not be nominated to the Governor for
57 appointment to the Public Service Commission until the council
58 has determined that the person satisfies the qualifications set
59 forth in s. 350.04 ~~is competent and knowledgeable in one or more~~
60 ~~fields, which shall include, but not be limited to: public~~
61 ~~affairs, law, economics, accounting, engineering, finance,~~
62 ~~natural resource conservation, energy, or another field~~
63 ~~substantially related to the duties and functions of the~~
64 ~~commission.~~ The commission shall fairly represent the ~~above-~~
65 ~~stated~~ fields identified in s. 350.04(2); however, at least one
66 commissioner shall be an accountant certified under the Public
67 Accountancy Law in this state and practicing in this state.
68 Recommendations of the council shall be nonpartisan.

69 Section 3. Section 350.035, Florida Statutes, is created
70 to read:

71 350.035 Prohibited influence on commissioners and
72 commission staff.-

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73 (1) (a) Neither the Governor, the President of the Senate,
74 the Speaker of the House of Representatives, nor a member of the
75 Public Service Commission Nominating Council shall attempt to
76 sway the independent judgment of the commission by bringing
77 pressure to bear upon a commissioner or commission employee
78 through that person's role in the nomination, appointment, or
79 confirmation of commissioners.

80 (b) The Commission on Ethics shall receive and investigate
81 sworn complaints of violations of this subsection pursuant to
82 ss. 112.322-112.3241.

83 (2) (a) To ensure that each commissioner, as a member of a
84 collegial body, is afforded the benefit of unbiased and
85 independent analysis and advice from its professional and
86 technical staff, an individual commissioner may not demand or
87 require any member of the commission staff, other than the
88 commissioner's direct staff, to develop, present, or pursue a
89 particular opinion, position, or course of action in relation to
90 any substantive matter pending before the commission or a panel
91 of commissioners. This paragraph does not prohibit the
92 commission, as a collegial body, from directing its staff to
93 pursue a course of action consistent with direction provided by
94 the collegial body. Further, this paragraph is not intended to
95 prohibit an individual commissioner from any otherwise lawful
96 communication with commission staff, including any expression of
97 opinion, position, or concern regarding a matter within the
98 jurisdiction of the commission. A violation of this subsection
99 is an act of malfeasance for purposes of ss. 112.3187-112.31895.

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100 (b) The inspector general of the commission shall receive
101 and investigate complaints of violations of this subsection.

102 Section 4. Section 350.04, Florida Statutes, is amended to
103 read:

104 350.04 Qualifications of commissioners; training and
105 continuing education.—

106 (1) A commissioner may not, at the time of appointment or
107 during his or her term of office:

108 (a)~~(1)~~ Have any financial interest, other than ownership
109 of shares in a mutual fund, in any business entity which, either
110 directly or indirectly, owns or controls any public utility
111 regulated by the commission, in any public utility regulated by
112 the commission, or in any business entity which, either directly
113 or indirectly, is an affiliate or subsidiary of any public
114 utility regulated by the commission.

115 (b)~~(2)~~ Be employed by or engaged in any business activity
116 with any business entity which, either directly or indirectly,
117 owns or controls any public utility regulated by the commission,
118 by any public utility regulated by the commission, or by any
119 business entity which, either directly or indirectly, is an
120 affiliate or subsidiary of any public utility regulated by the
121 commission.

122 (2) Each person recommended for appointment to the Public
123 Service Commission by the Public Service Commission Nominating
124 Council must:

125 (a) Have earned at least a baccalaureate degree from an
126 institution of higher learning accredited by a regional or
127 national accrediting body; and

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128 (b) Possess a minimum of 10 years of professional
129 experience, or a minimum of 6 years of professional experience
130 if the person has earned an advanced degree, in one or more of
131 the following:

132 1. Energy or electric industry issues.

133 2. Telecommunications issues.

134 3. Water and sewer industry issues.

135 4. Finance.

136 5. Economics.

137 6. Accounting.

138 7. Engineering.

139 8. Law.

140 (3) Notwithstanding subsection (2), the council may
141 recommend a person for appointment to the commission if it
142 determines that the person has professional experience of a
143 quality and duration substantial enough to prepare the person to
144 perform the duties of a public service commissioner and
145 functionally equivalent to the standards set forth in subsection
146 (2). The nomination of a person under this subsection who would
147 not otherwise qualify for nomination under subsection (2) shall
148 require a two-thirds vote of the council and shall be
149 accompanied by a written justification for the nomination.

150 (4) Before voting on any matter before the commission,
151 each person appointed to the commission after July 1, 2010,
152 shall complete a comprehensive course of study, developed by the
153 commission's executive director and general counsel in
154 coordination with the National Association of Regulatory Utility
155 Commissioners Subcommittee on Education and Research, that

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156 addresses the substantive matters within the jurisdiction of the
157 commission, administrative law applicable to commission
158 proceedings, and standards of conduct applicable to
159 commissioners. Thereafter, each commissioner must annually
160 complete no less than 10 hours of continuing professional
161 education directly related to substantive matters within the
162 jurisdiction of the commission.

163 (5) No less than once every 12 months, each commissioner
164 and commission employee shall receive training, in a form
165 developed by the commission's executive director and general
166 counsel, that addresses the ethical standards of conduct
167 applicable to commissioners and the commission's staff.

168 (6) The chair of the commission shall certify the
169 commission's compliance with these requirements, and each
170 commissioner shall certify his or her individual compliance with
171 the continuing professional education requirements provided in
172 subsection (4). Each certification of compliance shall be
173 provided to the President of the Senate and the Speaker of the
174 House of Representatives.

175 Section 5. Section 350.041, Florida Statutes, is amended
176 to read:

177 350.041 Commissioners; standards of conduct.—

178 (1) STATEMENT OF INTENT.—

179 (a) Professional, impartial, and honorable commissioners
180 are indispensable to the effective performance of the
181 commission's duties. A commissioner shall maintain high
182 standards of conduct and shall personally observe those
183 standards so that the integrity and impartiality of the

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184 commission may be preserved. The standards of conduct provided
185 in this section should be construed and applied to further that
186 objective.

187 (b) In addition to the provisions of part III of chapter
188 112, which are applicable to public service commissioners by
189 virtue of their being public officers and full-time employees of
190 the legislative branch of government, the conduct of public
191 service commissioners shall be governed by the standards of
192 conduct provided in this section. Nothing shall prohibit the
193 standards of conduct from being more restrictive than part III
194 of chapter 112. Further, this section shall not be construed to
195 contravene the restrictions of part III of chapter 112. In the
196 event of a conflict between this section and part III of chapter
197 112, the more restrictive provision shall apply.

198 (2) STANDARDS OF CONDUCT.—

199 (a) A commissioner may not accept anything from any
200 business entity which, either directly or indirectly, owns or
201 controls any public utility regulated by the commission, from
202 any public utility regulated by the commission, or from any
203 business entity which, either directly or indirectly, is an
204 affiliate or subsidiary of any public utility regulated by the
205 commission. A commissioner may attend conferences and associated
206 meals and events that are generally available to all conference
207 participants without payment of any fees in addition to the
208 conference fee. Additionally, while attending a conference, a
209 commissioner may attend meetings, meals, or events that are not
210 sponsored, in whole or in part, by any representative of any
211 public utility regulated by the commission and that are limited
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212 to commissioners only, committee members, or speakers if the
213 commissioner is a member of a committee of the association of
214 regulatory agencies that organized the conference or is a
215 speaker at the conference. It is not a violation of this
216 paragraph for a commissioner to attend a conference for which
217 conference participants who are employed by a utility regulated
218 by the commission have paid a higher conference registration fee
219 than the commissioner, or to attend a meal or event that is
220 generally available to all conference participants without
221 payment of any fees in addition to the conference fee and that
222 is sponsored, in whole or in part, by a utility regulated by the
223 commission. If, during the course of an investigation by the
224 Commission on Ethics into an alleged violation of this
225 paragraph, allegations are made as to the identity of the person
226 giving or providing the prohibited gift, that person must be
227 given notice and an opportunity to participate in the
228 investigation and relevant proceedings to present a defense. If
229 the Commission on Ethics determines that the person gave or
230 provided a prohibited gift, the person may not appear before the
231 commission or otherwise represent anyone before the commission
232 for a period of 2 years.

233 (b) A commissioner may not accept any form of employment
234 with or engage in any business activity with any business entity
235 which, either directly or indirectly, owns or controls any
236 public utility regulated by the commission, any public utility
237 regulated by the commission, or any business entity which,
238 either directly or indirectly, is an affiliate or subsidiary of
239 any public utility regulated by the commission.

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240 (c) A commissioner may not have any financial interest,
241 other than shares in a mutual fund, in any public utility
242 regulated by the commission, in any business entity which,
243 either directly or indirectly, owns or controls any public
244 utility regulated by the commission, or in any business entity
245 which, either directly or indirectly, is an affiliate or
246 subsidiary of any public utility regulated by the commission. If
247 a commissioner acquires any financial interest prohibited by
248 this section during his or her term of office as a result of
249 events or actions beyond the commissioner's control, he or she
250 shall immediately sell such financial interest or place such
251 financial interest in a blind trust at a financial institution.
252 A commissioner may not attempt to influence, or exercise any
253 control over, decisions regarding the blind trust.

254 (d) A commissioner may not accept anything from a party in
255 a proceeding currently pending before the commission. If, during
256 the course of an investigation by the Commission on Ethics into
257 an alleged violation of this paragraph, allegations are made as
258 to the identity of the person giving or providing the prohibited
259 gift, that person must be given notice and an opportunity to
260 participate in the investigation and relevant proceedings to
261 present a defense. If the Commission on Ethics determines that
262 the person gave or provided a prohibited gift, the person may
263 not appear before the commission or otherwise represent anyone
264 before the commission for a period of 2 years.

265 (e) A commissioner may not serve as the representative of
266 any political party or on any executive committee or other
267 governing body of a political party; serve as an executive

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268 officer or employee of any political party, committee,
269 organization, or association; receive remuneration for
270 activities on behalf of any candidate for public office; engage
271 on behalf of any candidate for public office in the solicitation
272 of votes or other activities on behalf of such candidacy; or
273 become a candidate for election to any public office without
274 first resigning from office.

275 (f) A commissioner, during his or her term of office, may
276 not make any public comment regarding the merits of any
277 proceeding under ss. 120.569 and 120.57 currently pending before
278 the commission.

279 (g) A commissioner may not conduct himself or herself in
280 an unprofessional manner at any time during the performance of
281 his or her official duties.

282 (h) The chair shall require order and decorum in
283 proceedings before the commission. In the absence of the chair,
284 the commissioner presiding over a commission proceeding shall
285 require order and decorum in the proceeding.

286 (i) A commissioner shall be patient, dignified, and
287 courteous to litigants, other commissioners, witnesses, lawyers,
288 commission staff, and others with whom the commissioner deals in
289 an official capacity.

290 (j) A commissioner shall perform his or her official
291 duties without bias or prejudice. A commissioner may not, in the
292 performance of his or her official duties, by words or conduct
293 manifest bias or prejudice.

294 (k) A commissioner may not, with respect to parties or
295 classes of parties, cases, controversies, or issues likely to

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296 come before the commission, make pledges, promises, or
297 commitments that are inconsistent with the impartial performance
298 of the commissioner's official duties.

299 (l) A commissioner may not be swayed by partisan
300 interests, public clamor, or fear of criticism.

301 (m) ~~(h)~~ A commissioner must avoid impropriety in all of his
302 or her activities and must act at all times in a manner that
303 promotes public confidence in the integrity and impartiality of
304 the commission.

305 (n) ~~(i)~~ A commissioner may not directly or indirectly,
306 through staff or other means, solicit anything of value from any
307 public utility regulated by the commission, or from any business
308 entity that, whether directly or indirectly, is an affiliate or
309 subsidiary of any public utility regulated by the commission, or
310 from any party appearing in a proceeding considered by the
311 commission in the last 2 years.

312 (3) INVESTIGATIONS; REPORTS; ADVISORY OPINIONS.-

313 (a) The Commission on Ethics shall accept and investigate
314 any alleged violations of this section pursuant to the
315 procedures contained in ss. 112.322-112.3241.

316 (b) The Commission on Ethics shall provide the Governor
317 and the Florida Public Service Commission Nominating Council
318 with a report of its findings and recommendations with respect
319 to alleged violations by a public service commissioner. The
320 Governor is authorized to enforce these ~~the~~ findings and
321 recommendations ~~of the Commission on Ethics,~~ pursuant to part
322 III of chapter 112.

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323 (c) A public service commissioner, a commission employee,
324 or a member of the Florida Public Service Commission Nominating
325 Council may request an advisory opinion from the Commission on
326 Ethics, pursuant to s. 112.322(3)(a), regarding the standards of
327 conduct or prohibitions set forth in this section and ss.
328 350.031, 350.04, and 350.042.

329 Section 6. Section 350.042, Florida Statutes, is amended
330 to read:

331 350.042 Ex parte communications.-

332 (1) Each A commissioner and member of a commissioner's
333 direct staff shall ~~should~~ accord to every person who is a party
334 to or is registered with the commission as an interested person
335 in a proposed agency action proceeding, or who is a party to a
336 proceeding under s. 120.565, s. 120.569, or s. 120.57 ~~legally~~
337 ~~interested in a proceeding,~~ or the person's lawyer, full right
338 to be heard according to law, and, except as authorized by law,
339 shall not ~~neither~~ initiate, solicit, or ~~nor~~ consider ex parte
340 communications concerning a pending proposed agency action ~~the~~
341 ~~merits, threat, or offer of reward in any proceeding~~ or a
342 proceeding under s. 120.565, s. 120.569, or s. 120.57 ~~other than~~
343 ~~a proceeding under s. 120.54 or s. 120.565, workshops, or~~
344 ~~internal affairs meetings.~~ No individual shall discuss ex parte
345 with a commissioner or a member of a commissioner's direct staff
346 the merits of any issue that he or she reasonably foresees ~~knows~~
347 will be filed with the commission ~~within 90 days.~~ ~~The provisions~~
348 ~~of this subsection shall not apply to commission staff.~~

349 (a) As used in this section, the term "ex parte
350 communication" means any communication that:

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351 1. If it is a written or printed communication or a
352 communication in electronic form, is not served on all parties
353 to a proceeding; or

354 2. If it is an oral communication, is made without
355 adequate notice to the parties and without an opportunity for
356 the parties to be present and heard.

357 (b) Where circumstances require, ex parte communications
358 concerning scheduling, administrative purposes, or emergencies
359 that do not deal with substantive matters or issues on the
360 merits are authorized, if:

361 1. The commissioner or member of a commissioner's direct
362 staff reasonably believes that no party will gain a procedural
363 or tactical advantage as a result of the ex parte communication;
364 and

365 2. The commissioner or member of a commissioner's direct
366 staff makes provision promptly to notify all parties of the
367 substance of the ex parte communication and, where possible,
368 allows an opportunity to respond.

369 (2) The provisions of this section shall not prohibit an
370 individual residential ratepayer from communicating with a
371 commissioner or member of a commissioner's direct staff,
372 provided that the ratepayer is representing only himself or
373 herself, without compensation.

374 (3) This section shall not apply to oral communications or
375 discussions in scheduled and noticed open public meetings of
376 educational programs or of a conference or other meeting of an
377 association of regulatory agencies.

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378 (4) If a commissioner or member of a commissioner's direct
379 staff knowingly receives an ex parte communication prohibited by
380 this section ~~relative to a proceeding other than as set forth in~~
381 ~~subsection (1)~~, to which he or she is assigned, he or she must
382 place on the record of the proceeding copies of all written
383 communications received, all written responses to the
384 communications, and a memorandum stating the substance of all
385 oral communications received and all oral responses made, and
386 shall give written notice to all parties to the communication
387 that such matters have been placed on the record. Any party to
388 the proceeding who desires to respond to the ~~an ex parte~~
389 communication may do so. The response must be received by the
390 commission within 10 days after receiving notice that the ~~ex~~
391 ~~parte~~ communication has been placed on the record. The
392 commissioner may, if he or she deems it necessary to eliminate
393 the effect of an ex parte communication received by him or her,
394 withdraw from the proceeding, in which case the chair shall
395 substitute another commissioner for the proceeding.

396 (5) Any individual who makes an ex parte communication
397 prohibited by this section shall submit to the commission a
398 written statement describing the nature of such communication,
399 to include the name of the person making the communication, the
400 name of each ~~the~~ commissioner or direct staff member of a
401 commissioner ~~commissioners~~ receiving the communication, copies
402 of all written communications made, all written responses to
403 such communications, and a memorandum stating the substance of
404 all oral communications received and all oral responses made.

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405 The commission shall place on the record of a proceeding all
406 such communications.

407 (6) Any commissioner or member of a commissioner's direct
408 staff who knowingly fails to place on the record any ex parte
409 communication prohibited by this section ~~such communications~~, in
410 violation of this ~~the~~ section, within 15 days after ~~of~~ the date
411 of the ~~such~~ communication is subject to removal or dismissal and
412 may be assessed a civil penalty not to exceed \$5,000. Any
413 individual who knowingly fails to comply with subsection (5) may
414 be assessed a civil penalty not to exceed \$5,000.

415 (7) (a) It is ~~shall be~~ the duty of the Commission on Ethics
416 to receive and investigate sworn complaints of violations of
417 this section pursuant to the procedures contained in ss.
418 112.322-112.3241.

419 (b) If the Commission on Ethics finds that there has been
420 a violation of this section by a public service commissioner or
421 member of a commissioner's direct staff, it shall provide the
422 Governor and the Florida Public Service Commission Nominating
423 Council with a report of its findings and recommendations. The
424 Governor is authorized to enforce the findings and
425 recommendations of the Commission on Ethics, pursuant to part
426 III of chapter 112.

427 (c) If a commissioner, a member of a commissioner's direct
428 staff, or other individual fails or refuses to pay the
429 Commission on Ethics any civil penalties assessed pursuant to
430 ~~the provisions of~~ this section, the Commission on Ethics may
431 bring an action in any circuit court to enforce the ~~such~~
432 penalty.

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433 (d) If, during the course of an investigation by the
434 Commission on Ethics into an alleged violation of this section,
435 allegations are made as to the identity of the person who
436 participated in the ex parte communication, that person must be
437 given notice and an opportunity to participate in the
438 investigation and relevant proceedings to present a defense. If
439 the Commission on Ethics determines that the person participated
440 in the ex parte communication, the person may not appear before
441 the commission or otherwise represent anyone before the
442 commission for a period of 2 years.

443 Section 7. Subsections (1), (2), and (3) of section
444 350.06, Florida Statutes, are amended to read:

445 350.06 Place of meeting; expenditures; employment of
446 personnel; records availability and fees.—

447 (1) The offices of the commission ~~said commissioners~~ shall
448 be in the vicinity of Tallahassee, but the commissioners may
449 hold sessions anywhere in the state at their discretion.

450 (2) All sums of money authorized to be paid on account of
451 the commission ~~said commissioners~~ shall be paid out of the State
452 Treasury only on the order of the Chief Financial Officer.

453 (3) (a) The commission shall ~~commissioners may~~ employ an
454 executive director, a general counsel, and an inspector general
455 ~~elerical, technical, and professional personnel reasonably~~
456 ~~necessary for the performance of their duties and may also~~
457 ~~employ one or more persons capable of stenographic court~~
458 ~~reporting, to be known as the official reporters of the~~
459 ~~commission.~~ Selection of the executive director shall be subject
460 to confirmation by the Senate. Until such time as the Senate

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461 confirms the selection of the executive director, the individual
462 selected shall perform the functions of the position. If the
463 Senate refuses to confirm or fails to consider the selection
464 during its next regular session, the commission shall, within 30
465 days, select another individual for Senate confirmation. This
466 process shall continue until the Senate has confirmed a
467 selection. In case of a vacancy in the position of executive
468 director, the commission shall select a new executive director
469 in the same manner as the original selection.

470 (b) Each commissioner may employ a chief advisor and an
471 executive assistant to serve as the direct staff of the
472 commissioner.

473 (c) Notwithstanding any other provision of law, the
474 executive director shall employ clerical, technical, and
475 professional personnel reasonably necessary to assist the
476 commission in the performance of its duties, and may employ one
477 or more persons capable of stenographic court reporting, to be
478 known as the official reporters of the commission. The executive
479 director shall have sole authority with respect to employment,
480 compensation, supervision, and direction of agency personnel
481 other than those personnel employed by the commission and
482 individual commissioners under paragraphs (a) and (b).

483 (d) The general counsel shall, in consultation with the
484 executive director, employ attorneys, paralegals, legal
485 secretaries, and other personnel reasonably necessary to assist
486 the commission in the performance of its duties.

487 Section 8. Section 350.122, Florida Statutes, is created
488 to read:

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350.122 Testimony; public disclosure of affiliation.-

(1) Each person offering testimony at a meeting, workshop, hearing, or other scheduled event of the commission shall disclose any financial or fiduciary relationship with any party to the proceedings at the time the testimony is provided to the commission.

(2) The determination by the commission that a person has knowingly violated this section constitutes agency action for which a hearing may be sought under chapter 120.

Section 9. Prior to the 2011 Regular Session, the Legislature intends to study and evaluate the structure and processes of the Public Service Commission and any related matters to determine whether the commission should be restructured in a manner that establishes the commission's primary role as an independent and impartial decisionmaking body, enhances due process for all persons involved in commission proceedings, ensures that a public interest position will be presented in commission proceedings, and allows commission staff to freely gather information necessary to advise the commission and advocate for the public interest, while ensuring that the staff is not used as a conduit for prohibited ex parte communications. In cooperation with the Legislature, the commission's staff shall, as requested, provide assistance and information relevant to this study.

Section 10. This act shall take effect July 1, 2010.

T I T L E A M E N D M E N T

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517 Remove the entire title and insert:
518 A bill to be entitled
519 An act relating to reorganization of the Public Service
520 Commission; amending s. 350.001, F.S.; revising legislative
521 intent; amending s. 350.031, F.S.; revising requirements
522 for nomination by the Public Service Commission Nominating
523 Council for appointment to the commission; requiring at
524 least one commissioner to be a certified accountant
525 practicing in the state; creating s. 350.035, F.S.;
526 prohibiting attempts by certain persons to sway the
527 judgment of commissioners; providing for the Commission on
528 Ethics to receive and investigate complaints of violations
529 pursuant to specified procedures; prohibiting commissioners
530 from requiring or demanding that certain commission staff
531 pursue particular positions or courses of action; requiring
532 the inspector general of the commission to investigate
533 complaints of violations; amending s. 350.04, F.S.;
534 providing requirements for nomination by the Public Service
535 Commission Nominating Council for appointment to the
536 commission; requiring commissioners to complete a course of
537 study developed by the executive director and general
538 counsel; requiring commissioners to complete continuing
539 education; providing training requirements for
540 commissioners and commission employees; requiring
541 certifications of compliance to be provided to the
542 Legislature; amending s. 350.041, F.S.; revising
543 legislative intent; revising standards of conduct for
544 commissioners; revising provisions for investigation and

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545 reports by the Commission on Ethics of alleged violations;
546 authorizing commission employees to request opinions from
547 the Commission on Ethics; amending s. 350.042, F.S.;
548 revising provisions for communications concerning agency
549 action proceedings and proceedings under specified
550 provisions; providing for application of such provisions to
551 members of a commissioner's direct staff; revising
552 restrictions on such communications by commissioners and
553 their direct staff; defining the term "ex parte
554 communication"; providing a civil penalty; amending s.
555 350.06, F.S.; revising provisions for the offices of the
556 commission, payment of moneys, and employment of personnel;
557 creating s. 350.122, F.S.; requiring persons testifying
558 before the Public Service Commission to disclose certain
559 financial and fiduciary relationships; providing that a
560 determination by the commission that a violation occurred
561 constitutes agency action for which a hearing may be
562 sought; providing legislative intent to evaluate and study
563 the structure and processes of the Public Service
564 Commission; providing an effective date.

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