A bill to be entitled
An act relating to utilities regulation; amending s.
350.01, F.S.; requiring the Florida Public Service
Commission to hold public customer service meetings in
certain service territories; requiring that specified
meetings, workshops, hearings, or proceedings of the
commission be streamed live and recorded copies be
made available on the commission’s web page; amending
s. 350.031, F.S.; requiring a person who lobbies a
member of the Florida Public Service Commission
Nominating Council to register as a lobbyist;
reenacting and amending s. 350.041, F.S.; requiring
public service commissioners to annually complete
ethics training; providing applicability; amending s.
350.042, F.S.; expanding the prohibition against ex
parte communication to apply to any type of
proceeding, workshop, or internal affairs meeting and
to any matter that the commissioner or other person
knows or reasonably expects will be filed within a
certain timeframe; deleting an exemption from this
prohibition for oral communications or discussions in
scheduled and noticed open public meetings of
educational programs or of a conference or other
meeting of an association of regulatory agencies;
requiring the Governor to remove from office any
commissioner found to have violated the ex parte
statute; amending s. 350.0611, F.S.; authorizing the
Public Counsel to be a party to settlement agreements
in any proceeding before the commission in which he or
she has participated as a party; prohibiting a settlement agreement to which the Public Counsel is not a party from being submitted to or approved by the Florida Public Service Commission; amending s. 366.05, F.S.; limiting the use of tiered rates in conjunction with extended billing periods; limiting deposit amounts; requiring a utility to notify each customer if it has more than one rate for any customer class; requiring the utility to provide good faith assistance to the customer in determining the best rate; assigning responsibility to the customer for the rate selection; requiring that the commission approve a tariff and a change to an existing tariff; amending s. 366.82, F.S.; requiring that money received by a utility for the development of demand-side renewable energy systems be used solely for that purpose; reenacting ss. 403.537 and 403.9422, F.S., relating to determination of need for electric and natural gas transmission lines, respectively; reenacting s. 350.043, F.S., relating to the enforcement and interpretation of laws relating to the commission; providing an effective date.

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

Section 1. Subsections (8), (9), and (10) are added to section 350.01, Florida Statutes, to read:

350.01 Florida Public Service Commission; terms of commissioners; vacancies; election and duties of chair; quorum;
(8) At least annually, the commission shall hold a customer service meeting, open to the public, in the service territory of each public utility regulated by the commission which supplies electricity.

(9) The commission shall hold a customer service meeting, open to the public, in the service territory of each water or wastewater utility that is subject to regulation under chapter 367, upon receipt of a written request signed by at least 10 percent of the customers of that utility. Such meeting shall be scheduled within a reasonable time after receipt of the request.

(10) Each meeting, including an internal affairs meeting, workshop, hearing, or proceeding that is attended by two or more commissioners and each meeting, workshop, hearing, or proceeding at which a decision is made which concerns the rights or obligations of any person, shall be streamed live on the Internet, and a recorded copy of such meeting, workshop, hearing, or proceeding must be made available on the commission’s web page.

Section 2. Subsection (10) is added to section 350.031, Florida Statutes, to read:

350.031 Florida Public Service Commission Nominating Council.—

(10) In keeping with the purpose of the council, which is to select nominees to be appointed to an arm of the legislative branch of government, a person who lobbies a member of the council, legislator or nonlegislator, must register as a lobbyist pursuant to s. 11.045 and comply with the requirements of that section.
Section 3. Present subsection (3) of section 350.041, Florida Statutes, is reenacted and amended, and a new subsection (3) is added to that section, to read:

350.041 Commissioners; standards of conduct.—

(3) ETHICS TRAINING.—Beginning January 1, 2016, a commissioner must annually complete 4 hours of ethics training that addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation, if the required subjects are covered.

(4) COMMISSION ON ETHICS.—(3) The Commission on Ethics shall accept and investigate any alleged violations of this section pursuant to the procedures contained in ss. 112.322-112.3241. The Commission on Ethics shall provide the Governor and the Florida Public Service Commission Nominating Council with a report of its findings and recommendations. The Governor is authorized to enforce the findings and recommendations of the Commission on Ethics, pursuant to part III of chapter 112. A public service commissioner or a member of the Florida Public Service Commission Nominating Council may request an advisory opinion from the Commission on Ethics, pursuant to s. 112.322(3)(a), regarding the standards of conduct or prohibitions set forth in this section and ss. 350.031, 350.04, and 350.042.

Section 4. Subsections (1) and (3) and paragraph (b) of subsection (7) of section 350.042, Florida Statutes, are amended
to read:

350.042 Ex parte communications.—

(1) A commissioner should accord to every person who is legally interested in a proceeding, or the person’s lawyer, full right to be heard according to law, and, except as authorized by law, shall neither initiate nor consider ex parte communications concerning the merits, threat, or offer of reward in any proceeding currently pending before the commission or which he or she knows or reasonably expects will be filed with the commission within 1 year after the date of any such communication other than a proceeding under s. 120.54 or s. 120.565, workshops, or internal affairs meetings. An individual may not discuss ex parte with a commissioner the merits of any issue that he or she knows will be filed with the commission within 1 year. The provisions of this subsection shall not apply to commission staff.

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

(7)

(b) If the Commission on Ethics finds that there has been a violation of this section by a public service commissioner, it shall provide the Governor and the Florida Public Service Commission Nominating Council with a report of its findings and recommendations. The Governor shall remove from office a commissioner who violates this section and is authorized to enforce the findings and recommendations of the Commission on Ethics.
Section 5. Section 350.0611, Florida Statutes, is amended to read:

350.0611 Public Counsel; duties and powers.—It shall be the duty of the Public Counsel to provide legal representation for the people of the state in proceedings before the commission and in proceedings before counties pursuant to s. 367.171(8). The Public Counsel shall have such powers as are necessary to carry out the duties of his or her office, including, but not limited to, the following specific powers:

1. To recommend to the commission or the counties, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the commission or the counties and urge therein any position which he or she deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the commission or the counties, and utilize therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the commission or the counties which shall be reviewable by summary procedure in the circuit courts of this state;

2. To have access to and use of all files, records, and data of the commission or the counties available to any other attorney representing parties in a proceeding before the commission or the counties;

3. In any proceeding before the commission in which he or she has participated as a party, to be a party to a settlement agreement. If he or she is not a party to the settlement agreement.
agreement, it may not be submitted to or approved by the commission;

(4)(3) In any proceeding in which he or she has participated as a party, to seek review of any determination, finding, or order of the commission or the counties, or of any hearing examiner designated by the commission or the counties, in the name of the state or its citizens;

(5)(4) To prepare and issue reports, recommendations, and proposed orders to the commission, the Governor, and the Legislature on any matter or subject within the jurisdiction of the commission, and to make such recommendations as he or she deems appropriate for legislation relative to commission procedures, rules, jurisdiction, personnel, and functions; and

(6)(5) To appear before other state agencies, federal agencies, and state and federal courts in connection with matters under the jurisdiction of the commission, in the name of the state or its citizens.

Section 6. Subsection (1) of section 366.05, Florida Statutes, is amended to read:

366.05 Powers.—

(1)(a) In the exercise of such jurisdiction, the commission shall have power to prescribe fair and reasonable rates and charges, classifications, standards of quality and measurements, including the ability to adopt construction standards that exceed the National Electrical Safety Code, for purposes of ensuring the reliable provision of service, and service rules and regulations to be observed by each public utility; to require repairs, improvements, additions, replacements, and extensions to the plant and equipment of any public utility when
reasonably necessary to promote the convenience and welfare of
the public and secure adequate service or facilities for those
reasonably entitled thereto; to employ and fix the compensation
for such examiners and technical, legal, and clerical employees
as it deems necessary to carry out the provisions of this
chapter; and to adopt rules pursuant to ss. 120.536(1) and
120.54 to implement and enforce the provisions of this chapter.
(b) If the commission authorizes a public utility to charge
tiered rates based upon levels of usage and to vary the billing
period, the utility may not charge a customer a higher rate
because of an increase in usage attributable to an extension of
the billing period.
(c) Notwithstanding any commission rule to the contrary, a
utility may not charge or receive a deposit in excess of the
amounts specified in subparagraphs 1. and 2.
1. For an existing customer, the total deposit cannot
exceed the total charges for 2 months of average actual usage,
calculated by adding the monthly charges from the 12-month
period immediately before the date any change in the deposit
amount is sought, dividing this total by 12, and multiplying the
result by 2.
2. For a new customer, the amount may not exceed 2 months
of projected charges, calculated using the process specified in
subparagraph 1. Once a new customer has had continuous service
for a 12-month period, the amount of the deposit shall be
recalculated, using actual usage data. Any difference between
the projected and actual amounts must be resolved by the
customer paying any additional amount due or the utility
returning any overcharge.
(d) If a utility has more than one rate for any customer class, it must notify each customer in that class of the available rates and explain how the rate is charged to the customer. If a customer contacts the utility seeking assistance in selecting the most advantageous rate, the utility must provide good faith assistance to the customer. The customer is responsible for charges for service calculated under the selected rate.

(e) New tariffs and changes to an existing tariff must be approved by vote of the commission.

Section 7. Subsection (2) of section 366.82, Florida Statutes, is amended to read:

366.82 Definition; goals; plans; programs; annual reports; energy audits.—

(2) The commission shall adopt appropriate goals for increasing the efficiency of energy consumption and increasing the development of demand-side renewable energy systems, specifically including goals designed to increase the conservation of expensive resources, such as petroleum fuels, to reduce and control the growth rates of electric consumption, to reduce the growth rates of weather-sensitive peak demand, and to encourage development of demand-side renewable energy resources. The commission may allow efficiency investments across generation, transmission, and distribution as well as efficiencies within the user base. Money received by a utility for implementation of measures to encourage development of demand-side renewable energy systems shall be used solely for such purpose.

Section 8. For the purpose of incorporating the amendment
made by this act to section 350.01, Florida Statutes, in a
reference thereto, paragraph (a) of subsection (1) of section
403.537, Florida Statutes, is reenacted to read:

        403.537 Determination of need for transmission line; powers
and duties.—

        (1)(a) Upon request by an applicant or upon its own motion,
the Florida Public Service Commission shall schedule a public
hearing, after notice, to determine the need for a transmission
line regulated by the Florida Electric Transmission Line Siting
Act, ss. 403.52-403.5365. The notice shall be published at least
21 days before the date set for the hearing and shall be
published by the applicant in at least one-quarter page size
notice in newspapers of general circulation, and by the
commission in the manner specified in chapter 120, by giving
notice to counties and regional planning councils in whose
jurisdiction the transmission line could be placed, and by
giving notice to any persons who have requested to be placed on
the mailing list of the commission for this purpose. Within 21
days after receipt of a request for determination by an
applicant, the commission shall set a date for the hearing. The
hearing shall be held pursuant to s. 350.01 within 45 days after
the filing of the request, and a decision shall be rendered
within 60 days after such filing.

Section 9. For the purpose of incorporating the amendment
made by this act to section 350.01, Florida Statutes, in a
reference thereto, paragraph (a) of subsection (1) of section
403.9422, Florida Statutes, is reenacted to read:

        403.9422 Determination of need for natural gas transmission
pipeline; powers and duties.—
(1)(a) Upon request by an applicant or upon its own motion, the commission shall schedule a public hearing, after notice, to determine the need for a natural gas transmission pipeline regulated by ss. 403.9401-403.9425. Such notice shall be published at least 45 days before the date set for the hearing and shall be published in at least one-quarter page size in newspapers of general circulation and in the Florida Administrative Register, by giving notice to counties and regional planning councils in whose jurisdiction the natural gas transmission pipeline could be placed, and by giving notice to any persons who have requested to be placed on the mailing list of the commission for this purpose. Within 21 days after receipt of a request for determination by an applicant, the commission shall set a date for the hearing. The hearing shall be held pursuant to s. 350.01 within 75 days after the filing of the request, and a decision shall be rendered within 90 days after such filing.

Section 10. For the purpose of incorporating the amendment made by this act to sections 350.031, 350.041, and 350.042, Florida Statutes, in a reference thereto, section 350.043, Florida Statutes, is reenacted to read:

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

Section 11. This act shall take effect July 1, 2015.