



291132

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2015	.	
	.	
	.	
	.	

---

The Committee on Communications, Energy, and Public Utilities  
(Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 118 - 146

and insert:

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



291132

11 proceeding under s. 120.569 or s. 120.57 which is currently  
12 pending before the commission or which he or she knows or  
13 reasonably expects will be filed with the commission within 180  
14 days after the date of any such communication, other than a  
15 proceeding under s. 120.54 or s. 120.565, workshops, or internal  
16 affairs meetings. An ~~Ne~~ individual may not shall discuss ex  
17 parte with a commissioner the merits of any issue that he or she  
18 knows will be filed with the commission within 180 ~~90~~ days. The  
19 provisions of This subsection does shall not apply to commission  
20 staff.

21 (3) (a) The Legislature finds that it is important to have  
22 commissioners who are educated and informed on regulatory  
23 policies and developments in science, technology, business  
24 management, finance, law, and public policy which are associated  
25 with the industries that the commissioners regulate, and the  
26 Legislature also finds that it is in the public interest for  
27 commissioners to become educated and informed on these matters  
28 through active participation in meetings that are scheduled by  
29 the sponsoring organization, such as sessions, programs, or  
30 conferences, which are duly noticed and open to the public.

31 (b) As used in this subsection, the term "active  
32 participation" or the term "participating in" includes, but is  
33 not limited to, attending or speaking at educational sessions,  
34 participating in organization governance by attending meetings,  
35 serving on committees, or in leadership positions, participating  
36 in panel discussions, and attending meals and receptions  
37 associated with such events that are open to all attendees.

38 (c) The prohibition in subsection (1) remains in effect at  
39 all times at such meetings wherever located. While participating



291132

40 in such meetings, a commissioner shall:

41 1. Refrain from commenting on or discussing the subject  
42 matter of any proceeding under s. 120.569 or s. 120.57 which is  
43 currently pending before the commission or which he or she knows  
44 or reasonably expects will be filed with the commission within  
45 180 days after the meeting; and

46 2. Use reasonable care to ensure that the content of the  
47 educational session or other session in which the commissioner  
48 participates is not designed to address or create a forum to  
49 influence the commissioner on the subject matter of any  
50 proceeding under s. 120.569 or s. 120.57 which is currently  
51 pending before the commission or which he or she knows or  
52 reasonably expects will be filed with the commission within 180  
53 days after the meeting ~~This section shall not apply to oral~~  
54 ~~communications or discussions in scheduled and noticed open~~  
55 ~~public meetings of educational programs or of a conference or~~  
56 ~~other meeting of an association of regulatory agencies.~~

57 (7)

58 (b) If the Commission on Ethics finds that there has been a  
59 violation of this section by a public service commissioner, it  
60 shall provide the Governor and the Florida Public Service  
61 Commission Nominating Council with a report of its findings and  
62 recommendations. The Governor shall remove from office a  
63 commissioner who willfully and knowingly violates this section  
64 and is authorized to enforce the findings and recommendations of  
65 the Commission on Ethics, pursuant to part III of chapter 112.

66

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

68 And the title is amended as follows:



291132

69           Delete lines 15 - 26  
70 and insert:  
71           350.042, F.S.; revising the prohibition against ex  
72           parte communication to apply to any matter that a  
73           commissioner knows or reasonably expects will be filed  
74           within a certain timeframe; providing legislative  
75           intent; defining terms; applying the prohibition  
76           against ex parte communications to specified meetings;  
77           requiring the Governor to remove from office any  
78           commissioner found to have willfully and knowingly  
79           violated the ex parte communications