

1 A bill to be entitled
2 An act relating to the Florida Public Service
3 Commission; amending s. 350.01, F.S.; providing term
4 limits for commissioners appointed after a specified
5 date; requiring that specified meetings, workshops,
6 hearings, or proceedings of the commission be streamed
7 live and recorded copies be made available on the
8 commission's website; amending s. 350.031, F.S.;
9 requiring a person who lobbies a member of the Florida
10 Public Service Commission Nominating Council to
11 register as a lobbyist; amending s. 350.041, F.S.;
12 requiring public service commissioners to annually
13 complete ethics training; amending s. 350.042, F.S.;
14 revising the prohibition against ex parte
15 communications to include any matter that a
16 commissioner knows or reasonably expects will be filed
17 within a certain timeframe; providing legislative
18 intent; defining terms; applying the prohibition
19 against ex parte communications to specified meetings;
20 specifying conditions under which the Governor must
21 remove from office any commissioner found to have
22 willfully and knowingly violated the ex parte
23 communications law; amending s. 366.05, F.S.; limiting
24 the use of tiered rates in conjunction with extended
25 billing periods; limiting deposit amounts; requiring a
26 utility to notify each customer if it has more than

27 | one rate for any customer class; requiring the utility
 28 | to provide good faith assistance to the customer in
 29 | determining the best rate; assigning responsibility to
 30 | the customer for the rate selection; requiring the
 31 | commission to approve new tariffs and certain changes
 32 | to existing tariffs; amending s. 366.82, F.S.;
 33 | requiring that money received by a utility for the
 34 | development of demand-side renewable energy systems be
 35 | used solely for that purpose; providing an effective
 36 | date.

37 |
 38 | Be It Enacted by the Legislature of the State of Florida:

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 40 | Section 1. Subsection (3) of section 350.01, Florida
 41 | Statutes, is amended, and subsection (8) is added to that
 42 | section, to read:

43 | 350.01 Florida Public Service Commission; terms of
 44 | commissioners; vacancies; election and duties of chair; quorum;
 45 | proceedings.—

46 | (3) Any person serving on the commission who seeks to be
 47 | appointed or reappointed shall file with the nominating council
 48 | no later than June 1 prior to the year in which his or her term
 49 | expires a statement that he or she desires to serve an
 50 | additional term. A commissioner appointed after July 1, 2015,
 51 | may not serve more than three consecutive terms.

52 | (8) Each meeting, including each internal affairs meeting,

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53 workshop, hearing, or other proceeding attended by two or more
54 commissioners, and each such meeting, workshop, hearing, or
55 other proceeding where a decision that concerns the rights or
56 obligations of any person is made, shall be streamed live on the
57 Internet and a recorded copy of the meeting, workshop, hearing,
58 or proceeding shall be made available on the commission's
59 website.

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

62 350.031 Florida Public Service Commission Nominating
63 Council.—

64 (10) In keeping with the purpose of the council, which is
65 to select nominees to be appointed to an arm of the legislative
66 branch of government, a person who is employed and receives
67 payment, or who contracts for economic consideration, for the
68 purpose of influencing or attempting to influence action of the
69 council through oral or written communication or through an
70 attempt to obtain the goodwill of a legislator or nonlegislator
71 member of the council, or a person who is principally employed
72 for governmental affairs by another person or governmental
73 entity to act on behalf of that other person or entity for this
74 purpose, must register as a lobbyist pursuant to s. 11.045 and
75 otherwise comply with the requirements of that section.

76 Section 3. Subsection (3) of section 350.041, Florida
77 Statutes is renumbered as subsection(4), and a new subsection
78 (3) is added to that section to read:

79 350.041 Commissioners; standards of conduct.—

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

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

92 350.042 Ex parte communications.—

93 (1) A commissioner should accord to every person who is
 94 legally interested in a proceeding, or the person's lawyer, full
 95 right to be heard according to law, and, except as authorized by
 96 law, shall neither initiate nor consider ex parte communications
 97 concerning the merits, threat, or offer of reward in any
 98 proceeding under s. 120.569 or s. 120.57 that is currently
 99 pending before the commission or that he or she knows or
 100 reasonably expects will be filed with the commission within 180
 101 days after the date of any such communication, other than a
 102 proceeding under s. 120.54 or s. 120.565, workshops, or internal
 103 affairs meetings. An ~~Ne~~ individual may not ~~shall~~ discuss ex
 104 parte with a commissioner the merits of any issue that he or she

105 knows will be filed with the commission within 180 ~~90~~ days. ~~The~~
 106 ~~provisions of~~ This subsection does ~~shall~~ not apply to commission
 107 staff.

108 (3)(a) The Legislature finds that it is important to have
 109 commissioners who are educated and informed on regulatory
 110 policies and developments in science, technology, business
 111 management, finance, law, and public policy which are associated
 112 with the industries that the commissioners regulate. The
 113 Legislature also finds that it is in the public interest for
 114 commissioners to become educated and informed on these matters
 115 through active participation in meetings that are scheduled by
 116 organizations that sponsor such educational or informational
 117 sessions, programs, conferences, and similar events and that are
 118 duly noticed and open to the public.

119 (b) As used in this subsection, the term "active
 120 participation" or "participating in" includes, but is not
 121 limited to, attending or speaking at educational sessions,
 122 participating in organization governance by attending meetings,
 123 servng on committees or in leadership positions, participating
 124 in panel discussions, and attending meals and receptions
 125 associated with such events that are open to all attendees.

126 (c) The prohibition in subsection (1) remains in effect at
 127 all times at such meetings wherever located. While participating
 128 in such meetings, a commissioner shall:

129 1. Refrain from commenting on or discussing the subject
 130 matter of any proceeding under s. 120.569 or s. 120.57 that is

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131 currently pending before the commission or that he or she knows
132 or reasonably expects will be filed with the commission within
133 180 days after the meeting.

134 2. Use reasonable care to ensure that the content of the
135 educational session or other session in which the commissioner
136 participates is not designed to address or create a forum to
137 influence the commissioner on the subject matter of any
138 proceeding under s. 120.569 or s. 120.57 that is currently
139 pending before the commission or that he or she knows or
140 reasonably expects will be filed with the commission within 180
141 days after the meeting ~~This section shall not apply to oral~~
142 ~~communications or discussions in scheduled and noticed open~~
143 ~~public meetings of educational programs or of a conference or~~
144 ~~other meeting of an association of regulatory agencies.~~

145 (7)

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

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157 this section after a previous finding by the Commission on
158 Ethics that the commissioner willfully and knowingly violated
159 this section in a separate matter.

160 Section 5. Subsection (1) of section 366.05, Florida
161 Statutes, is amended to read:

162 366.05 Powers.—

163 (1) (a) In the exercise of such jurisdiction, the
164 commission shall have power to prescribe fair and reasonable
165 rates and charges, classifications, standards of quality and
166 measurements, including the ability to adopt construction
167 standards that exceed the National Electrical Safety Code, for
168 purposes of ensuring the reliable provision of service, and
169 service rules and regulations to be observed by each public
170 utility; to require repairs, improvements, additions,
171 replacements, and extensions to the plant and equipment of any
172 public utility when reasonably necessary to promote the
173 convenience and welfare of the public and secure adequate
174 service or facilities for those reasonably entitled thereto; to
175 employ and fix the compensation for such examiners and
176 technical, legal, and clerical employees as it deems necessary
177 to carry out the provisions of this chapter; and to adopt rules
178 pursuant to ss. 120.536(1) and 120.54 to implement and enforce
179 the provisions of this chapter.

180 (b) If the commission authorizes a public utility to
181 charge tiered rates based upon levels of usage and to vary its
182 regular billing period, the utility may not charge a customer a

183 higher rate because of an increase in usage attributable to an
184 extension of the billing period; however, the regular meter
185 reading date may not be advanced or postponed more than 5 days
186 for routine operating reasons without prorating the billing for
187 the period.

188 (c) A utility may not charge or receive a deposit in
189 excess of the following amounts:

190 1. For an existing account, the total deposit may not
191 exceed the total charges for 2 months of average actual usage,
192 calculated by adding the monthly charges from the 12-month
193 period immediately before the date any change in the deposit
194 amount is sought, dividing this total by 12, and multiplying the
195 result by 2. If the account has less than 12 months of actual
196 usage, the deposit shall be calculated by adding the available
197 monthly charges, dividing this total by the number of months
198 available, and multiplying the result by 2.

199 2. For a new service request, the total deposit may not
200 exceed 2 months of projected charges, calculated by adding the
201 12 months of projected charges, dividing this total by 12, and
202 multiplying the result by 2. Once a new customer has had
203 continuous service for a 12-month period, the amount of the
204 deposit shall be recalculated using actual usage data. Any
205 difference between the projected and actual amounts must be
206 resolved by the customer paying any additional amount that may
207 be billed by the utility or the utility returning any
208 overcharge.

209 (d) If a utility has more than one rate for any customer
210 class, it must notify each customer in that class of the
211 available rates and explain how the rate is charged to the
212 customer. If a customer contacts the utility seeking assistance
213 in selecting the most advantageous rate, the utility must
214 provide good faith assistance to the customer. The customer is
215 responsible for charges for service provided under the selected
216 rate.

217 (e) New tariffs and changes to an existing tariff, other
218 than an administrative change that does not substantially change
219 the meaning or operation of the tariff, must be approved by
220 majority vote of the commission.

221 Section 6. Subsection (2) of section 366.82, Florida
222 Statutes, is amended to read:

223 366.82 Definition; goals; plans; programs; annual reports;
224 energy audits.—

225 (2) The commission shall adopt appropriate goals for
226 increasing the efficiency of energy consumption and increasing
227 the development of demand-side renewable energy systems,
228 specifically including goals designed to increase the
229 conservation of expensive resources, such as petroleum fuels, to
230 reduce and control the growth rates of electric consumption, to
231 reduce the growth rates of weather-sensitive peak demand, and to
232 encourage development of demand-side renewable energy resources.
233 The commission may allow efficiency investments across
234 generation, transmission, and distribution as well as

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235 | efficiencies within the user base. Moneys received by a utility
236 | to implement measures to encourage the development of demand-
237 | side renewable energy systems shall be used solely for such
238 | purposes and related administrative costs.

239 | Section 7. This act shall take effect July 1, 2015.