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ORIGINAL

YEAR

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

BILL

ORIGINAL

YEAR

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

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

39 |  
 40 | Section 1. Subsection (3) of section 350.01, Florida  
 41 | Statutes, is amended, and subsection (8) is added to section  
 42 | 350.01, Florida Statutes, 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,

BILL

ORIGINAL

YEAR

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

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 comply with the requirements of that section.

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

BILL

ORIGINAL

YEAR

79 | 350.041 Commissioners; standards of conduct.—

80 | (3) ETHICS TRAINING.—Beginning January 1, 2016, a  
 81 | commissioner must annually complete 4 hours of ethics training  
 82 | that addresses, at a minimum, s. 8, Art. II of the State  
 83 | 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 which is currently  
 99 | pending before the commission or which 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

BILL

ORIGINAL

YEAR

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 the term "participating in" includes, but is  
 121 not 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 which is

BILL

ORIGINAL

YEAR

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

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 which is currently  
 139 pending before the commission or which 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 may remove from office  
 153 a 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

BILL

ORIGINAL

YEAR

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

BILL

ORIGINAL

YEAR

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 be advanced or postponed not more than five  
 186 days for routine operating reasons without a pro-ration of the  
 187 billing for the period.

188 (c) A utility may not charge or receive a deposit in  
 189 excess of the amounts specified in subparagraphs 1. and 2.

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 projected 12 months of 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.



BILL

ORIGINAL

YEAR

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 calculated under the  
 216 selected 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 vote  
 220 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

BILL

ORIGINAL

YEAR

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

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