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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

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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,

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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:

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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

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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

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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

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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

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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.

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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

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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.