

1 A bill to be entitled
2 An act relating to utilities regulation; amending s.
3 350.01, F.S.; requiring the Florida Public Service
4 Commission to hold certain meetings in their service
5 territories; requiring that specified meetings,
6 workshops, hearings, or proceedings of the commission
7 be streamed live and recorded copies be made available
8 on the commission's web page; amending s. 350.031,
9 F.S.; requiring a person who lobbies a member of the
10 Florida Public Service Commission Nominating Council
11 to register as a lobbyist; amending s. 350.041, F.S.;
12 requiring public service commissioners to annually
13 complete ethics training; providing applicability;
14 amending s. 350.042, F.S.; expanding the prohibition
15 against ex parte communications to apply to any type
16 of proceeding, workshop, or internal affairs meeting
17 and to any matter which the commissioner or other
18 person knows or reasonably expects will be filed
19 within a certain timeframe; deleting an exemption from
20 this prohibition for oral communications or
21 discussions in scheduled and noticed open public
22 meetings of educational programs or of a conference or
23 other meeting of an association of regulatory
24 agencies; requiring the Governor to remove from office
25 any commissioner found to have violated the ex parte
26 statute; amending s. 350.0611, F.S.; authorizing the

27 Public Counsel to be a party to settlement agreements
28 in any proceeding before the commission in which he or
29 she has participated as a party; prohibiting a
30 settlement agreement to which the Public Counsel is
31 not a party from being submitted to or approved by the
32 commission; amending s. 366.05, F.S.; limiting the use
33 of tiered rates in conjunction with extended billing
34 periods; limiting deposit amounts; requiring a utility
35 to notify each customer if it has more than one rate
36 for any customer class; requiring the utility to
37 provide good faith assistance to the customer in
38 determining the best rate; assigning responsibility to
39 the customer for the rate selection; requiring that
40 the commission approve a tariff and a change to an
41 existing tariff; amending s. 366.82, F.S.; requiring
42 that money received by a utility for the development
43 of demand-side renewable energy systems be used solely
44 for that purpose; reenacting ss. 403.537(1)(a) and
45 403.9422(1)(a), F.S., relating to determination of
46 need for electric and natural gas transmission lines,
47 respectively; reenacting s. 350.043, F.S., relating to
48 the enforcement and interpretation of laws relating to
49 the commission; providing an effective date.

50
51 Be It Enacted by the Legislature of the State of Florida:
52

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

55 350.01 Florida Public Service Commission; terms of
 56 commissioners; vacancies; customer service meetings and other
 57 meetings; election and duties of chair; quorum; proceedings.—

58 (8) The commission shall hold a customer service meeting
 59 that is open to the public at least annually in the service
 60 territory of each public utility as defined in s. 366.02.

61 (9) The commission must hold a customer service meeting
 62 that is open to the public in the service territory of a water
 63 or wastewater utility that is subject to regulation under
 64 chapter 367 upon receipt of a written request signed by at least
 65 10 percent of the customers of that utility. Such meeting shall
 66 be scheduled within a reasonable time after receipt of the
 67 request.

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

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

78 350.031 Florida Public Service Commission Nominating

79 Council.—

80 (10) In keeping with the purpose of the council, which is
 81 to select nominees to be appointed to an arm of the legislative
 82 branch of government, a person who lobbies a legislator or
 83 nonlegislator member of the council must register as a lobbyist
 84 pursuant to s. 11.045 and comply with the requirements of that
 85 section.

86 Section 3. Subsection (3) of section 350.041, Florida
 87 Statutes, is reenacted and amended, and a new subsection (3) is
 88 added to that section, to read:

89 350.041 Commissioners; standards of conduct.—

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

99 (4) ~~(3)~~ COMMISSION ON ETHICS.—The Commission on Ethics
 100 shall accept and investigate any alleged violations of this
 101 section pursuant to the procedures contained in ss. 112.322-
 102 112.3241. The Commission on Ethics shall provide the Governor
 103 and the Florida Public Service Commission Nominating Council
 104 with a report of its findings and recommendations. The Governor

105 is authorized to enforce the findings and recommendations of the
 106 Commission on Ethics, pursuant to part III of chapter 112. A
 107 public service commissioner or a member of the Florida Public
 108 Service Commission Nominating Council may request an advisory
 109 opinion from the Commission on Ethics, pursuant to s.
 110 112.322(3)(a), regarding the standards of conduct or
 111 prohibitions set forth in this section and ss. 350.031, 350.04,
 112 and 350.042.

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

116 350.042 Ex parte communications.—

117 (1) A commissioner should accord to every person who is
 118 legally interested in a proceeding, or the person's lawyer, full
 119 right to be heard according to law, and, except as authorized by
 120 law, shall neither initiate nor consider ex parte communications
 121 concerning the merits, threat, or offer of reward in any
 122 proceeding currently pending before the commission or which he
 123 or she knows or reasonably expects will be filed with the
 124 commission within 1 year after the date of any such
 125 communication ~~other than a proceeding under s. 120.54 or s.~~
 126 ~~120.565, workshops, or internal affairs meetings. An~~ No
 127 individual may not ~~shall~~ discuss ex parte with a commissioner
 128 the merits of any issue that he or she knows will be filed with
 129 the commission within 1 year ~~90 days~~. ~~The provisions of This~~
 130 subsection does ~~shall~~ not apply to commission staff.

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

136 (7)

137 (b) If the Commission on Ethics finds that there has been
 138 a violation of this section by a public service commissioner, it
 139 shall provide the Governor and the Florida Public Service
 140 Commission Nominating Council with a report of its findings and
 141 recommendations. The Governor shall remove from office a
 142 commissioner who violates this section and may ~~is authorized to~~
 143 enforce the findings and recommendations of the Commission on
 144 Ethics, pursuant to part III of chapter 112.

145 Section 5. Subsections (3), (4), and (5) of section
 146 350.0611, Florida Statutes, are renumbered as subsections (4),
 147 (5), and (6), respectively, and a new subsection (3) is added to
 148 that section to read:

149 350.0611 Public Counsel; duties and powers.—It shall be
 150 the duty of the Public Counsel to provide legal representation
 151 for the people of the state in proceedings before the commission
 152 and in proceedings before counties pursuant to s. 367.171(8).
 153 The Public Counsel shall have such powers as are necessary to
 154 carry out the duties of his or her office, including, but not
 155 limited to, the following specific powers:

156 (3) In any proceeding before the commission in which he or

157 she has participated as a party, to be a party to a settlement
 158 agreement. If he or she is not a party to the settlement
 159 agreement, the agreement may not be submitted to or approved by
 160 the commission;

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

163 366.05 Powers.—

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

181 (b) If the commission authorizes a public utility to
 182 charge tiered rates based upon levels of usage and to vary the

183 billing period, the utility may not charge a customer a higher
184 rate because of an increase in usage attributable to an
185 extension of the billing period.

186 (c) Notwithstanding any commission rule to the contrary, a
187 utility may not charge or receive a deposit in excess of the
188 amounts specified in subparagraphs 1. and 2.

189 1. For an existing customer, the total deposit cannot
190 exceed the total charges for 2 months of average actual usage,
191 calculated by adding the monthly charges from the 12-month
192 period immediately before the date any change in the deposit
193 amount is sought, dividing this total by 12, and multiplying the
194 result by 2.

195 2. For a new customer, the amount may not exceed 2 months
196 of projected charges, calculated using the process specified in
197 subparagraph 1. Once a new customer has had continuous service
198 for a 12-month period, the amount of the deposit shall be
199 recalculated, using actual usage data. Any difference between
200 the projected and actual amounts must be resolved by the
201 customer paying any additional amount due or the utility
202 returning any overcharge.

203 (d) If a utility has more than one rate for any customer
204 class, it must notify each customer in that class of the
205 available rates and explain how the rate is charged to the
206 customer. If a customer contacts the utility seeking assistance
207 in selecting the most advantageous rate, the utility must
208 provide good faith assistance to the customer.

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

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

213 366.82 Definition; goals; plans; programs; annual reports;
 214 energy audits.—

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

229 Section 8. For the purpose of incorporating the amendment
 230 made by this act to section 350.01, Florida Statutes, in a
 231 reference thereto, paragraph (a) of subsection (1) of section
 232 403.537, Florida Statutes, is reenacted to read:

233 403.537 Determination of need for transmission line;
 234 powers and duties.—

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

253 Section 9. For the purpose of incorporating the amendment
 254 made by this act to section 350.01, Florida Statutes, in a
 255 reference thereto, paragraph (a) of subsection (1) of section
 256 403.9422, Florida Statutes, is reenacted to read:

257 403.9422 Determination of need for natural gas
 258 transmission pipeline; powers and duties.—

259 (1) (a) Upon request by an applicant or upon its own
 260 motion, the commission shall schedule a public hearing, after

261 notice, to determine the need for a natural gas transmission
262 pipeline regulated by ss. 403.9401-403.9425. Such notice shall
263 be published at least 45 days before the date set for the
264 hearing and shall be published in at least one-quarter page size
265 in newspapers of general circulation and in the Florida
266 Administrative Register, by giving notice to counties and
267 regional planning councils in whose jurisdiction the natural gas
268 transmission pipeline could be placed, and by giving notice to
269 any persons who have requested to be placed on the mailing list
270 of the commission for this purpose. Within 21 days after receipt
271 of a request for determination by an applicant, the commission
272 shall set a date for the hearing. The hearing shall be held
273 pursuant to s. 350.01 within 75 days after the filing of the
274 request, and a decision shall be rendered within 90 days after
275 such filing.

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

280 350.043 Enforcement and interpretation.—Any violation of
281 s. 350.031, s. 350.04, s. 350.041, s. 350.042, or s. 350.0605 by
282 a commissioner, former commissioner, former employee, or Public
283 Service Commission Nominating Council member shall be punishable
284 as provided in ss. 112.317 and 112.324. The Commission on Ethics
285 is hereby given the power and authority to investigate
286 complaints of violation of this chapter in the manner provided

HB 219

2015

287 | in part III of chapter 112, as if this section were included in
288 | that part. A commissioner may request an advisory opinion from
289 | the Commission on Ethics as provided by s. 112.322(3)(a).

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