

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Murzin offered the following:

2  
3 **Substitute Amendment for Amendment (220699) (with title**  
4 **amendment)**

5 Remove lines 1607-1754 and insert:

6 Section 27. Subsections (2), (3), and (4) of section  
7 350.01, Florida Statutes, are amended to read:

8 350.01 Florida Public Service Commission; terms of  
9 commissioners; vacancies; election and duties of chair; quorum;  
10 proceedings.--

11 (2) (a) Each commissioner serving on July 1, 1978, shall be  
12 permitted to remain in office until the completion of his or her  
13 current term. Upon the expiration of the term, a successor shall  
14 be appointed in the manner prescribed by s. 350.031(4), (5), and  
15 (6), ~~and (7)~~ for a 4-year term, except that the terms of the  
16 initial members appointed under this act shall be as follows:

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17 1. The vacancy created by the present term ending in  
18 January, 1981, shall be filled by appointment for a 4-year term  
19 and for 4-year terms thereafter; and

20 2. The vacancies created by the two present terms ending  
21 in January, 1979, shall be filled by appointment for a 3-year  
22 term and for 4-year terms thereafter.

23 (b) Two additional commissioners shall be appointed in the  
24 manner prescribed by s. 350.031(4), (5), and (6), ~~and (7)~~ for 4-  
25 year terms beginning the first Tuesday after the first Monday in  
26 January, 1979, and successors shall be appointed for 4-year  
27 terms thereafter with each term beginning on January 2 of the  
28 year the term commences and ending 4 years later on January 1.

29 (c) Vacancies on the commission shall be filled for the  
30 unexpired portion of the term in the same manner as original  
31 appointments to the commission.

32 (3) Any person serving on the commission who seeks to be  
33 appointed or reappointed shall file with the nominating council  
34 no later than June 1 prior to the year in which his or her term  
35 expires at least 210 days before the expiration of his or her  
36 ~~term~~ a statement that he or she desires to serve an additional  
37 term.

38 (4) One member of the commission shall be elected by  
39 majority vote to serve as chair for a term of 2 years, beginning  
40 on January 2 of the first year of the term ~~with the first~~  
41 ~~Tuesday after the first Monday in January 1979~~. A member may not  
42 serve two consecutive terms as chair.

43 Section 28. Section 350.012, Florida Statutes, is amended  
44 to read:

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45           350.012 Committee on Public Counsel ~~Service Commission~~  
46 Oversight; creation; membership; powers and duties.--

47           (1) There is created a standing joint committee of the  
48 Legislature, designated the Committee on Public Counsel ~~Service~~  
49 ~~Commission~~ Oversight, and composed of 12 members appointed as  
50 follows: six members of the Senate appointed by the President of  
51 the Senate, two of whom must be members of the minority party;  
52 and six members of the House of Representatives appointed by the  
53 Speaker of the House of Representatives, two of whom must be  
54 members of the minority party. The terms of members shall be for  
55 2 years and shall run from the organization of one Legislature  
56 to the organization of the next Legislature. The President shall  
57 appoint the chair of the committee in even-numbered years and  
58 the vice chair in odd-numbered years, and the Speaker of the  
59 House of Representatives shall appoint the chair of the  
60 committee in odd-numbered years and the vice chair in even-  
61 numbered years, from among the committee membership. Vacancies  
62 shall be filled in the same manner as the original appointment.  
63 Members shall serve without additional compensation, but shall  
64 be reimbursed for expenses.

65           (2) The committee shall+

66           ~~(a) Recommend to the Governor nominees to fill a vacancy~~  
67 ~~on the Public Service Commission, as provided by general law;~~  
68 ~~and~~

69           ~~(b) appoint a Public Counsel as provided by general law.~~

70           ~~(3) The committee is authorized to file a complaint with~~  
71 ~~the Commission on Ethics alleging a violation of this chapter by~~

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72 a commissioner, former commissioner, former commission employee,  
73 or member of the Public Service Commission Nominating Council.

74 (3)-(4) The committee will not have a permanent staff, but  
75 the President of the Senate and the Speaker of the House of  
76 Representatives shall select staff members from among existing  
77 legislative staff, when and as needed.

78 Section 29. Section 350.03, Florida Statutes, is amended  
79 to read:

80 350.03 Power of Governor to remove and to fill  
81 vacancies.-- The Governor shall have the same power to remove,  
82 suspend, or appoint to fill vacancies in the office of  
83 commissioners as in other offices, as set forth in s. 7, Art. IV  
84 of the State Constitution.

85 Section 30. Subsections (1) and (4) through (8) of section  
86 350.031, Florida Statutes, are amended to read:

87 350.031 Florida Public Service Commission Nominating  
88 Council.--

89 (1)(a) There is created a Florida Public Service  
90 Commission Nominating Council consisting of 12 ~~nine~~ members. At  
91 least one member of the council must be 60 years of age or  
92 older. Six ~~Three~~ members, including three members ~~one member~~ of  
93 the House of Representatives, one of whom shall be a member of  
94 the minority party, shall be appointed by and serve at the  
95 pleasure of the Speaker of the House of Representatives. Six  
96 ~~three~~ members, including three members ~~one member~~ of the Senate,  
97 one of whom shall be a member of the minority party, shall be  
98 appointed by and serve at the pleasure of the President of the

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99 ~~Senate, and three members shall be selected and appointed by a~~  
100 ~~majority vote of the other six members of the council.~~

101 (b) All terms shall be for 4 years except those members of  
102 the House and Senate, who shall serve 2-year terms concurrent  
103 with the 2-year elected terms of House members. All terms of the  
104 members of the Public Service Commission Nominating Council  
105 existing on June 30, 2008, shall terminate upon the effective  
106 date of this act; however, such members may serve an additional  
107 term if reappointed by the Speaker of the House of  
108 Representatives or the President of the Senate. To establish  
109 staggered terms, appointments of members shall be made for  
110 initial terms to begin on July 1, 2008, with each appointing  
111 officer to appoint three legislator members, one of whom shall  
112 be a member of the minority party, to terms through the  
113 remainder of the 2-year elected terms of House members; one non-  
114 legislator member to a 6-month term; one non-legislator member  
115 to a 30-month term; and one non-legislator member to a 42-month  
116 term. Thereafter, the terms of the Public Service Commission  
117 Nominating Council shall begin on January 2.

118 (c) The President of the Senate shall appoint the chair of  
119 the council in even-numbered years and the vice chair in odd-  
120 numbered years, and the Speaker of the House of Representatives  
121 shall appoint the chair of the council in odd-numbered years and  
122 the vice chair in even-numbered years, from among the council  
123 membership.

124 (d) Vacancies on the council shall be filled for the  
125 unexpired portion of the term in the same manner as original  
126 appointments to the council. A member may not be reappointed to

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127 the council, except for a member of the House of Representatives  
128 or the Senate who may be appointed to two 2-year terms, members  
129 who are reappointed pursuant to paragraph (b), or a person who  
130 is appointed to fill the remaining portion of an unexpired term.

131 ~~(4) The council may spend a nominal amount, not to exceed~~  
132 ~~\$10,000, to advertise a vacancy on the council, which shall be~~  
133 ~~funded by the Florida Public Service Regulatory Trust Fund.~~

134 ~~(4)(5)~~ A person may not be nominated to the Governor for  
135 appointment to the Committee on Public Service Commission  
136 Oversight until the council has determined that the person is  
137 competent and knowledgeable in one or more fields, which shall  
138 include, but not be limited to: public affairs, law, economics,  
139 accounting, engineering, finance, natural resource conservation,  
140 energy, or another field substantially related to the duties and  
141 functions of the commission. The commission shall fairly  
142 represent the above-stated fields. Recommendations of the  
143 council shall be nonpartisan.

144 ~~(5)(6)~~ It is the responsibility of the council to nominate  
145 to the Governor no fewer than three Committee on Public Service  
146 Commission Oversight ~~six~~ persons for each vacancy occurring on  
147 the Public Service Commission. The council shall submit the  
148 recommendations to the Governor by September 15 ~~committee by~~  
149 ~~August 1~~ of those years in which the terms are to begin the  
150 following January, or within 60 days after a vacancy occurs for  
151 any reason other than the expiration of the term.

152 ~~(6)(7) The Committee on Public Service Commission~~  
153 ~~Oversight shall select from the list of nominees provided by the~~  
154 ~~nominating council three nominees for recommendation to the~~

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155 ~~Governor for appointment to the commission. The recommendations~~  
 156 ~~must be provided to the Governor within 45 days after receipt of~~  
 157 ~~the list of nominees.~~ The Governor shall fill a vacancy  
 158 occurring on the Public Service Commission by appointment of one  
 159 of the applicants nominated by the council ~~committee~~ only after  
 160 a background investigation of such applicant has been conducted  
 161 by the Florida Department of Law Enforcement. If the Governor  
 162 has not made an appointment within 30 consecutive calendar days  
 163 after the receipt of the recommendation, the council ~~committee~~,  
 164 by majority vote, shall appoint, within 30 days after the  
 165 expiration of the Governor's time to make an appointment, one  
 166 person from the applicants previously nominated to the Governor  
 167 to fill the vacancy. After an appointment has been made pursuant  
 168 to this subsection, a successor Governor may remove an appointee  
 169 only as provided in s. 350.03.

170 (7)-(8) Each appointment to the Public Service Commission  
 171 shall be subject to confirmation by the Senate during the next  
 172 regular session after the vacancy occurs. If the Senate refuses  
 173 to confirm or fails to consider ~~rejects~~ the Governor's  
 174 appointment, the council shall initiate, in accordance with this  
 175 section, the nominating process within 30 days.

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 180 -----  
 181 **T I T L E A M E N D M E N T**

182 Remove lines 155-157 and insert:

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183 the commission if the Governor fails to do so; amending ss.

184 350.061 and

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