

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Mayfield offered the following:

2
3 **Amendment**

4 Remove lines 2005-2112 and insert:

5 Section 31. Subsections (1), (5), (6), (7), and (8) of
6 section 350.031, Florida Statutes, are amended, and subsection
7 (9) is added to that section, to read:

8 350.031 Florida Public Service Commission Nominating
9 Council.--

10 (1) (a) There is created a Florida Public Service
11 Commission Nominating Council consisting of 12 ~~nine~~ members. At
12 least one member of the council must be 60 years of age or
13 older. Six ~~Three~~ members, including three members ~~one member~~ of
14 the House of Representatives, one of whom shall be a member of
15 the minority party, shall be appointed by and serve at the
16 pleasure of the Speaker of the House of Representatives. Six

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17 ~~three members, including three members ~~one member~~ of the Senate,~~
18 ~~one of whom shall be a member of the minority party, shall be~~
19 ~~appointed by and serve at the pleasure of the President of the~~
20 ~~Senate; and three members shall be selected and appointed by a~~
21 ~~majority vote of the other six members of the council.~~

22 (b) All terms shall be for 4 years except those members of
23 the House and Senate, who shall serve 2-year terms concurrent
24 with the 2-year elected terms of House members. All terms of the
25 members of the Public Service Commission Nominating Council
26 existing on June 30, 2008, shall terminate upon the effective
27 date of this act; however, such members may serve an additional
28 term if reappointed by the Speaker of the House of
29 Representatives or the President of the Senate. To establish
30 staggered terms, appointments of members shall be made for
31 initial terms to begin on July 1, 2008, with each appointing
32 officer to appoint three legislator members, one of whom shall
33 be a member of the minority party, to terms through the
34 remainder of the 2-year elected terms of House members; one
35 nonlegislator member to a 6-month term; one nonlegislator member
36 to an 18-month term; and one nonlegislator member to a 42-month
37 term. Thereafter, the terms of the nonlegislator members of the
38 Public Service Commission Nominating Council shall begin on
39 January 2 of the year the term commences and end 4 years later
40 on January 1.

41 (c) The President of the Senate shall appoint the chair of
42 the council in even-numbered years and the vice chair in odd-
43 numbered years, and the Speaker of the House of Representatives
44 shall appoint the chair of the council in odd-numbered years and

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45 the vice chair in even-numbered years, from among the council
46 membership.

47 (d) Vacancies on the council shall be filled for the
48 unexpired portion of the term in the same manner as original
49 appointments to the council. A member may not be reappointed to
50 the council, except for a member of the House of Representatives
51 or the Senate who may be appointed to two 2-year terms, members
52 who are reappointed pursuant to paragraph (b), or a person who
53 is appointed to fill the remaining portion of an unexpired term.

54 (5) A person may not be nominated to the Governor for
55 appointment to the ~~Committee on~~ Public Service Commission
56 ~~Oversight~~ until the council has determined that the person is
57 competent and knowledgeable in one or more fields, which shall
58 include, but not be limited to: public affairs, law, economics,
59 accounting, engineering, finance, natural resource conservation,
60 energy, or another field substantially related to the duties and
61 functions of the commission. The commission shall fairly
62 represent the above-stated fields. Recommendations of the
63 council shall be nonpartisan.

64 (6) It is the responsibility of the council to nominate to
65 the Governor no fewer than three ~~Committee on Public Service~~
66 ~~Commission Oversight~~ ~~six~~ persons for each vacancy occurring on
67 the Public Service Commission. The council shall submit the
68 recommendations to the Governor by September 15 ~~committee by~~
69 ~~August 1~~ of those years in which the terms are to begin the
70 following January, or within 60 days after a vacancy occurs for
71 any reason other than the expiration of the term.

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72 (7) ~~The Committee on Public Service Commission Oversight~~
73 ~~shall select from the list of nominees provided by the~~
74 ~~nominating council three nominees for recommendation to the~~
75 ~~Governor for appointment to the commission. The recommendations~~
76 ~~must be provided to the Governor within 45 days after receipt of~~
77 ~~the list of nominees.~~ The Governor shall fill a vacancy
78 occurring on the Public Service Commission by appointment of one
79 of the applicants nominated by the council ~~committee~~ only after
80 a background investigation of such applicant has been conducted
81 by the Florida Department of Law Enforcement. If the Governor
82 has not made an appointment within 30 consecutive calendar days
83 after the receipt of the recommendation, the council ~~committee~~,
84 by majority vote, shall appoint, within 30 days after the
85 expiration of the Governor's time to make an appointment, one
86 person from the applicants previously nominated to the Governor
87 to fill the vacancy.

88 (8) Each appointment to the Public Service Commission
89 shall be subject to confirmation by the Senate during the next
90 regular session after the vacancy occurs. If the Senate refuses
91 to confirm or fails to consider ~~rejects~~ the Governor's
92 appointment, the council shall initiate, in accordance with this
93 section, the nominating process within 30 days.

94 (9) When the Governor makes an appointment, to fill a
95 vacancy occurring due to expiration of the term, and that
96 appointment has not been confirmed by the Senate before the
97 appointing Governor's term ends, a successor Governor may,
98 within 30 days after taking office, recall the appointment and,
99 prior to the first day of the next regular session, make a

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100 replacement appointment from the list provided to the previous
101 Governor by the council. Such an appointment is subject to
102 confirmation by the Senate at the next regular session following
103 the creation of the vacancy to which the appointments are being
104 made. If the replacement appointment is not timely made, or if
105 the appointment is not confirmed by the Senate for any reason,
106 the council, by majority vote, shall appoint, within 30 days
107 after the Legislature adjourns sine die, one person from the
108 applicants previously nominated to the Governor to fill the
109 vacancy, and this appointee is subject to confirmation by the
110 Senate during the next regular session following the
111 appointment.

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