

Chapter Law 80-289

Committee Substitute for House Bill No 1733

An act relating to regulation of railroads and, the Florida Public Service Commission; creating, part I of chapter 351, Florida Statutes, providing intent; providing definitions; providing powers of the commission with respect to such regulation; providing for rate approval; providing for interim rates and for experimental and transitional rates; requiring commission approval for discontinuance of certain service; providing requirements with respect to freight receipts; providing for fees; designating existing provisions of chapter 351, Florida Statutes, as part II of said chapter; creating part III of chapter 351, Florida Statutes, defining "regulated company"; establishing the Florida Public Service Commission Trust Fund; providing regulatory fees and for the collection of fees, penalties, and taxes imposed upon companies regulated by the commission; authorizing the commission to seek immunity for witnesses; providing the commission with certain judicial powers; authorizing the commission to establish uniform, systems and classifications of accounts and depreciation rates or charges; authorizing the commission to require reports of regulated companies; authorizing the commission to perform certain audits; providing for the confidentiality of business materials; authorizing the commission to impose certain penalties against regulated companies and to adopt rules; providing for the execution of contracts; providing for judicial review; providing for the use of certain administrative hearing officers; amending s. 120.57(1)(a), Florida Statutes, removing the authority of the commission to use its examiners to conduct formal hearings; providing for legislative review and prospective repeal of provisions of the act relating to railroads and chapters 351 through 360, Florida Statutes, which also relate to railroads; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 4. Paragraph (a) of subsection (1) of section 120.57, Florida Statutes, is amended to read:

120.57 Decisions which affect substantial interests. -- The provisions of this section shall apply in all proceedings in which the substantial interests of a party are determined by an agency. Unless waived by all parties, subsection (1) shall apply whenever the proceeding involves a disputed issue of material fact. Unless otherwise agreed, subsection (2) shall apply in all other cases.

(1) FORMAL PROCEEDINGS.—

(a) A hearing officer assigned by the division shall conduct all hearings under this subsection, except for:

1. Hearings before agency heads or a member thereof other than an agency head or a member of an agency head within the Department of Professional and Occupational Regulation;

2. Hearings before the Unemployment Appeals Commission in unemployment compensation appeals, unemployment compensation appeals referees; and special deputies pursuant to s. 443.15, ~~and the Public Service Commission or its examiners;~~

3. Hearings regarding drivers' licensing pursuant to chapter 322;

4. Hearings conducted within the Department of Health and Rehabilitative Services in the execution of those social and economic programs administered by the former Division of Family Services of said department prior to the reorganization effected by chapter 75-48, Laws of Florida;

5. Hearings in which the division is a party, in which case an attorney assigned by the Administration Commission shall be the hearing officer;

6. Hearings which involve student disciplinary suspensions or expulsions and which are conducted by, educational units;

7. Hearings of the Public Employees Relations Commission in which a determination is made of the appropriateness of the bargaining unit, as provided in s. 447.307; and

8. Hearings held by the Department of Agriculture and Consumer Services pursuant to chapter 601