

CHAPTER 95-328

Committee Substitute for Senate Bill No. 2826

An act relating to reducing the cost of government; amending s. 120.57, F.S., relating to hearings on decisions which affect substantial interests; providing a limitation for certain proceedings before the Florida Public Service Commission; amending s. 186.801, F.S., relating to electric utility 10- , year site plans; transferring responsibility for receiving and studying such ~ plans to the commission; amending s. 364.035, 366.06, F.S., relating to the ~ setting or adjusting of the rates of telecommunications companies and ~ public utilities; eliminating modified minimum filing requirements; amending ss. 364.055, 366.071, F.S., to conform; amending s. 377.703, F.S.; prescribing duties of the Department of Community Affairs in the development of energy emergency contingency plans; providing an effective date.

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

Section 1 Subsection (5) of section 120.57, Florida Statutes, 1994 Supplement, is amended to read:

120.57 Decisions which affect substantial interests.-The provisions of this section apply in all proceedings in which the substantial interests of a party are determined by an agency, unless such proceedings are exempt pursuant to subsection (5). Unless waived by all parties, subsection (1) applies whenever the proceeding involves a disputed issue of material fact. Unless otherwise agreed, subsection (2) applies in all other cases.

(5)(a) This section does not apply to any proceeding in which the substantial interests of a student are determined by the State University System. The Board of Regents shall establish a committee, at least half of whom shall be appointed by the Council of Student Body Presidents, which shall establish by January 1, 1985, rules and guidelines ensuring fairness and due process in judicial proceedings involving students in the State University System. This section shall not become effective until January 1, 1985.

(b) A hearing on an objection to proposed action of the Florida Public Service Commission may only address the issues in dispute. Issues in the proposed action which are not in dispute are deemed stipulated.