

I. Meeting Packet



State of Florida
Public Service Commission
INTERNAL AFFAIRS AGENDA
Tuesday – February 23, 2016
9:30 am
Room 105 - Gerald L. Gunter Building

1. Overview of the Florida Department of Agriculture and Consumer Services
by Jay Levenstein, Deputy Commissioner
Attachment 1
2. Legislative Update
3. Clean Power Plan Update
4. General Counsel's Report
5. Executive Director's Report
6. Other Matters

BB/ks

**OUTSIDE PERSONS WISHING TO ADDRESS THE COMMISSION ON
ANY OF THE AGENDAED ITEMS SHOULD CONTACT THE
OFFICE OF THE EXECUTIVE DIRECTOR AT (850) 413-6463.**

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

OVERVIEW



Florida Department of Agriculture and Consumer Services
Adam H. Putnam, Commissioner

DEPARTMENT MISSION

To safeguard the public and support Florida's agricultural economy.



DEPARTMENT VALUES

- ❖ Professionalism
- ❖ Integrity
- ❖ Innovation
- ❖ Commitment
- ❖ Excellence



DIVISIONS AND OFFICES

- Administration
- Florida Forest Service
- Ag Water Policy
- Energy
- Ag Environmental Services
- Animal Industry
- Aquaculture
- Food Safety
- Plant Industry
- Consumer Services
- Licensing
- Ag Law Enforcement
- Marketing and Development
- Food, Nutrition and Wellness
- Fruit and Vegetables



DEPARTMENT BUDGET

FY 2015-16

\$89,942,851 - General Revenue

\$1,353,591,020 - Trust Funds

3,614.25 - FTE



DIVISION OF CONSUMER SERVICES

MISSION:

To educate consumers and protect them from fraud, deception, and unfair business practices in the marketplace as well as ensuring the safety and quality of certain consumer products through inspection and testing.



DIVISION OF CONSUMER SERVICES

AUTHORITY (s.570.544(4), F.S.):

In addition to the **powers, duties, and responsibilities authorized by this or any other chapter**, the Division of Consumer Services shall **serve as a clearinghouse for matters relating to consumer protection**, consumer information, and consumer services generally. It shall receive complaints and grievances from consumers and promptly transmit them to the agency most directly concerned in order that the complaint or grievance may be expeditiously handled in the best interests of the complaining consumer. If no agency exists, the Division of Consumer Services shall seek a settlement of the complaint using formal or informal methods of mediation and conciliation and may seek any other resolution of the matter in accordance with its jurisdiction.



THE DIVISION IS COMPRISED OF...

Bureau of Compliance

Registers businesses and ensures that they comply with their statutorily mandated requirements.

Bureau of Mediation and Enforcement

Mediates complaints filed by consumers, initiates enforcement actions for violations of the regulatory laws.

Bureau of Standards

This bureau is responsible for the inspection of gas pumps, fuel quality, and commercial measuring devices (scales).

Board of Professional Surveyors and Mappers

The Board of Professional Surveyors and Mappers regulates professional surveyors and mappers and businesses that offer surveying and mapping services.



REGULATORY PROGRAMS

- Charitable Organizations
- Do Not Call
- Game Promotions
- Health Studios
- Motor Vehicle Repair
- Intrastate Movers
- Pawn Shops
- Sellers of Travel
- Telemarketing
- Petroleum Inspection
- Liquefied Petroleum Gas Inspection
- Weights and Measures
- Fair Rides Inspection
- Professional Surveyors and Mappers



FLORIDA'S DO NOT CALL LIST



- Florida residents who do not wish to receive sales calls may have their residential, mobile or paging device telephone number included on this list. Business numbers may not be included on the list.
- Exemptions.
- Free to join.

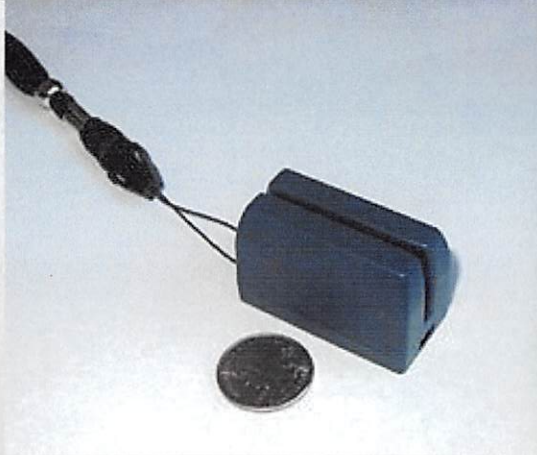


TELEMARKETING SCAMS

- “Free Utilities” Scam
- IRS Scam: Representative claims you owe the government taxes.



“SKIMMING”



REASONS TO CONTACT US

Don't Know Who to Contact for Assistance
Check a Business License
File a Complaint

1-800-HELP-FLA * www.800HELPFLA.com



CONSUMER ASSISTANCE CENTER

2015

- 20 FTE positions
- 342,573 calls
- 9,819 chats
- 7,725 e-mails



A - Z RESOURCE GUIDE



Adam H. Putnam
Commissioner

- [A-Z Resource Guide](#)
- [Business/Complaint Lookup](#)
- [Florida Do Not Call](#)
- [File a Complaint](#)
- [Consumer E-Newsletter](#)
- [Gift Givers' Guide](#)
- [Publications](#)
- [Little Black Book of Scams](#)



Florida Department of Agriculture and Consumer Services

[Department Home](#) [Consumer Services](#)

A TO Z Resource Guide

Subject Name:

[Español](#)

[Advanced Search](#)

Browse the A-Z Guide by an Alphabet Letter:



Have you ever had a question, concern, problem or complaint that has gone unresolved because you couldn't figure out the proper agency or resource to contact? Well... we have the solution. We have created this A - Z Resource Guide to assist people just like yourself, to find the most appropriate place to find what you're looking for.



A-Z RESOURCE GUIDE



Adam H. Putnam
Commissioner

[A-Z Resource Guide](#)

[Business/Complaint
Lookup](#)

[Florida Do Not Call](#)

[File a Complaint](#)

[Consumer](#)

[E-Newsletter](#)

[Gift Givers' Guide](#)

[Publications](#)

[Little Black Book of
Scams](#)



Florida Department of Agriculture and Consumer Services

[Department Home](#) [Consumer Services](#)

A TO Z Resource Guide

Search Criteria : Accountant

[Español](#)
[Search again](#)

Search Results	
Accountants	Tax Preparers
Business and Professional Regulation	

Subject/Topic	Contact Information	Comments
Accountants		Search again Search results
Licensure	Florida Department of Business and Professional Regulation (DBPR) 850-487-1395	Florida's Department of Business and Professional Regulation (DBPR) is responsible for the regulation of certified public accountants (CPAs) and accounting firms.
Complaints or License Verification	Florida Department of Business and Professional Regulation 850-487-1395	One can verify a license by: Name, License Number, City or County and License type, Certified Public Accountant, and Accountant Firm. Customer Contact Center



GIFT GIVERS' GUIDE



Adam H. Putnam
Commissioner

[A-Z Resource Guide](#)

[Business/Complaint
Lookup](#)

[Florida Do Not Call](#)

[File a Complaint](#)

[Consumer E-
Newsletter](#)

[Gift Givers' Guide](#)

[Publications](#)

[Little Black Book of Scams](#)



Florida Department of Agriculture and Consumer Services

[Department Home](#) [Consumer Services](#)



The Gift Givers' Guide is a resource that provides the financial information reported to us from charitable organizations. The information in the Gift Givers' Guide is provided as a public service. The charities listed are currently registered with the Department; Inactive or expired registrations will not display. To search an organization, type in the organization's complete or partial name in the text box below and click the "Search" button.

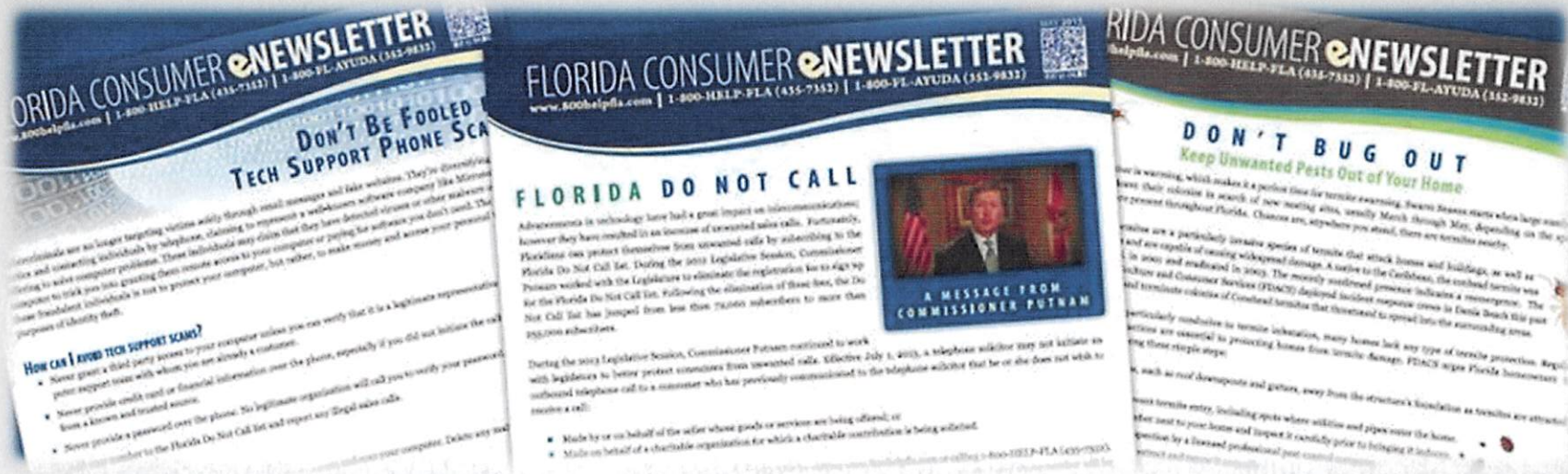
Business Name:

License/Registration Number:

[Advanced Search](#)



FLORIDA CONSUMER E-NEWSLETTER



- Information and tips on timely consumer-related issues and ways to avoid becoming a victim of fraud.

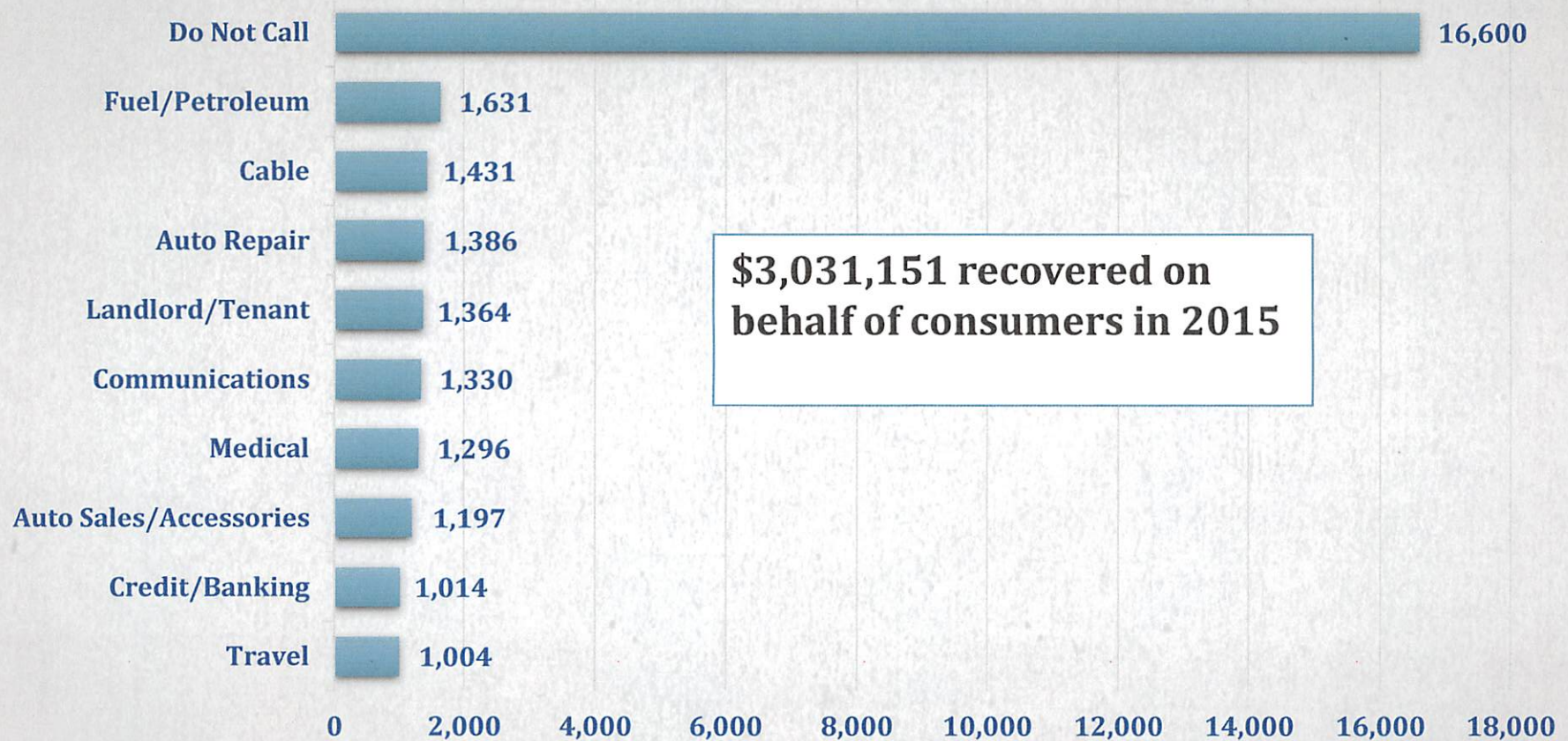


CONSUMER COMPLAINTS

- Once the complaint is submitted to the department, a case is created in our database and assigned to a complaint analyst.
- The analyst will code the complaint based upon subject and mail a copy of the complaint to the business, requesting a response/resolution to the consumers concerns.
- The business has 30 days to respond in writing to the complaint. If the business responds, it is recorded in the case and a copy is mailed to the consumer for their records. The case is then closed with a disposition of 'Closed Response Received' (CRR).
- Should the business fail to cooperate with the informal mediation efforts, the case will be closed after 30 days with a disposition of 'Closed No Response' (CNR).

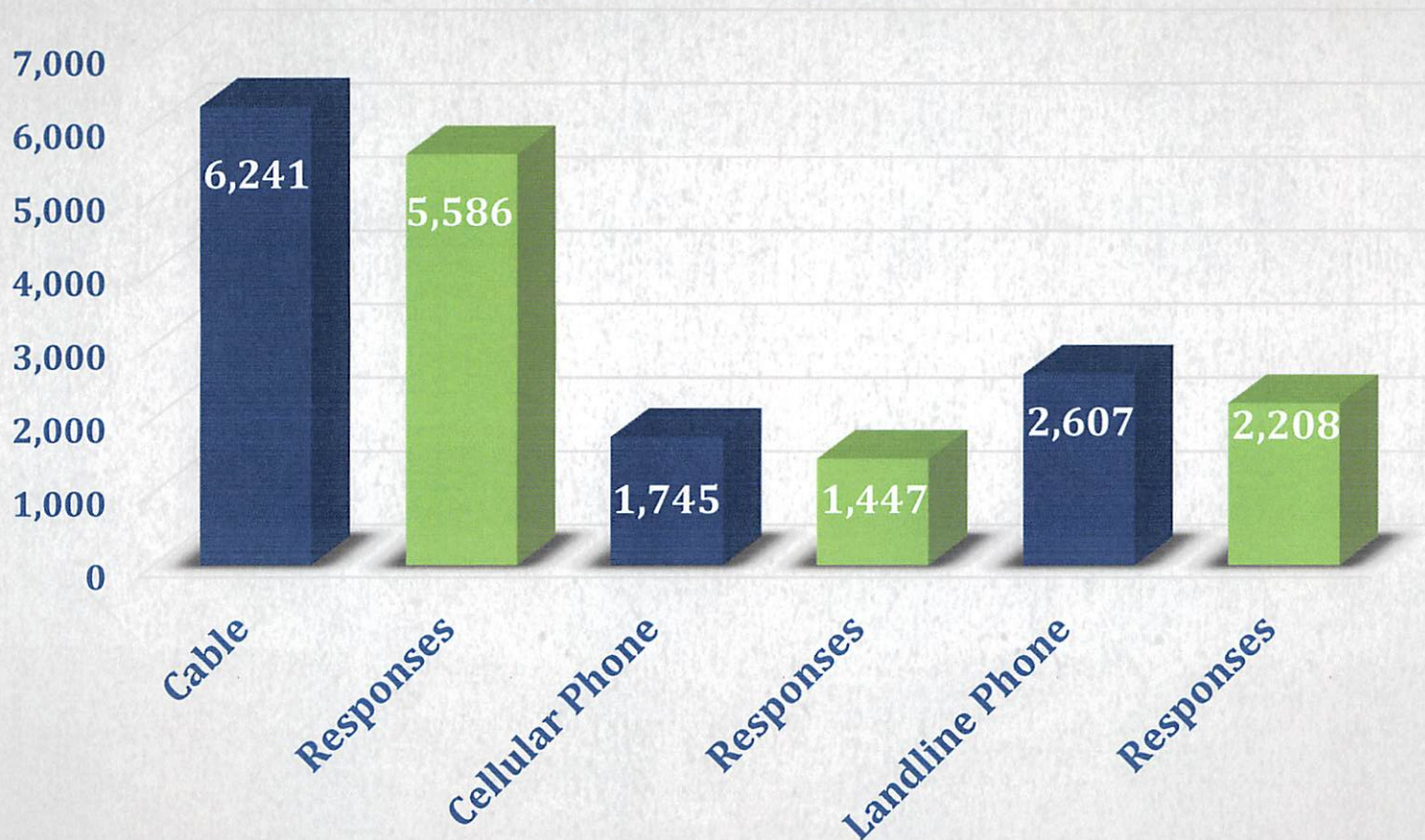


2015 TOP 10 COMPLAINTS



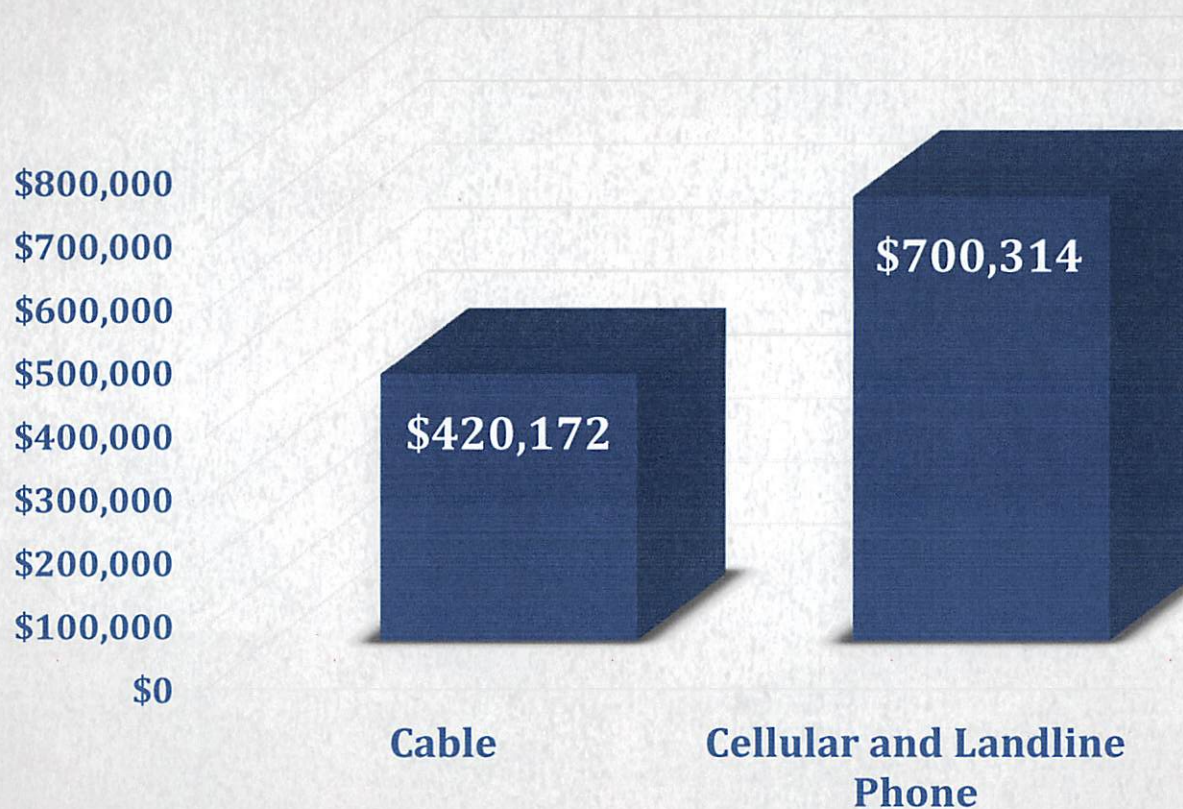
COMMUNICATIONS COMPLAINTS

1/1/2012 - 2/12/2016



RECOVERED FOR CONSUMERS

1/1/2011 - 2/12/2016



QUESTIONS?



Florida Department of Agriculture and Consumer Services
Adam H. Putnam, Commissioner

II. Outside Persons Who Wish to Address the Commission at Internal Affairs

**OUTSIDE PERSONS WHO WISH
TO ADDRESS THE COMMISSION AT**

**INTERNAL AFFAIRS
February 23, 2016**

<u>Speaker</u>	<u>Representing</u>	<u>Item #</u>
Jay Levenstein	Florida Department of Agriculture and Consumer Services	1
Keith Hetrick	At the request of Chairman Brown	6

III. Supplemental Materials for Internal Affairs

A: Material pertaining to Item 2 of this agenda.

B: Material pertaining to Item 3 of this agenda.

**A: The following material pertains to
Item 2 of this agenda.**

2016 BILLS OF INTEREST – EXECUTIVE REPORT – UPDATED 02/18/16

HOUSE	SENATE	RE: (sponsors)	SIMILAR BILLS	FINAL Enrolled (E); Dead (D)												
	SB 534	Water and Wastewater (Sen. Hays)	HB 491													
<p>SUMMARY:</p> <ul style="list-style-type: none"> • Directs the Division of Bond Finance to review the allocation of private activity bonds for investor-owned water and wastewater infrastructure projects; • Exempts investor-owned water and wastewater utilities from sales tax for purchases related to construction, maintenance or operation of a water or wastewater facility if the goods or services are used in the state; • Water resellers currently exempt from regulation may charge for the actual cost of meter reading and billing services, not to exceed nine percent of the actual cost of water service. This would not affect a water reseller's exempt status; • Upon its own motion or upon request of a utility, the FPSC may create a "utility reserve fund" and promulgate rules to govern the fund, set forth expenses for which the fund may be used, establish requirements for a capital improvement plan, and establish requirements for FPSC authorization before disbursements from the fund; • Expands expense categories a water or wastewater utility may include to increase or decrease rates without a hearing on 45 days notice, and authorizes the FPSC to adopt rules to include additional pass-through expenses not enumerated in the legislation; • Establishes criteria that the Commission must consider in determining the reasonable level of rate case expense; • Prohibits recovery of rate case expenses in FPSC staff-assisted rate cases from the time the case is filed until the FPSC staff issues its report, except in the case of intervention by the OPC or other parties; requires the FPSC to promulgate rules by December 31, 2016; • Prohibits recovery of rate case expense from more than one rate case at a time; and • Authorizes the FPSC, on its own motion, to review secondary drinking water quality standards of a water utility subject to its jurisdiction, and review issues of odor, noise, aerosol drift or lighting as it pertains to a wastewater utility subject to its jurisdiction. • Expands authorized use of the Drinking Water State Revolving Loan Fund to include for-profit, privately-owned, or investor-owned water systems. • Effective date: July 1, 2016 			<p>ACTIONS:</p> <table border="1"> <tr> <td data-bbox="1066 329 1176 362">01/07/16</td> <td data-bbox="1224 329 1333 362">SENATE</td> <td data-bbox="1392 329 1995 394">On Committee agenda - Communications, Energy, and Public Utilities, 01/12/16, 2:00 pm, 301 S</td> </tr> <tr> <td data-bbox="1066 410 1176 443">01/12/16</td> <td data-bbox="1224 410 1333 443">SENATE</td> <td data-bbox="1392 410 1963 475">Favorable with CS by Communications, Energy, and Public Utilities; 8 Yeas, 0 Nays</td> </tr> <tr> <td data-bbox="1066 492 1176 524">01/13/16</td> <td data-bbox="1224 492 1333 524">SENATE</td> <td data-bbox="1392 492 1837 516">Committee Substitute Text (C2) Filed</td> </tr> <tr> <td></td> <td data-bbox="1224 524 1333 557">SENATE</td> <td data-bbox="1392 524 1659 557">Now in Appropriations</td> </tr> </table>		01/07/16	SENATE	On Committee agenda - Communications, Energy, and Public Utilities, 01/12/16, 2:00 pm, 301 S	01/12/16	SENATE	Favorable with CS by Communications, Energy, and Public Utilities; 8 Yeas, 0 Nays	01/13/16	SENATE	Committee Substitute Text (C2) Filed		SENATE	Now in Appropriations
01/07/16	SENATE	On Committee agenda - Communications, Energy, and Public Utilities, 01/12/16, 2:00 pm, 301 S														
01/12/16	SENATE	Favorable with CS by Communications, Energy, and Public Utilities; 8 Yeas, 0 Nays														
01/13/16	SENATE	Committee Substitute Text (C2) Filed														
	SENATE	Now in Appropriations														

Parties Staff Handout
 Internal Affairs/Agenda
 on 2/23/16
 Item No. 2

2016 BILLS OF INTEREST – EXECUTIVE REPORT – UPDATED 02/18/16

HOUSE	SENATE	RE: (sponsors)	SIMILAR BILLS	FINAL Enrolled (E); Dead (D)												
HB 491		Water and Wastewater (Rep. Smith)	SB 534													
<p>SUMMARY: HB 491 is similar to SB 534 (above) with the following exceptions:</p> <ul style="list-style-type: none"> • The requirement limiting a utility from recovering more than 50 percent of reasonable rate case expense has been removed; and • Requires the FPSC, upon petition by the utility, to create a utility reserve fund. (SB 534 leaves creation of the reserve fund to FPSC discretion.) • CS w/changes adopted on 1/21/16 removed pancaking language and sales tax exemption from the bill. • Effective date: July 1, 2016 			<p>ACTIONS:</p> <table border="0"> <tr> <td>02/04/16</td> <td>HOUSE</td> <td>Favorable with CS by Regulatory Affairs Committee; 13 Yeas, 0 Nays</td> </tr> <tr> <td>02/10/16</td> <td>HOUSE</td> <td>Committee Substitute Text (C3) Filed</td> </tr> <tr> <td>02/11/16</td> <td>HOUSE</td> <td>Placed on Calendar, on 2nd reading</td> </tr> </table>		02/04/16	HOUSE	Favorable with CS by Regulatory Affairs Committee; 13 Yeas, 0 Nays	02/10/16	HOUSE	Committee Substitute Text (C3) Filed	02/11/16	HOUSE	Placed on Calendar, on 2nd reading			
02/04/16	HOUSE	Favorable with CS by Regulatory Affairs Committee; 13 Yeas, 0 Nays														
02/10/16	HOUSE	Committee Substitute Text (C3) Filed														
02/11/16	HOUSE	Placed on Calendar, on 2nd reading														
	SB 324	Utility Projects (Sen. Legg, Simpson)	HB 347 (Rep. Sprowls)													
<p>SUMMARY:</p> <ul style="list-style-type: none"> • Creates the "Utility Cost Containment Bond Act"; authorizing an entity created under s. 163.01(7)(g), F.S., or a separate legal entity created by one or more local agencies, to finance the costs of a utility water or wastewater project by issuing utility cost containment bonds upon application by a local agency; • authorizes an authority to issue utility cost containment bonds for specified purposes related to utility projects; requiring the local agency or its publicly owned utility to collect the utility project charge, etc. <p>Section 367.072, F.S., on customer petition to revoke the certificate of a water utility would be amended to require:</p> <ul style="list-style-type: none"> • water service be priced at a rate that is commensurate with the market and the quality of service provided; • the residents of the state have a right to participate in the selection of their water service provider; and • upon the filing of a customer petition with the FPSC, the county where the customers are located also may deem it a public necessity that the utility be brought under county ownership, and may, upon its own election, begin condemnation by eminent domain proceeding. • Effective Date: July 1, 2016 			<p>ACTIONS:</p> <table border="0"> <tr> <td>02/08/16</td> <td>SENATE</td> <td>Favorable with CS by Finance and Tax; 8 Yeas, 0 Nays</td> </tr> <tr> <td>02/10/16</td> <td>SENATE</td> <td>Committee Substitute Text (C1) Filed</td> </tr> <tr> <td></td> <td>SENATE</td> <td>Reference to Communications, Energy, and Public Utilities added; Remaining references: Communications, Energy, and Public Utilities, Appropriations</td> </tr> <tr> <td></td> <td>SENATE</td> <td>Now in Communications, Energy, and Public Utilities</td> </tr> </table>		02/08/16	SENATE	Favorable with CS by Finance and Tax; 8 Yeas, 0 Nays	02/10/16	SENATE	Committee Substitute Text (C1) Filed		SENATE	Reference to Communications, Energy, and Public Utilities added; Remaining references: Communications, Energy, and Public Utilities, Appropriations		SENATE	Now in Communications, Energy, and Public Utilities
02/08/16	SENATE	Favorable with CS by Finance and Tax; 8 Yeas, 0 Nays														
02/10/16	SENATE	Committee Substitute Text (C1) Filed														
	SENATE	Reference to Communications, Energy, and Public Utilities added; Remaining references: Communications, Energy, and Public Utilities, Appropriations														
	SENATE	Now in Communications, Energy, and Public Utilities														

2016 BILLS OF INTEREST – EXECUTIVE REPORT – UPDATED 02/18/16

HOUSE	SENATE	RE: (sponsors)	SIMILAR BILLS	FINAL Enrolled (E); Dead (D)
HB 395	SB 1478	Utility Advanced Cost Recovery (Reps. Murphy, Latvala, Burgess) (Sen. Sobel)	HB 4057	
<p>SUMMARY:</p> <ul style="list-style-type: none"> • Provides for expiration of advanced cost recovery for nuclear & integrated gasification combined cycle power plants on July 1, 2016; • Requires all funds collected be returned to ratepayers by June 30, 2017; • Prohibits utilities from imposing charges to offset loss of utility revenues as result of refunding moneys from collection of advanced cost recovery fees. • Effective date: Upon becoming law • 			<p>HB 395 ACTIONS:</p> <p>10/30/15 HOUSE Referred to Energy & Utilities Subcommittee; Government Operations Appropriations Subcommittee; Regulatory Affairs Committee</p> <p>HOUSE Now in Energy & Utilities Subcommittee</p> <p>SB 1478 ACTIONS:</p> <p>01/14/16 SENATE Pending withdrawal</p> <p>01/15/16 SENATE Withdrawn from Communications, Energy, and Public Utilities; Appropriations Subcommittee on General Government; Appropriations</p> <p>SENATE Withdrawn from further consideration</p>	
HB 4057		Repeal of Advanced Nuclear Cost Recovery (Rep. Rehwinkel-Vasilinda)	HB 395, SB 1478	
<p>SUMMARY:</p> <ul style="list-style-type: none"> • Repeals provisions for cost recovery mechanisms for siting, design, licensing, & construction of nuclear & integrated gasification combined cycle power plants, • Includes mechanisms that promote utility investment in, & allow for recovery in electric utility rates of certain costs of such plants; • Repeals provisions relating to financing for certain nuclear generating asset retirement or abandonment costs. • Effective Date: July 1, 2016 			<p>ACTIONS:</p> <p>01/11/16 HOUSE Filed</p> <p>01/15/16 HOUSE Referred to Energy & Utilities Subcommittee; Government Operations Appropriations Subcommittee; Regulatory Affairs Committee</p> <p>HOUSE Now in Energy & Utilities Subcommittee</p>	

2016 BILLS OF INTEREST – EXECUTIVE REPORT – UPDATED 02/18/16

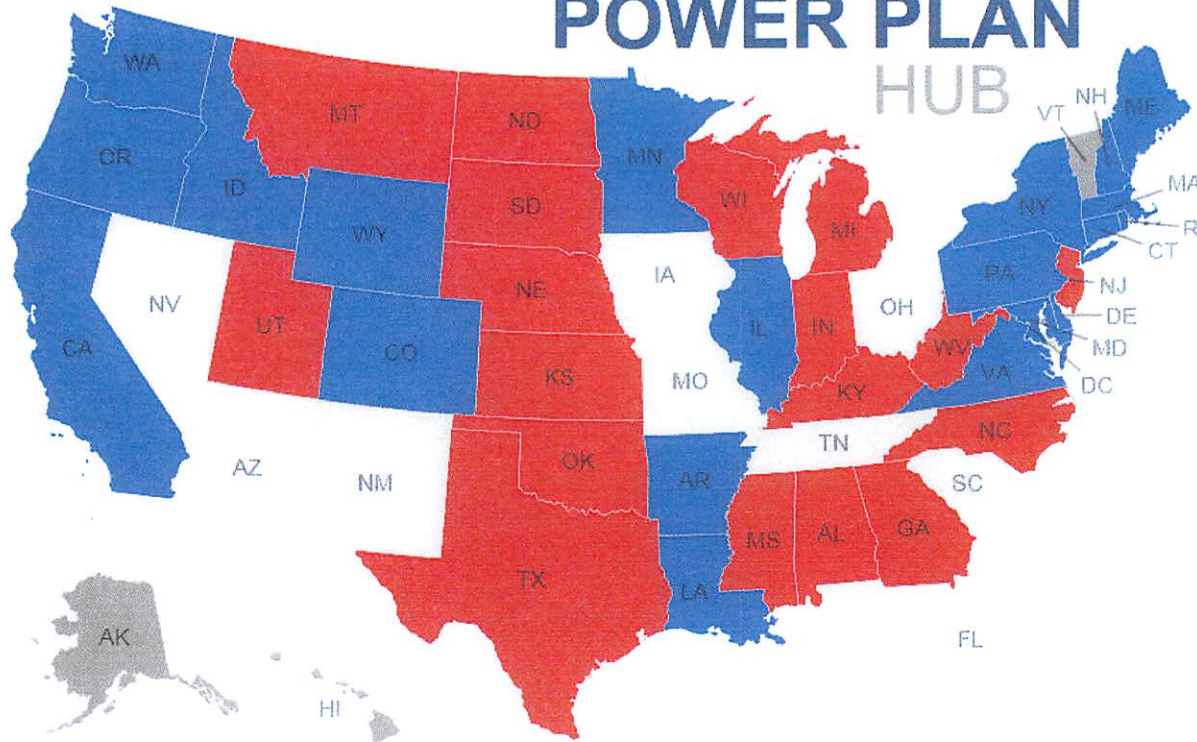
HOUSE	SENATE	RE: (sponsors)	SIMILAR BILLS	FINAL Enrolled (E); Dead (D)									
HB 579		Municipal Power Regulation (Rep. Mayfield, Perry, Van Zant)	SB 840										
<p>SUMMARY:</p> <ul style="list-style-type: none"> • An entity created under the Interlocal Cooperation Act of 1969 (FMPA) must annually submit an independently prepared financial statement to the FPSC and member municipalities; and • Requires members of the FMPA governing board be elected officials from one of the member municipalities. • Effective date: July 1, 2016 		<p>HB 579 ACTIONS:</p> <table border="0"> <tr> <td>01/26/16</td> <td>HOUSE</td> <td>On Committee agenda - Government Operations Appropriations Subcommittee, 01/28/16, 3:30 pm, 17 H</td> </tr> <tr> <td>01/28/16</td> <td>HOUSE</td> <td>Favorable by Government Operations Appropriations Subcommittee; 12 Yeas, 0 Nays</td> </tr> <tr> <td></td> <td>HOUSE</td> <td>Now in Regulatory Affairs Committee</td> </tr> </table>			01/26/16	HOUSE	On Committee agenda - Government Operations Appropriations Subcommittee, 01/28/16, 3:30 pm, 17 H	01/28/16	HOUSE	Favorable by Government Operations Appropriations Subcommittee; 12 Yeas, 0 Nays		HOUSE	Now in Regulatory Affairs Committee
01/26/16	HOUSE	On Committee agenda - Government Operations Appropriations Subcommittee, 01/28/16, 3:30 pm, 17 H											
01/28/16	HOUSE	Favorable by Government Operations Appropriations Subcommittee; 12 Yeas, 0 Nays											
	HOUSE	Now in Regulatory Affairs Committee											
	SB 840	Municipal Power Regulation (Sen. Simpson)	HB 579										
<p>SUMMARY:</p> <ul style="list-style-type: none"> • An entity created under the Interlocal Cooperation Act of 1969 (FMPA) must annually submit an independently prepared financial statement to the FPSC, OPC, and member municipalities; • Expands the duties of the Public Counsel to include proceedings involving the Florida Municipal Power Agency; • Revises the definition of the term “public utility” to include the Florida Municipal Power Agency; • Exempts FMPA from regulation by the FPSC for purposes of rates and service. • Effective date: July 1, 2016 		<p>SB 840 ACTIONS:</p> <table border="0"> <tr> <td>11/13/15</td> <td>SENATE</td> <td>Filed</td> </tr> <tr> <td>11/19/15</td> <td>SENATE</td> <td>Referred to Communications, Energy, and Public Utilities; Appropriations Subcommittee on General Government; Appropriations</td> </tr> </table>			11/13/15	SENATE	Filed	11/19/15	SENATE	Referred to Communications, Energy, and Public Utilities; Appropriations Subcommittee on General Government; Appropriations			
11/13/15	SENATE	Filed											
11/19/15	SENATE	Referred to Communications, Energy, and Public Utilities; Appropriations Subcommittee on General Government; Appropriations											

2016 BILLS OF INTEREST – EXECUTIVE REPORT – UPDATED 02/18/16

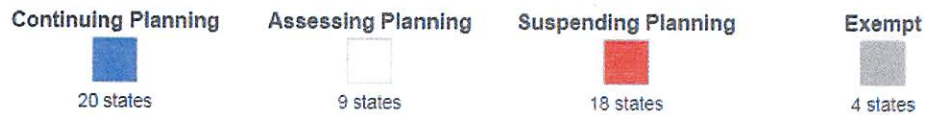
HOUSE	SENATE	RE: (sponsors)	SIMILAR BILLS	FINAL Enrolled (E); Dead (D)
HB 687	SB 1328	Energy Policy (Rep. Costello) (Sen. Altman)	(similar bills)	
<p>SUMMARY:</p> <ul style="list-style-type: none"> • A county shall not regulate renewable energy devices in a manner more stringent than the Florida Building Code; • Exempts local renewable energy supplier from PSC regulation; • Authorizes local renewable energy suppliers to sell local renewable energy to certain end users; • Specifies conditions under which certain end users may interconnect with local renewable energy suppliers or local electric utilities; • Provides conditions under which local renewable energy suppliers may interconnect with utilities; • Provides conditions under which net metering provisions apply; • The FPSC & FDEP are not required to enforce a law, rule, policy, or plan enacted pursuant to a federal regulation concerning the emission of carbon from electrical power plants; • Architectural control covenants may not restrict, regulate, or require a parcel owner to meet standards more stringent than required by the Florida Building Code for renewable energy devices. • Note: These similar bills are substantively the same. SB 1328 corrects the wording to a FDEP reference. • Effective date: July 1, 2016 			<p>HB 687 ACTIONS:</p> <p>11/17/15 HOUSE Filed</p> <p>11/23/15 HOUSE Referred to Energy & Utilities Subcommittee; Government Operations Appropriations Subcommittee; Regulatory Affairs Committee</p> <p>HOUSE Now in Energy & Utilities Subcommittee</p> <p>SB 1328 ACTIONS:</p> <p>01/05/16 SENATE Filed</p> <p>01/11/16 SENATE Referred to Communications, Energy, and Public Utilities; Community Affairs; Fiscal Policy</p>	
HB 639	SB 838	Carbon Dioxide Emissions from Existing Stationary Sources (Rep. Diaz) (Sen. Evers)	(similar bills)	
<p>SUMMARY:</p> <ul style="list-style-type: none"> • Provides legislative findings regarding federal Clean Air Act regulations that limit certain carbon dioxide emissions; • Prohibits certain entities from implementing certain rules or submitting certain plans regarding carbon dioxide emissions from existing stationary sources before occurrence of specified events; and • Authorizes DEP to request extension for submitting certain implementation plans. • Effective Date: July 1, 2016 			<p>HB 639 ACTIONS:</p> <p>01/11/16 HOUSE Favorable with CS by Energy & Utilities Subcommittee; 10 Yeas, 2 Nays</p> <p>01/14/16 HOUSE Committee Substitute Text (C1) Filed</p> <p>01/15/16 HOUSE Now in Agriculture & Natural Resources Sub</p> <p>SB 838 ACTIONS:</p> <p>11/12/15 SENATE Filed</p> <p>11/19/15 SENATE Referred to Environmental Preservation and Conservation; Communications, Energy, and Public Utilities; Fiscal Policy</p>	

**B: The following material pertains to
Item 3 of this agenda.**

E&E's POWER PLAN HUB



Supreme Court Stay Response



Supreme Court Stay Response | Legal Challenges | Rate Reduction % | Mass Reduction

Map View | Chart View

Parties/Staff Handout
Internal Affairs/Agenda
 on 2/23/16
 Item No. 3

IV. Transcript

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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

PROCEEDINGS: INTERNAL AFFAIRS

COMMISSIONERS
PARTICIPATING: CHAIRMAN JULIE I. BROWN
COMMISSIONER LISA POLAK EDGAR
COMMISSIONER ART GRAHAM
COMMISSIONER RONALD A. BRISÉ
COMMISSIONER JIMMY PATRONIS

DATE: Tuesday, February 23, 2016

TIME: Commenced: 9:30 a.m.
Concluded: 10:45 a.m.

PLACE: Gerald L. Gunter Building
Room 105
2540 Shumard Oak Boulevard
Tallahassee, Florida

REPORTED BY: Andrea Komaridis
Court Reporter and
Notary Public in and for
the State of Florida at Large

PREMIER REPORTING
114 W. 5TH AVENUE
TALLAHASSEE, FLORIDA
(850) 894-0828

1 P R O C E E D I N G S

2 CHAIRMAN BROWN: This is the Internal Affairs,
3 February 23rd meeting. And it is called to order.
4 I apologize for a little delay there. We were
5 catching up with a friend, Mr. Levenstein. Jay
6 Levenstein has graciously come to our Internal
7 Affairs meeting. We are Leadership Florida
8 buddies, graduates together.

9 And he -- I'm very proud of the work that he's
10 doing over at the Department of Agriculture and
11 Consumer Services. He's deputy commissioner. And
12 he's prepared kind of an overview presentation of
13 their Consumer Affairs, but really the overall
14 Department and Agency.

15 So, welcome.

16 MR. LEVENSTEIN: Okay. That's it. Right into
17 it, huh?

18 CHAIRMAN BROWN: Right into it.

19 MR. LEVENSTEIN: Right. Thank you so much for
20 having me today. I won't be talking about energy;
21 although, I will tell you about our Energy Office.

22 (Laughter.)

23 (Simultaneous speakers.)

24 MR. LEVENSTEIN: And I like this setting.

25 This is nice and informal. So, I would like to --

1 even though we have a Powerpoint presentation, I
2 would like to view this as more of a conversation
3 between me and the Commissioners and talk about the
4 Department and some of the things we're doing and
5 some of the history.

6 There are some people here that are very
7 familiar with the Department. We have some alumni
8 here. You know, Commissioner Edgar spent some time
9 with the Department back --

10 COMMISSIONER EDGAR: Thank you.

11 MR. LEVENSTEIN: -- when I first joined, I
12 think.

13 COMMISSIONER EDGAR: One of my favorite
14 agencies.

15 MR. LEVENSTEIN: Yes, mine, too.

16 And our public counsel spent some time with
17 the Department. We were able to run him off,
18 but -- so -- and we go way back. So, if you hear
19 anything from the peanut gallery back there, just
20 take that with a grain of salt.

21 Let me see if I can make sure I -- okay.
22 Good. First, just a little bit -- just a few
23 seconds more about me. I'm in my 23rd year with
24 the Agency; been very, very fortunate in my career
25 with the Agency. I've worked for four different

1 commissioners now, with the current one, of course,
2 being Commissioner Adam Putnam.

3 Joined back in '93. I was a -- I was senior
4 attorney in the Office of General Counsel where I
5 did a lot of work for that joker back there when he
6 was in Consumer Services. And so, he's going to be
7 fact-checking me today, I'm sure. So, just keep
8 that in mind.

9 And I'm very fortunate in moving through the
10 ranks and different positions, bureau chief
11 positions. And in 2000, I moved up to the Capitol
12 and I was our Legislative Affairs director for a
13 couple of sessions. And I did some federal
14 affairs for -- for a period of time, which you can
15 have that, you know. More about that, if you want.

16 And then in 2002, I was fortunate under
17 Commissioner Bronson to be promoted to the position
18 of deputy commissioner, where I've served since
19 then.

20 And the way we're structured is we've got
21 three deputies -- I mean, two deputies. We used to
22 have three deputies. We now have two deputies, and
23 we have a chief of staff and assistant
24 commissioner, Mike Joyner, who all of you, I'm
25 sure, know. And we split duties --

1 COMMISSIONER EDGAR: Who?

2 MR. LEVENSTEIN: Yeah, I'll tell Mike you said
3 that.

4 (Laughter.)

5 MR. LEVENSTEIN: I have to give Mike his plug.
6 He is my boss.

7 So, I've been very fortunate, had a terrific
8 career with the Department. It is a fantastic
9 agency. And I'm just grateful for every day I go
10 to work there.

11 So, a little bit about the Department, some
12 history. The Department of Agriculture actually
13 was created back in 1868. Then it was under the
14 Commissioner of Immigration in state of Florida
15 before it was Agriculture.

16 Three years later, in 1871, they added
17 basically the land-surveying function. So, it
18 became Lands and Immigration, and it was the
19 Commissioner of Lands and Immigration.

20 In 1885, it became the Commissioner of
21 Agriculture's office where it's -- so, since 1885,
22 it's been the Commissioner of Agriculture.

23 In 1969, there was a big change under
24 Commissioner Doyle Conner, when we took on the
25 Consumer Services role, and it became the

1 Department of Agriculture and Consumer Services.

2 And that's where the Division of Consumer
3 Services was born and many of the protection --
4 consumer-protection programs that come under that
5 division. So, we've got a long, rich history in
6 the Agency, going way back.

7 Make sure I -- okay. She said that would
8 advance it.

9 CHAIRMAN BROWN: Technical difficulties?

10 (Lights turn off.)

11 That did not help.

12 (Laughter.)

13 MR. LEVENSTEIN: Okay. It was supposed to
14 advance. I'm hitting advance.

15 MS. NETTLES: Okay. Let me see.

16 MR. LEVENSTEIN: Steered me wrong.

17 MS. NETTLES: There we go.

18 MR. LEVENSTEIN: Okay. Timed out or
19 something.

20 So, the mission of the Department is a very
21 simple one: Safeguard the public and support,
22 Florida's agricultural economy. And it's basically
23 two -- in there, you can see there two distinct
24 missions; one, obviously, is agriculture.

25 At the beginning of the day, that's what we're

1 all about is agriculture and helping the
2 agriculture industry, protecting them against, you
3 know, plant and animal diseases and pests. And
4 then there is the consumer-protection side, which
5 comes in a number of different forms, which we'll
6 talk about.

7 Our value is very important to us. And it was
8 mentioned, you know, what a great agency we are.
9 And I think we enjoy a fantastic reputation. We're
10 very -- we're a very forward-facing agency.

11 We have a lot of interaction with the public
12 in consumers, businesses, obviously, our Ag, you
13 know, community and -- and related industries. So,
14 we're very public-facing.

15 It's very important to us to have a very good
16 image. So, we've got our values, which we -- which
17 we subscribe to there, and they are very important
18 to us. You can see it reflects the Agency.

19 So, I mentioned briefly about the many --
20 we've got 15 different divisions and offices in the
21 Agency. And it changes. Sometimes we merge them.
22 Sometimes we get them added from somewhere else.
23 We've had additions over the years.

24 And the way we're split -- and I've got those
25 split into three groups because the first group

1 there on the left, starting with administration --
2 those, including the Office of Energy, come under
3 the oversight of Mike Joyner, our chief of staff
4 and assistant commissioner. So, Florida Forest
5 Service, Ag Water Policy, Energy all come under
6 Mike Joyner's jurisdiction.

7 The next group over on the right is basically
8 what we -- under, what we call, our white-coat
9 deputy. Those are really the divisions where all
10 the sciences exist and the laboratories. And
11 Dr. Lisa Conti, who is our other deputy
12 commissioner, oversees those.

13 Ag Environmental Services -- if you're not
14 familiar with that, one of the entities that they
15 regulate is the pest-control industry in the state
16 of Florida. And then they have oversight over all
17 the feed, seed, fertilizer, pesticide,
18 registrations, and those sort of things in that
19 division. And they have several laboratories that
20 conduct activities.

21 Animal industry is, you know, obviously,
22 livestock industry in the state as far as
23 protecting them. Aquaculture. Food safety -- we
24 split duties, really. DBPR handles restaurants.
25 We handle food stores. So, we do inspect

1 permitting inspection of food stores and
2 manufacturing facilities in our Division of Food
3 Safety.

4 And the plant industry -- one of our biggest
5 divisions because that's really where a lot of our
6 challenges are, as far as protecting our crops and
7 other plant materials, horticulture. And they've
8 got lots of challenges.

9 They recently just finished an eradication
10 program in South Dade with the oriental fruit fly,
11 which I'm sure you've read about. So, they were
12 successful in finishing that up just a couple of
13 weeks ago, but they are constantly battling new --
14 new pests and diseases.

15 Another program is the giant African land
16 snail, which is a big issue down in South Florida.
17 These are enormous snails that have come in from
18 another country and they've multiplied down there.
19 And they actually will eat the stucco off of
20 peoples' homes in addition to, you know, destroying
21 plants.

22 So, it's become -- so, you can see where
23 that's not -- that's something our Division of
24 Plant Industry handles, but that has a huge impact
25 on consumers, homeowners. They are actually down

1 there eating the stucco off of homes. So, they've
2 had a program in place where, in the last several
3 years, they've collected thousands, I think, of
4 these snails and disposed of them.

5 And citrus greening is really the big, bad
6 one. That's the one that's basically a devastating
7 blow to the citrus industry over the last few
8 years. And just -- we're dealing with that. There
9 is no cure yet for it, no resolution yet, but we've
10 got a lot of scientists working hard at it and try
11 to -- try to, you know, help turn around the citrus
12 industry because it's had a devastating blow.

13 And I want to mention now, you know, I've got
14 the presentation, and certainly there will be time
15 for questions at the end, but feel free to
16 interrupt me any time. And if you have a question
17 or something piques your interest, you don't have
18 to wait. Interrupt me and I'll find my place.

19 CHAIRMAN BROWN: Thanks, Jay.

20 MR. LEVENSTEIN: So, like I said, I just want
21 to make this a conversation. And if I'm going too
22 fast -- I tend to do that -- so, let me know.

23 And then, the last group -- that's really
24 where I operate. Most of those are the consumer-
25 protection things, but there is crossover, you'll

1 see, among all these divisions. And a lot of them
2 work cooperatively on different things, but that's
3 kind of my wheelhouse right there with Consumer
4 Services at the top.

5 Division of Licensing, the big -- the big
6 issue -- the big program in Division of
7 Licensing -- which, by the way, is across the
8 street from here in Building 4050, I believe --
9 issuance of concealed-weapons licenses. That's the
10 main function. And they also regulate the private-
11 security industry, the private-investigator
12 industry, and the recovery agents, otherwise known
13 as the repo guys. So, those are their program
14 areas.

15 And Ag Law Enforcement is one of the offices
16 that comes over my -- under my oversight. But they
17 provide support to all those -- the industries and
18 all those divisions.

19 COMMISSIONER EDGAR: So, do you have a badge?

20 MR. LEVENSTEIN: I do have a badge. It's in a
21 drawer and it's been there for -- well, I'd better
22 not tell that story. That's -- there is a story
23 behind the badge.

24 COMMISSIONER EDGAR: I'm sure. I'm sure.

25 MR. LEVENSTEIN: And maybe I'll let Mr. Kelly

1 tell you that story because actually, he gave -- he
2 got it for me when he was the Director of Consumer
3 Services and I got in trouble for it. He was the
4 chief of staff at the time, but it's all good.

5 Thank you for that question, Commissioner.

6 COMMISSIONER EDGAR: You're welcome, Jay.

7 (Laughter.)

8 MR. LEVENSTEIN: I appreciate that.

9 Ag law is split into two functions.
10 Basically, they've got their -- they've got their
11 interdiction stations, which is their bureau of
12 uniformed services. They have 23 interdictions
13 stations that kind of dot the -- the northern part
14 of the state along -- they -- they cover every
15 roadway coming in and out of the state on the --
16 and it crosses the St. Marys River and the Suwannee
17 River. So, other than West Florida -- we have
18 another station out in West Florida that captures
19 traffic coming in to the Panhandle. It doesn't
20 cross those rivers and go downstate.

21 We have the ability to stop and inspect every
22 single truck entering or leaving the state across
23 those borders. And they look -- the primary
24 function is they're looking for, you know,
25 agricultural products, illegal products, or

1 products that have issues with them. But they also
2 do -- they are looking at food. They'll find
3 frozen food that's coming in that's going to market
4 or restaurants that's not meeting the proper
5 temperature. And they have the ability to
6 basically shut that down so you don't have, you
7 know, adulterated food getting into consumers'
8 hands.

9 And then, they have a bill-of-lading program,
10 which is in partnership with the Department of
11 Revenue where they are scanning bills of lading
12 from trucks coming through and they're sending
13 information to the Department of Revenue. And they
14 collect about \$10 million -- in excess of
15 \$10 million a year in otherwise unpaid sales taxes
16 on the products coming in to the state of Florida
17 for sale.

18 COMMISSIONER PATRONIS: Don't they have one of
19 those -- they have one of those big inspection
20 stations right outside of Tallahassee on I-10?

21 MR. LEVENSTEIN: Yes.

22 COMMISSIONER PATRONIS: Is that yours, too?

23 MR. LEVENSTEIN: Well, it's out -- no. Ours
24 is I-10 over in -- over closer to Madison.

25 COMMISSIONER PATRONIS: Yeah. Yeah.

1 MR. LEVENSTEIN: That's ours.

2 COMMISSIONER PATRONIS: Yeah, okay.

3 MR. LEVENSTEIN: That's ours.

4 COMMISSIONER PATRONIS: Because then you've
5 got the one also down near Crystal River?

6 MR. LEVENSTEIN: Yeah.

7 COMMISSIONER PATRONIS: Yeah. Okay.

8 MR. LEVENSTEIN: Yeah.

9 COMMISSIONER PATRONIS: Now -- okay.

10 MR. LEVENSTEIN: There is one down -- there is
11 the Fanning Springs one down there you might be
12 referring to.

13 COMMISSIONER PATRONIS: Yeah.

14 MR. LEVENSTEIN: Because that would be one
15 that you would -- you would pass through, I think,
16 from Tallahassee. Then you've got -- the biggest
17 ones are I-10, I-75, I-95, then all of your -- your
18 side stations. And those -- and they're staffed
19 24-7.

20 COMMISSIONER PATRONIS: So, are those
21 mandatory stops for any 18-wheelers essentially?

22 MR. LEVENSTEIN: No, all trucks carrying
23 agricultural products have to stop. That's
24 mandatory. Other trucks have to pull in, unless
25 they are part of a -- like a pre-pass program.

1 COMMISSIONER PATRONIS: Okay.

2 MR. LEVENSTEIN: Similar to what DOT has for
3 their weigh stations. So, you've got a lot of
4 pre-pass that goes by. But anything that's
5 carrying agricultural products, including someone
6 that's bringing a trailer, has to pull in because
7 there might be, you know, plant material or house
8 plants and other things in there. And you would be
9 amazed at what we find. We find a lot of stolen
10 goods. We find -- we find --

11 CHAIRMAN BROWN: Juicy things.

12 MR. LEVENSTEIN: We find juicy things. We
13 find -- they find drugs. They find all kinds of
14 things.

15 And our -- and our guys, in addition to that,
16 provide a wonderful service out there because our
17 guys working the stations have saved lives for
18 people who are in distress. Or they have
19 breakdowns, they've helped them. They -- on
20 numerous occasions, they've identified people that
21 were the subject of AMBER or Silver Alerts. So,
22 they -- they provide a wonderful function in the
23 stations for --

24 CHAIRMAN BROWN: It looks like you covered the
25 gamut under Consumer Services of different

1 functions.

2 MR. LEVENSTEIN: Yes, and I'm going to come
3 back -- I'm going focus on Consumer Services for
4 you because that's where the bulk of the
5 consumer -- marketing development, otherwise,
6 most -- best known to everybody is the Fresh From
7 Florida campaign where we promote Florida products
8 all over the world.

9 Food, nutrition, and wellness, which is one of
10 our newer divisions, came to us right after
11 Commissioner Putnam came into office. It used to
12 be housed -- the program was housed with the
13 Department of Education. And basically, we
14 administer the food -- the school lunch program and
15 the summer feeding programs, in addition to
16 emergency food assistance programs, which we used
17 to have in marketing and then moved over there.

18 The interesting story there is, even though
19 the food -- the school lunch programs at the
20 federal level is administered by the USDA, all the
21 states, with the exception of three now, Texas, New
22 Jersey, and then Florida -- we were the third --
23 that program is administered through their
24 Departments of Education.

25 And you know, if you think about it, education

1 should focus on education, and let agriculture
2 focus on food and feeding issues. That's why we
3 brought -- the other states did it. We brought --
4 Commissioner Putnam had it brought over from DOE.

5 And they've just -- and they've expanded the
6 program. They've introduced more fresh fruits and
7 vegetables into school lunches by -- you know, by
8 partnering with local growers, which was the whole
9 idea behind bringing them into our Agency. So,
10 that's a huge program.

11 Okay. And then Division of Fruit and
12 Vegetables. This handles, you know, grading of
13 different fruits and vegetables. And they're
14 located down in Bartow.

15 We're big. I mean, there are agencies that
16 are bigger. But we are the biggest Department of
17 Agriculture in the country, in large part due to --
18 you know, we've got 1200 -- 1200 FTEs in our
19 Florida Forest Service, which I think makes us
20 bigger than everybody including California, but we
21 are the largest in the country with those 15
22 divisions and offices. Don't let the budget fool
23 you, you know, because you've got over a billion
24 dollars in trust funds. And about -- a little over
25 a billion of that is -- is reimbursement for the

1 school lunch and summer feeding programs.

2 So, our budget, with everything else other
3 than that program is, you know, somewhere between
4 300 to \$400 million for all of our other
5 activities.

6 3614 and a quarter -- don't ask me about the
7 quarter. Don't know where that is. But a
8 quarter -- in FTE, but when we add OPS, we're well
9 over 4,000 employees Department-wide.

10 COMMISSIONER EDGAR: Jay, do you -- I'm merely
11 curious --

12 MR. LEVENSTEIN: Sure.

13 COMMISSIONER EDGAR: -- from my budget days,
14 but the bulk of the general-revenue funds -- is
15 that in primarily one or two -- you know, a few
16 areas or is it pretty much spread --

17 MR. LEVENSTEIN: Yeah, the bulk of that is
18 going to be in the Florida Forest Service.

19 COMMISSIONER EDGAR: The general revenue?

20 MR. LEVENSTEIN: Yes. And there's -- there's,
21 obviously, quite a bit in the Office of Agriculture
22 and law enforcement. Other than those two, there
23 is very little general revenue in any of our
24 program areas.

25 COMMISSIONER EDGAR: Thank you.

1 MR. LEVENSTEIN: And that's changed over the
2 years. It's flipped. There used to be a lot more.

3 COMMISSIONER EDGAR: Right.

4 MR. LEVENSTEIN: And then, you know how the
5 processes work. We've had more and more, you know,
6 reliance upon trust funds and getting rid of
7 general revenue, especially when we didn't have it.

8 So, Division of Consumer Services, where a lot
9 of the consumer -- and there are a lot of consumer
10 protections in other areas. The food-safety
11 inspections, obviously, is a consumer-protection
12 issue. The regulation of the pest control industry
13 is a big consumer-protection issue.

14 But the bulk of our programs dealing with
15 Consumer Services are housed in the Division of
16 Consumer Services. You can see the mission there.
17 I won't read it. They do a lot things to educate
18 consumers. They handle complaints. They regulate
19 a number of entities, which I think I have a slide
20 that will show that.

21 Their authority began -- I won't go into all
22 of that. But it's kind of split into -- we have
23 regulated entities and we have non-regulated.
24 There is a number of entities -- and there is a
25 list -- that we directly regulate. We register

1 them or license, but primarily we're doing
2 registrations of businesses. And depending upon
3 the type of business, they might have to post a
4 bond. There are certain things related to in
5 registration and enforcement.

6 And then there is a non-regulated because we
7 are -- under that authority, we are the
8 clearinghouse for all consumer complaints in the
9 state of Florida. And so, we'll receive complaints
10 of any nature.

11 If it's ours, we regulate it. We handle it
12 in-house. If it's somebody else's, that's
13 regulated by somebody else; say, the Department of
14 Business and Professional Regulation. Then we
15 will -- we will forward it to them.

16 And then if it's not really regulated by
17 anybody, we'll handle it. We do in-full mediation
18 of consumer complaints of a non-regulated nature.
19 And we -- and I think I have a slide later. We
20 recover a lot of money on behalf of consumers and
21 resolve a lot of complaints. We have a pretty good
22 success rate doing that.

23 The Division has a Bureau of Compliance, which
24 merely just handles the registrations and licensing
25 functions. They have mediation enforcement, which

1 handles the mediation I mentioned and enforcement
2 of people operating unlicensed or they've committed
3 some other kind of violation. And they are the
4 ones issuing the administrative actions against the
5 businesses.

6 The Bureau of Standards is relatively new. We
7 used to have a Division of Standards. They do your
8 gas-pump inspections, your weights and measures,
9 your fair rides inspections. Another thing a lot
10 of people don't realize the Department does is
11 inspect amusement devices, permit and inspect
12 amusement devices at all your county fairs and your
13 permanent parks. And they also do LP-gas
14 inspection, LP-gas permitting inspection.

15 And several years ago, we actually merged the
16 two divisions together, got rid of the old Division
17 of Standards, merged into Consumer Services and
18 made the old standards stuff a bureau under
19 Consumer Services.

20 And the Board of Professional Surveyors and
21 Mappers is a strange outlier because we don't
22 typically handle professional licenses. That would
23 be the DBPR. But this industry, for whatever
24 reason, a number of years ago, decided they wanted
25 to be with us.

1 COMMISSIONER PATRONIS: Yeah.

2 MR. LEVENSTEIN: And they -- you know, they
3 went to the Legislature and they got us moved over
4 to Agriculture. So, now, we regulate surveyors,
5 mappers. And we have, you know, their board
6 appointed by the Commissioner. And we handle that
7 program. Some of you might actually remember that.

8 So, different regulatory programs. I won't
9 read them off, but you can see all the different
10 ones. They come and go --

11 COMMISSIONER PATRONIS: Does the Do-Not-Call
12 list really work?

13 MR. LEVENSTEIN: Yes, sir. And I have more
14 information --

15 CHAIRMAN BROWN: I know.

16 MR. LEVENSTEIN: I would love to talk about
17 that because a lot of people think it doesn't work.

18 COMMISSIONER PATRONIS: Yeah.

19 MR. LEVENSTEIN: You know?

20 CHAIRMAN BROWN: Yes, I would be one.

21 COMMISSIONER PATRONIS: It's like if you put
22 your number in, you definitely will get calls, you
23 know?

24 (Laughter.)

25 MR. LEVENSTEIN: Yeah, and we'll have -- in

1 fact, the next slide actually goes in -- I'll have
2 a little more information for you, Commissioner.

3 COMMISSIONER BRISÉ: Before we go to the next
4 slide, in terms of just telecom complaints and
5 cable complaints --

6 MR. LEVENSTEIN: I've got a bunch more
7 information on that.

8 COMMISSIONER BRISÉ: Okay. Good.

9 MR. LEVENSTEIN: I wanted to -- that's the one
10 area I wanted to kind of hone in for the benefit of
11 the Commission because some of that used to be
12 handled, and it was deregulated.

13 CHAIRMAN BROWN: Thanks, Jay.

14 MR. LEVENSTEIN: So, I won't go over the list,
15 but they come and go. We used to do dance studios.
16 We don't do dance studios anymore. We used to do
17 something called business opportunities. We don't
18 do that anymore.

19 A number of years ago, we picked up the moving
20 industry which weren't previously regulated, the
21 intrastate. Interstate was handled by U.S. DOT.
22 Intrastate -- and Mr. Kelly will remember that
23 because we had a very interesting visit down in
24 Orlando with the moving-storage industry when we
25 first took over the registration. It's quite an

1 experience for us, but visiting with that industry
2 and becoming new, you know, regulators there. So,
3 you'll see all the various -- the various things
4 that that division does.

5 The Do-Not-Call list. This -- first of all,
6 something we're very proud of is, up until four
7 years, there was a cost.

8 COMMISSIONER PATRONIS: Yeah, \$10.

9 MR. LEVENSTEIN: Yeah, and it was -- it was
10 negligible. It was \$10 to join, \$5 to renew.

11 COMMISSIONER BRISÉ: Yeah.

12 MR. LEVENSTEIN: But there was also -- it
13 competed with the Federal Do-Not-Call list, which
14 we really didn't feel like was that effective. It
15 didn't feel like they were handling complaints.

16 And the Federal Do-Not-Call list was free, but
17 we really didn't feel like there was any process
18 where they were actually paying attention to and
19 trying to conduct enforcement activity and -- where
20 we did -- or we tried, at least.

21 So, we decided four years ago to eliminate the
22 fee altogether. At that time, we had 80,000
23 numbers subscribed to the list, which was nothing.
24 In fact, it was -- you know, it was almost a
25 decision point for us. Do we stop charging for

1 this, you know, and try to expand the service or is
2 it worth the, you know, 80,000 numbers, you know.

3 CHAIRMAN BROWN: Or advertise it more.

4 MR. LEVENSTEIN: So, what we did is we dropped
5 the fee. We went to the Legislature and the
6 Legislature, you know, agreed to drop the fee. We
7 are now closing in on a million numbers. So, in
8 four years, we've gone from 80,000 subscribed,
9 numbers subscribed, to a million numbers
10 subscribed. And I think a couple of years ago, we
11 also added cell phones to the mix. So, it's quite
12 a list.

13 The way it works is telemarketers -- we
14 produce the list, telemarketers have to buy the
15 list. They can get it electronically where they
16 can use it for their phone banks. It's supposed to
17 make them avoid numbers.

18 Will you still get calls? Yes. The biggest
19 reason I think a lot of people still get calls and
20 make complaints is because of the -- either the
21 exemptions to the law or the things that aren't
22 covered by the law because really it pertains to
23 sales calls. And as it relates to sales calls, if
24 you previously -- if you have a previous business
25 relationship with somebody, they can call you.

1 So, if you hired an air conditioning
2 contractor to do some work and then you have -- the
3 next year, they call you and they say, hey, you
4 know, how would you like to have a service or
5 something like that, that's not a sales call that
6 you would be protected from getting under this law
7 because you have a previous exist- -- previous
8 relationship with that entity.

9 Charities are not covered by this. So, a lot
10 of calls come from charities.

11 Political activities --

12 COMMISSIONER PATRONIS: Yeah, it's research --

13 MR. LEVENSTEIN: Yeah -- are not covered by
14 this.

15 Newspapers have always been exempt. But I
16 don't know that newspapers are making calls much
17 anymore because just the way newspapers have gone.

18 But there are a number of businesses, you
19 know, and entities that are exempt from this. And
20 a lot of the complaints we get are people calling
21 because they just associate any call that you get,
22 you know, interrupting you at 8:00 at night during
23 the dinner hour, you know, is immediately thought
24 of as far as being a call that's an unwanted call
25 and why am I not getting it. So, a lot of

1 complaints have to do with that.

2 The complaints -- there are a lot of
3 legitimate complaints because there are -- there
4 are companies out there that are violating it.
5 They have ways of getting around it. They've got
6 these throw-away phones that are untraceable. You
7 know, fly-by-night, they go in and out of business,
8 you know, with these shell corporations. So, it's
9 hard.

10 We've gotten a little better in the past as
11 far as -- as far as taking enforcement action.
12 We've actually entered numerous orders for lots of
13 fines. Some we're able to collect.

14 You've got some telemarketers out there who
15 are truly in business and trying to -- trying to
16 abide by it, and we'll catch them because they make
17 calls that they -- for whatever reason, maybe they
18 didn't have an up-to-date list or something was
19 wrong with what they were doing.

20 We catch them. We fine them. They pay
21 because they want to stay in business because they
22 are a legitimate business. We've collected tens of
23 thousands of dollars, you know, if not hundreds of
24 thousands of dollars from companies in that boat.

25 You've got some others that are -- that, you

1 know, come in and out of business that generate a
2 lot of these calls -- we get a lot of complaints.
3 And then you can't -- either you can't trace them
4 because they are using these throw-away phones --
5 because one thing we have to remind consumers when
6 they call up and they file a complaint, you've got
7 to be able -- because people will call up and say,
8 I want to complain about a sales call. Well, who
9 called you, what was the number. I don't know.
10 Well, it's -- it's over. There is nothing we can
11 do.

12 We've got to have a number. We have to have
13 certain information as part of our complaint form
14 to be able to even begin to identify where it came
15 from and see if we can even trace someone that we
16 can take action against, and many cases, out of
17 state.

18 By the time you find them and you sign an
19 order for a hundred-thousand-dollar fine, it's
20 completely uncollectible.

21 COMMISSIONER PATRONIS: Is the actual list --
22 is it records exempt? I mean, it can't be
23 requested?

24 MR. LEVENSTEIN: The -- the list has no
25 information in it. It's nothing but phone numbers.

1 So, the list is public record. And for the
2 telemarketers that want to buy it and the format
3 that they can use, they pay. There is a charge --
4 there's a fee to pay for the list. When you go
5 on -- in fact, it's so simple now. You can go
6 online and -- it used to be paper. It's no longer
7 paper. It's all web-based now. Or when you call
8 our call center -- and I'll talk about that in a
9 minute -- we now have every one of our call center
10 employees routinely ask somebody if they are on the
11 list and they would like to be added and explain
12 that to them. And all you've got to do is give
13 your number.

14 And if you go online to the Do-Not-Call page,
15 there is a just a box. You can enter as many
16 numbers as you want. You can enter your home phone
17 number, you can enter your cell phone number, you
18 can enter your wife's cell phone number, your kids'
19 cell phone numbers. You just enter them. You
20 don't have to give your name, your address, any
21 personal information whatsoever.

22 All we need is the numbers. Numbers go on the
23 list. List goes out to telemarketers. Can't call
24 the numbers on the list. So, we've made it very
25 simple to do.

1 Does that answer questions about Do Not Call
2 or -- and it still -- and you'll see there is a
3 slide here about the number. It still is, by far,
4 the highest -- and you've probably already seen the
5 slides in your package -- the highest number of
6 complaints that we get.

7 CHAIRMAN BROWN: We're all doing it today
8 right after you leave.

9 MR. LEVENSTEIN: Okay. I would have thought
10 you had already done it.

11 CHAIRMAN BROWN: You would have.

12 MR. LEVENSTEIN: And if you need a concealed-
13 weapons license, you can go across the street. So,
14 after today, you can get on the Do-Not-Call list.
15 You can get a concealed-weapons license. We can
16 help you any -- any way you want.

17 CHAIRMAN BROWN: Oh, that's great.

18 This is one that -- that we're very -- I mean,
19 I know I'm interested. I think the other
20 Commissioners are. These telemarketing scams.

21 MR. LEVENSTEIN: Yes. And they come in all
22 shapes and sizes. There's -- there's a scam for
23 everything out there.

24 People will read obituaries and scam elderly
25 by saying that -- or scam family members of -- of

1 elderly. They'll just -- any angle they can get,
2 you know, conduct a scam.

3 One of the ones we had years ago was a whole
4 thing with energy audits. People were calling
5 up and they were -- and I don't remember precisely
6 how it operated, but people called up and offered,
7 like, a free energy audit and there was a lead-in
8 to selling them maybe, like, a solar system or
9 something else, but just scam, scam, scam.

10 Okay. And for me -- I was actually thinking
11 about this on my way here. Simple rule of thumb,
12 you know, that people don't -- I think a simple
13 rule of thumb is, if someone is calling, you
14 haven't called them --

15 COMMISSIONER BRISÉ: Right.

16 MR. LEVENSTEIN: If someone is calling you at
17 your home and you haven't reached out to them, and
18 they're offering you something that you don't --
19 you haven't sought, you know, run away, you know --
20 or at least, okay, if it sounds intriguing, do your
21 homework. And you can because you can check with
22 us about companies. There's a lot of ways you can
23 do homework to see if they are legitimate, but all
24 too often, people get these calls -- and these
25 people are slick, you know. And they call and talk

1 you into stuff --

2 COMMISSIONER PATRONIS: Very slick.

3 CHAIRMAN BROWN: Uh-huh.

4 MR. LEVENSTEIN: And simple -- for me, the
5 simple rule of thumb is if I haven't, you know,
6 done my research and I'm looking to buy something
7 or get some kind of service and reaching out to
8 somebody and someone calls me, you know, there
9 is -- there's, you know, more often than not,
10 probably not.

11 CHAIRMAN BROWN: Jay, can you talk about the
12 various enforcement actions for specifically these
13 free utility scams that -- the complaints that come
14 to your office and how the Department of Ag pursues
15 enforcement. I'm assuming it's penalties.

16 MR. LEVENSTEIN: Sure.

17 CHAIRMAN BROWN: But is there any criminal
18 action that's associated with it?

19 MR. LEVENSTEIN: Yes, there is. If you're --
20 if you're a -- they come in basically two forms.
21 If you're a licensed telemarketer, okay, and you've
22 availed yourself of our jurisdiction and you pay
23 your fee, and you fill out your application, you
24 post a bond, you sell products -- if you complain
25 against the licensed telemarketer, there are

1 remedies because if you didn't get the product you
2 thought you were supposed to get, more often than
3 not, it happens in travel, people selling, like,
4 vacation packages or vacation certificates, then we
5 can get you a return of your money by making a
6 claim against a bond.

7 So, if they are licensed, you know, we can
8 take action. If they've committed violations on
9 the license where they're improperly committing
10 telemarketing activities either by not having
11 approved scripts or robo-calling or they are
12 licensed -- because not only does the telemarketer
13 have to be licensed, but every individual
14 salesperson that's making phone calls needs to have
15 an individual salespersons license. So, if you're
16 operating a telemarketing shop and you have
17 unlicensed salespeople, then you're subject to
18 penalties. And I believe criminal penalties come
19 in there as well.

20 If you're -- if you're unlicensed, then,
21 obviously, we can go after you for unlicensed
22 telemarketing activities. And I'm not sure what
23 all the remedies are there, but I think there are
24 criminal remedies there as well.

25 CHAIRMAN BROWN: Thank you.

1 MR. LEVENSTEIN: So --

2 COMMISSIONER GRAHAM: I have a question --

3 MR. LEVENSTEIN: And we have a lot of cases.

4 We make a number -- the -- the vast majority of
5 cases our Office of Agriculture Law Enforcement
6 makes, which their investigative unit is -- is
7 telemarketing rooms.

8 CHAIRMAN BROWN: Commissioner Graham?

9 MR. LEVENSTEIN: Yes, sir.

10 COMMISSIONER GRAHAM: I heard in a meeting
11 last week that scams against elderly, more than
12 half the time, is a family member. Is that
13 correct?

14 MR. LEVENSTEIN: I don't -- I don't know the
15 answer to that.

16 COMMISSIONER GRAHAM: That just seemed like a
17 high number to me.

18 CHAIRMAN BROWN: Yeah.

19 COMMISSIONER GRAHAM: Okay.

20 MR. LEVENSTEIN: Yeah, and I wouldn't be
21 surprised. I mean, people just take -- you know,
22 they take advantage of -- any way they can.

23 COMMISSIONER GRAHAM: Some of them are just
24 appalling.

25 MR. LEVENSTEIN: Yeah.

1 COMMISSIONER PATRONIS: I get the calls for
2 the fundraising on behalf of -- and it will be
3 something, something, something, your troopers, and
4 the guy will be talking like he's a drill sergeant
5 over the phone. So, I'll start, kind of like,
6 going through the motions with him. You know, I'll
7 ask him, are you currently a trooper. Well,
8 they'll -- they'll shoot honest with you, no, but
9 they -- of course, they sound real authoritative on
10 it. A lot of times I get them, I just --
11 especially if I recognize the number of the
12 telemarketer, I let my seven-year-old answer the
13 phone.

14 (Laughter.)

15 MR. LEVENSTEIN: And some of the -- some of
16 the worst are relating to veterans and veterans
17 groups or groups purporting to support veterans
18 because they are basically appealing to, you
19 know --

20 COMMISSIONER PATRONIS: High profile.

21 MR. LEVENSTEIN: To different -- you know,
22 they're just appealing to different feelings --

23 CHAIRMAN BROWN: Thank you, Jay.

24 MR. LEVENSTEIN: -- about veterans and
25 patriotism.

1 So, skimming is a new one. And you've
2 probably read about this. There is legislation
3 moving through the process right now, what we call
4 our skimmer's bill. Skimming is not an official
5 term. You won't find it in statute. But
6 basically, what it refers to is people are going
7 to -- it started years ago where they could do it
8 at ATMs. They would put a device on top of the
9 card-reader at ATMs, you put it in there. You
10 think it's part of the ATM --

11 COMMISSIONER BRISÉ: Right.

12 MR. LEVENSTEIN: It's pulling off your -- it's
13 taking your credit card information.

14 Now, what they're doing is they're going to
15 gas pumps. They're getting inside the dispenser
16 and they're -- and they can buy the parts at Radio
17 Shack. And they put them -- they attach them to
18 the credit card reader inside the dispenser.

19 So, it looks normal. Nothing wrong with the
20 outside. In fact, they've gotten so -- they've
21 gotten so advanced, now, they never have to go back
22 because it's all bluetooth. So, they go in once,
23 they put it on the device, and they can be sitting
24 down across the street in a van, okay, having the
25 being transmitted via bluetooth as people swipe

1 their credit cards. And then what they do, they
2 take the information and then they produce fake
3 credit cards. And then it goes from there.

4 COMMISSIONER PATRONIS: And then they just
5 drive off. It's not like you're going to trace it.

6 MR. LEVENSTEIN: Yeah. So, we've seen -- and
7 we're very proud of the work we've done because
8 over the last year or so, we have -- because we
9 are -- we are at those pumps. We are -- now, we're
10 not there -- you know, the frequency of the
11 inspections of the pumps is probably anywhere from
12 you know, 12 to 16 months. And as there's more
13 pumps and stations and less staff, we're more about
14 doing risk-based inspections instead of routinely
15 going to every single pump and trying to get there,
16 you know, every -- every so often.

17 And there's -- so, there is a lot of high
18 risk -- there's a lot of risk factors that go into
19 helping us. But when we go out, as part of our
20 routine inspection now, we're -- because the gas
21 inspections involves two components; one is the
22 quality of fuel. So, they'll take a sample,
23 they'll send it to the laboratory, and they'll test
24 it for different parameters, you know, octane is
25 one of them, to make sure there is no water in the

1 fuel, or an acceptable amount of water, sediment,
2 things like that. And then making sure it meets
3 certain specifications. And then there is the
4 measure.

5 COMMISSIONER BRISÉ: Right.

6 MR. LEVENSTEIN: You know, make sure that when
7 you pump a gallon, you're getting a gallon. And
8 they will also inspect the dispensers to make sure
9 they are operating properly and --

10 COMMISSIONER PATRONIS: How often is there a
11 variance?

12 MR. LEVENSTEIN: On the fuel?

13 COMMISSIONER PATRONIS: Uh-huh.

14 MR. LEVENSTEIN: Not that often. Not that
15 often. For the most part, it's -- it's, you
16 know -- it's -- I don't know what the -- the
17 compliance rate is probably in the nineties, high
18 nineties, I think, as far as the quality of the
19 gas, including the measure. They do a pretty good
20 job.

21 COMMISSIONER PATRONIS: So, when y'all inspect
22 them, there's also -- I guess DEP has got a certain
23 amount of role with the groundwater. I mean, do
24 y'all --

25 MR. LEVENSTEIN: They do the underground

1 storage tanks.

2 COMMISSIONER PATRONIS: Yeah.

3 MR. LEVENSTEIN: And we've had -- and you
4 might have been part of the discussion in the
5 Legislature. We've had -- and every so often the
6 discussion comes up as why can't -- why can't you
7 just combine, you do both.

8 What we do is very different -- and we've
9 tried -- we actually piloted it a couple of years
10 ago. We took a number of stations where we had our
11 guys learn and do some of the underground tank
12 inspections in addition to their above-ground
13 dispenser inspection. And they're -- they are very
14 different. And we -- we've got the data to show
15 it.

16 It just didn't make a lot of sense, even
17 though you would think, on its face, well, you're
18 at the station. So, you've got underground storage
19 here. You've got aboveground. Why can't your
20 inspector do it all, but there is a lot more that
21 goes into it as far as the -- you know, one is the
22 frequency of inspections and what they're looking
23 for. You have to give -- one of the inspections,
24 you have to give notice because you have to have --
25 you have to have certain records and paperwork

1 there on-hand to look at.

2 Another inspection is unannounced inspection.
3 So, it kind of -- you get crossways there. But
4 we've tried that and we've looked at it on a number
5 of different occasions.

6 COMMISSIONER PATRONIS: Does the same guy that
7 does food inspection do the pump inspections?

8 MR. LEVENSTEIN: No. No. Although, we all --
9 we have gotten to do a lot more cross-training.
10 That particular thing, no. But we've got-weights-
11 and-measures inspectors and petroleum inspectors
12 cross-trained because now, at gas pumps -- and
13 LP-gas pump inspectors because you've got the
14 cylinder cages at gas stations.

15 COMMISSIONER PATRONIS: That's y'all's too,
16 then.

17 MR. LEVENSTEIN: Yes. So, instead of sending
18 a separate inspector -- we like to joke -- well, we
19 don't joke, but the -- conceivably, you could pull
20 up in front of a Super Walmart with a van of eight
21 Department of Agriculture employees doing different
22 things.

23 COMMISSIONER BRISÉ: Right.

24 CHAIRMAN BROWN: Right.

25 MR. LEVENSTEIN: There's -- I think we

1 counted. There's probably at least eight different
2 ways we will regulate or inspect a Super Walmart
3 store or activities going on or goods being sold in
4 a Super Walmart.

5 So, we're trying to identify ways that we can
6 make that easier on the business and save staff
7 time and be more efficient. Some things make
8 sense, you know, but some things don't because of
9 the expertise. You will never have -- we will
10 never cross-train inspectors to look at a fair
11 ride --

12 COMMISSIONER PATRONIS: With --

13 MR. LEVENSTEIN: You know, just as an example.

14 COMMISSIONER PATRONIS: And -- I'm sorry I'm
15 asking so many questions.

16 CHAIRMAN BROWN: You should be (laughter).

17 COMMISSIONER PATRONIS: With, like, the caged
18 LP gas -- are y'all actually responsible also to
19 ensure those are accurately filled? Do you drop
20 them on a scale?

21 MR. LEVENSTEIN: We do not. We do not.

22 COMMISSIONER PATRONIS: I got one the other
23 day, I swore I thought it was half empty, but it --
24 you know --

25 MR. LEVENSTEIN: Yeah, we will --

1 COMMISSIONER PATRONIS: -- because it was so
2 light, but --

3 MR. LEVENSTEIN: We inspect the devices that
4 will fill them to make sure they are operating
5 properly and they are pumping the right amount.
6 The same thing we do with the trucks that go out
7 and fill people's tanks. But the individual
8 tanks -- there's thousands and thousands of those.

9 The cage is to make sure -- mostly, that's a
10 safety inspection --

11 COMMISSIONER PATRONIS: Sure.

12 MR. LEVENSTEIN: Because there are certain
13 elements of the cage, it has to be so many feet
14 from the door of the establishment. It has to have
15 the barriers in front of it. Has to have a fire
16 extinguisher near it. It has to -- so, those are
17 the types of things we're inspecting at those
18 cages. But back upstream, we're checking the
19 equipment that's filling them to make sure the
20 equipment is giving proper measure.

21 COMMISSIONER BRISÉ: Question on the skimming.
22 Is the gas station or the owner of the ATM partly
23 responsible? Are they held accountable to a
24 certain degree?

25 MR. LEVENSTEIN: Yeah, that's -- and I wanted

1 to tell you about the legislation. So, what the
2 legislation does, Commissioner, is two things; one
3 is it increases penalties for people that get
4 caught doing this because the penalties were really
5 light. And even if someone was doing it, you make
6 a case, if you could catch them, hard to get a
7 state attorney to prosecute because the penalties
8 just weren't there. So, we're increasing the
9 penalties.

10 We're also putting a requirement on
11 stations -- minimal -- they're -- under
12 legislation, stations are required to use some sort
13 of security measure. Now, it runs the gamut.

14 CHAIRMAN BROWN: Like the security chip now?

15 MR. LEVENSTEIN: No, that's -- well, that's
16 separate because that's your card company because
17 now you've moved away from the -- but the thing is,
18 with the chips, you know, every time you have new
19 technology and have more protections, the bad guys
20 just learn how to get around it and manipulate that
21 the same. But that's on the banking side as far as
22 going from the swipe card to the chip card that has
23 added security.

24 On the side, as far as the stations -- because
25 you've got the dispenser. It's got a lock on it.

1 Okay. There is probably one key that will fit
2 every single dispenser in the world because it's
3 got that simple -- it's like the lock on your -- on
4 your Craftsman tool chest.

5 COMMISSIONER BRISÉ: Right.

6 MR. LEVENSTEIN: You know, it's a simple lock.
7 And when they get in there and you can't see it,
8 you don't know it. So, the bill requires the
9 station to have some sort of security measure. And
10 we gave them kind of a menu of options because you
11 don't want to -- don't want to get in a
12 situation -- your better stations will have really
13 advanced security, like anti-tampering stuff built
14 into the system.

15 So, if someone goes there and tampers with
16 them, somewhere, alarms are going off and -- and
17 bells and whistles are, you know, going. And the
18 pump shuts down and all kinds of -- well, you can't
19 ask your mom-and-pop gas station to put in a
20 security measure like that.

21 COMMISSIONER BRISÉ: Right.

22 CHAIRMAN BROWN: Right.

23 MR. LEVENSTEIN: So, that's one end of the
24 spectrum.

25 The other end of the spectrum, the most basic

1 is just security tape. And there's ways around it
2 because the bad guys are already figuring out how
3 to produce tape that looks like security tape so
4 they can break tape and put new tape on it. But if
5 you have -- at a minimum, if you have tape that the
6 station operator puts on there and does a routine
7 inspection, including our inspections -- but most
8 of the station operators should be doing this on a
9 daily if not more-often basis. All they've got to
10 do is look at the pump and say, has the seal been
11 broken. And if the seal has been broken, then they
12 know something is wrong.

13 CHAIRMAN BROWN: Well, I appreciate you
14 providing some of this information. We all just
15 came back from a national conference that really
16 focused a lot on cyber-security issues. And it's
17 interesting to hear all the ways that, as you put
18 it, the bad guys are tampering with -- with
19 consumers' rights.

20 MR. LEVENSTEIN: Yeah. We have -- in the last
21 year, we have identified -- I think we're up almost
22 to 170 skimming devices on pumps in the state of
23 Florida.

24 COMMISSIONER PATRONIS: That you've collected?

25 MR. LEVENSTEIN: Yes. Several cases have been

1 made, criminal cases. There have been some cases.
2 It's hard -- it's hard to trace them. Finding the
3 device is pretty easy and taking it off and
4 disabling it, but tracing it to someone is a little
5 more difficult.

6 COMMISSIONER PATRONIS: Are you finding them
7 in all different types of environments, too? Is
8 there a consistent characteristic of a station that
9 seems to be more habitually of a -- of a marked --

10 MR. LEVENSTEIN: I would imagine so because
11 we -- we put out information as far as how
12 consumers can protect themselves. There's a number
13 of ways. First of all, don't pay at the pump.
14 Just pump your gas, go inside and pay, and you
15 avoid it altogether.

16 COMMISSIONER PATRONIS: Sure.

17 MR. LEVENSTEIN: Choose a pump closest to the
18 entry of the station so the attendant, at least,
19 has eyes on it, so they are more likely to see
20 somebody pulling up and tampering with it. If it's
21 kind of, like, remote and they -- you know, behind
22 the store or around the corner and they can't see
23 it, it's more likely that someone can pull up and
24 tamper with the device and no one knows.

25 So, there are certain things you can -- and I

1 think, along with that, Commissioner, you
2 probably -- it's probably safe to say that there
3 probably is some, you know, indicators there that
4 they're probably maybe in different neighborhoods
5 or maybe areas that aren't as well-lit or stations
6 that aren't as, you know, as high-end and --

7 COMMISSIONER PATRONIS: Yeah.

8 MR. LEVENSTEIN: -- you know, kept up and
9 you've got the attendants there and everything
10 else, so --

11 COMMISSIONER PATRONIS: Older stations that
12 may not necessarily have the surveillance equipment
13 installed --

14 MR. LEVENSTEIN: Yeah.

15 COMMISSIONER PATRONIS: -- because it wasn't
16 that much of a priority at the time of
17 construction.

18 MR. LEVENSTEIN: Yeah.

19 CHAIRMAN BROWN: Well, we're getting at the
20 45-minute mark, and I know you want to get through
21 some of the stuff, so --

22 MR. LEVENSTEIN: Yeah, I'm going to -- I'm
23 going to breeze through this and hit some
24 highlights.

25 CHAIRMAN BROWN: Okay.

1 MR. LEVENSTEIN: Sorry. I knew this would
2 happen, but -- so, there is a lot of ways you can
3 contact law -- I'll go back. We have a consumer
4 system center, basically our call center. This
5 handles a huge volume of calls. We've got 20
6 positions there.

7 In 2015, almost 350,000 calls. We started a
8 chat function year before last where now you can go
9 on our website and you can reach one of our
10 operators by chat so you don't have to be on hold,
11 and you can do it while you're multi-tasking.
12 That's been very popular. And e-mails.

13 In addition to that -- and the call center can
14 direct you to within the Agency, to another agency.
15 There's any number of things. You can call our
16 call center for anything and they can help you.

17 In addition to that, our Division of Licensing
18 has their own call center because of the volume
19 they have -- which is just across the street. They
20 handle probably about 300,000 calls a year
21 themselves just for their program area. So, that's
22 something we offer.

23 If you go online -- there is a paper version.
24 If you go online, we have what's called an
25 A-to-Z -- A-to-Z guide. You can type in any kind

1 of business and it will bring up information about
2 who to go to, who regulates that business, if
3 there's -- if there's some entity that does that.

4 So, it's a pretty comprehensive guide that you
5 can go to that tells consumers where they get
6 information about a particular business. Just type
7 it in there and it will show up.

8 And if it's -- if there is somebody that's
9 actually licensed or registered by us, it will show
10 their status. There is also a business lookup
11 where you can type in any business, if they've ever
12 had a complaint filed against them with us. You
13 can see their -- not just their status as far as
14 their registration or licensures, but you'll see a
15 complaint history, and whether they've been
16 resolved to the satisfaction of the consumer.

17 The gift-giver's guide is very popular with --
18 with charities. You can go in there, type in a
19 charity, and it will give you information about
20 their status. It will show you how much
21 administrative expense goes -- that they put in
22 their pockets before giving to a charity. So,
23 there is a wealth of information in there if you
24 want to research a charity before you give.

25 CHAIRMAN BROWN: That's great.

1 MR. LEVENSTEIN: We do a newsletter that you
2 can subscribe to. So, every month they're sending
3 a newsletter. And we give out -- some of it is
4 seasonal, based upon the time of year and what's
5 going on as far as tips; whether you're doing
6 travel or you're joining a health club or any
7 number of things you might be doing.

8 The complaint process is pretty
9 straightforward. You just file a complaint with
10 us. You can do it online. You can send it in in
11 writing. It comes through. We have the whole
12 staff that processes it. We send -- we send a
13 complaint with a cover letter to a business, and we
14 demand a response. And they have 30 days to
15 respond to us.

16 If they don't, you know -- if we regulate
17 them, we can take action, if they have violated the
18 law. If we don't regulate them, they just
19 basically get a mark against them in the business
20 lookup. So, you can see, even if we don't regulate
21 somebody, if they've had a lot of complaints
22 against them that they haven't resolved through
23 this mediation process.

24 The complaints, you can see, by far, Do Not
25 Call, far exceeds all the other complaints and all

1 the other different entities.

2 On that -- on the complaint process, in 2015,
3 we recovered more than \$3 million on behalf of
4 consumers. Some of it's through, you know,
5 programs that actually have a bond posted. Some of
6 it is just through the mediation process. I mean,
7 you could have a shirt ruined at your dry cleaner
8 and you can write us and file a complaint. We'll
9 send a letter to the dry cleaner and the dry
10 cleaner -- you know, they may -- I mean, they can
11 tell us, you know --

12 COMMISSIONER PATRONIS: (Inaudible.)

13 MR. LEVENSTEIN: Exactly. Thank you. Or you
14 know, a lot of times, they say, okay. Okay. I
15 don't want to be in trouble with the state, you
16 know, so -- you know, there is no authority there,
17 but we do get a lot of response. And they might
18 just write you a check and they might settle with
19 you. And that goes into that.

20 CHAIRMAN BROWN: Good to know.

21 MR. LEVENSTEIN: That's actually gone down
22 because I think that used to be in excess of \$5
23 million a year we collected, but -- maybe
24 complaints are going down.

25 So, you asked about communications-type

1 complaints. And we broke this into three different
2 areas. We've got cable, cell phone, and landline.
3 This right here just shows the number of complaints
4 for each category, the blue bar.

5 The green bar shows the responses. So, we're
6 getting a really good response rate. It doesn't
7 mean we're resolving it, but the responding --

8 COMMISSIONER BRISÉ: Sure.

9 MR. LEVENSTEIN: Because sometimes the way
10 they respond is they'll say, hey, this is -- we
11 dispute it. You know, it's -- they think they
12 shouldn't have been billed for something that they
13 were properly billed and -- you know, so they're --
14 that's just the response rate.

15 But in a particular -- and we hear cellular
16 and landline are grouped. Those responses have, in
17 the last five years, netted, you know, 420,000 and
18 over \$700,000 of monies returned to consumers who
19 made a complaint. So, they might have written a
20 complaint to us about their Comcast bill. Comcast
21 responded and said, yeah, you're right, we'll do a
22 refund. We want to make it good. So, that goes
23 into those figures. So, we've had pretty good
24 success with handling those complaints.

25 CHAIRMAN BROWN: That's been great, Jay.

1 Thank you so much for the overview.

2 MR. LEVENSTEIN: My pleasure.

3 CHAIRMAN BROWN: A lot of it was enlightening.
4 There is a lot of interest from the Commissioners
5 here on the -- on the stuff that you covered. And
6 we really appreciate you taking the time, coming
7 out here.

8 Commissioners, do you have any additional
9 questions or follow-up?

10 MR. LEVENSTEIN: Well, if you do, you know
11 where to get me. I'll be happy to help you with
12 any of your issues and answering your questions.

13 Sorry we took so long.

14 CHAIRMAN BROWN: No. Really appreciate the
15 dialogue. This is awesome.

16 MR. LEVENSTEIN: It was great. Appreciate it
17 very much.

18 CHAIRMAN BROWN: Thank you, Jay.

19 MR. LEVENSTEIN: Okay. Thank you.

20 CHAIRMAN BROWN: Thank you.

21 We are going to move on to the legislative
22 update. Don't forget -- oh, that was yours.

23 Legislative update. Mr. Futrell.

24 MR. FUTRELL: Good morning, Commissioners.

25 Mark Futrell with staff. I provided you a handout

1 of our bill report that we circulate weekly. This
2 is the version that was provided to you last week
3 and just provided a hard copy for the -- for you
4 today. I wanted to just go over some of the
5 activity that's happened since our -- the last
6 Internal Affairs meeting in January.

7 First off, on Senate Bill 534, the water and
8 wastewater bill by Senator Hayes, the bill is in
9 the Appropriations Committee. It's not on the
10 agenda for their next meeting, which will be
11 Thursday. There is a meeting blocked for that
12 committee probably next Tuesday, March 1st. So,
13 we'll continue to monitor to see if that bill gets
14 placed on the agenda for the Appropriations
15 Committee.

16 CHAIRMAN BROWN: So, it's slowed down.

17 MR. FUTRELL: Yes.

18 The other bill, the water and wastewater bill
19 in the House, House Bill 491 by Representative
20 Smith, was taken up in the Regulatory Affairs
21 Committee on February 4th. An amendment was
22 adopted and the bill was reported favorably.

23 The amendment addressed the abandonment
24 provisions of the bill to ensure that a county is
25 responsible for seeking the appointment of a

1 receiver, regardless of whether the -- regardless
2 of the status of the jurisdiction, regulatory
3 jurisdiction, of the county.

4 The bill is on the calendar for bills in
5 second reading in the House. So, we'll continue to
6 monitor that bill and whether it comes up, is taken
7 up on the house floor.

8 The next bill of note that kind of came on our
9 radar is Senate Bill 324, utility projects by
10 Senator Legg. Originally, the bill was structured
11 to authorize certain local government entities to
12 finance the cost of water and wastewater utility
13 projects by issuing bonds upon application by a
14 local agency.

15 It was one of our primary bills, but we were
16 certainly aware of it. On February 8th, the bill
17 was heard in the Finance and Tax Committee. An
18 amendment was considered that was proffered by
19 Senator Simpson. The amendment was approved. The
20 bill was reported favorably.

21 The amendment makes certain findings,
22 legislative findings that water service should be
23 priced at a rate commensurate with the market and
24 the quality of the service provided, and that
25 customers have a right to participate in the

1 selection of their water-service provider.

2 The bill also requires the Commission to
3 notify a county when a petition for revocation is
4 filed. This is amending the provision that was
5 created a couple of years ago that permits
6 customers to seek revocation of a water utility
7 certificate of authorization.

8 It also clarifies that counties can condemn a
9 utility through eminent-domain proceedings after
10 the petition for revocation is filed here at the
11 Commission. And it removes the option that the
12 Commission could require a utility to take
13 necessary steps to correct quality-of-water-service
14 issues after a finding that the utility is not
15 providing quality service. Again, it would reduce
16 the options in that process to either dismiss the
17 petition or to revoke the certificate.

18 That bill is on the agenda for the
19 Communications, Energy, and Public Utilities
20 Committee meeting today at 1:30. We've been
21 monitoring -- as of this morning, there were no
22 further amendments filed for that bill.

23 CHAIRMAN BROWN: So, the House -- House Bill
24 is on the floor?

25 COMMISSIONER PATRONIS: Yeah, I just saw it.

1 It was the second reading on the calendar -- it's
2 ready for the floor.

3 MR. FUTRELL: Right.

4 COMMISSIONER PATRONIS: I guess January 14th.

5 MR. FUTRELL: Right, and it has not been
6 amended. This has just -- this amendment has just
7 been in the Senate.

8 CHAIRMAN BROWN: Okay.

9 MR. FUTRELL: The next bill I want to mention
10 is House Bill 579, municipal power regulation by
11 Representative Mayfield. On January 28th, the bill
12 was heard in the Government Operations
13 Appropriations Subcommittee and was reported
14 favorably.

15 The bill is in the Regulatory Affairs
16 Committee. The committee is scheduled to meet this
17 coming Thursday and next Monday. We'll be
18 monitoring the agenda to see if the bill gets
19 placed on that committee's activities.

20 The companion in the Senate, Senate Bill 840,
21 by Senator Simpson, is up in the Communications
22 Energy Utilities Committee meeting today at 1:30.
23 An amendment has been filed that would essentially
24 conform the bill to the House version. It would
25 essentially strip out some of the provisions and

1 essentially require FMPA, which is the affected
2 entity, to file an annual financial report with the
3 Commission and with the member municipal utilities
4 and would require that all members of the FMPA
5 board of directors be elected city officials. So,
6 that's on the agenda this afternoon, the
7 Communications Committee.

8 The next stops are the Appropriations
9 Subcommittee on general government that is meeting
10 tomorrow at 1:30, and then Appropriations.

11 Those are the key bills that are active that
12 we're following right now. I'd be glad to answer
13 any questions.

14 CHAIRMAN BROWN: Thank you so much.

15 Commissioners, any questions?

16 Yes, Commissioner Graham.

17 COMMISSIONER GRAHAM: The House Bill 579 --
18 you talked about FMPA is required to file a
19 financial statement with us?

20 MR. FUTRELL: Yes, sir.

21 COMMISSIONER GRAHAM: What does that come
22 with? I mean, they just file the statement and
23 that's it?

24 MR. FUTRELL: That appears to be the -- what
25 the language does. There is nothing more beyond

1 that they would file a report here at the
2 Commission. There's no --

3 COMMISSIONER GRAHAM: There is nothing we're
4 supposed to do with it or nothing that's supposed
5 to happen. They are just supposed to file it with
6 us.

7 MR. FUTRELL: Correct. I think -- my sense,
8 from listening to the discussion and monitoring
9 this, is the desire is to have greater transparency
10 of information. And this is a means of achieving
11 that greater transparency.

12 COMMISSIONER GRAHAM: So, we're not supposed
13 to do any sort of audit on it or --

14 MR. FUTRELL: That's my understanding. That's
15 correct.

16 CHAIRMAN BROWN: Thank you. And we don't have
17 audit capabilities or -- we do? We still --

18 MR. FUTRELL: Correct, the FMPA, the entity is
19 not a jurisdictional entity to the Commission.

20 CHAIRMAN BROWN: Okay.

21 Any other Commissioners?

22 COMMISSIONER PATRONIS: I just -- I was just
23 sidebar with -- with Commissioner Brisé. With --
24 with it being referred to communications, it's
25 going to become a live bullet. Is there -- I

1 haven't looked. Is there anything else germane in
2 the Senate that this bill can be tacked on to? Is
3 it filing a local government bill or...

4 MR. FUTRELL: They made several -- you know,
5 certainly Representative Mayfield may have had
6 several local bills over the years, and this kind
7 of seems to be kind of the new version of trying to
8 go after this issue.

9 CHAIRMAN BROWN: Water (inaudible).

10 MR. FUTRELL: So, I don't believe there is any
11 other energy-related vehicle that's currently
12 active.

13 CHAIRMAN BROWN: Thank you.

14 Any other questions? All right.

15 Thank you, Mark.

16 MR. FUTRELL: You're welcome.

17 CHAIRMAN BROWN: Appreciate it.

18 And so, our next update from you at Internal
19 Affairs will be kind of a final report of the
20 activities that have occurred.

21 MR. FUTRELL: Will do.

22 CHAIRMAN BROWN: Thank you.

23 MR. FUTRELL: Thank you.

24 CHAIRMAN BROWN: Moving on to the Clean Power
25 Plan update, we've had some action.

1 MR. HINTON: Commissioners, Cayce Hinton with
2 staff. You know, I was -- wanted to come up and
3 say that really there was nothing of note to
4 report, but obviously something very dramatic has
5 happened. So, everything that I would normally
6 update you is going to have to be taken in the
7 context of litigation.

8 So, I'll have Katherine kick things off.

9 MS. COWDERY: Katherine Cowdery with staff.
10 As you're aware, towards the end of July, the U.S.
11 District Court of Appeals for the District Court of
12 Columbia initially denied -- they have not --
13 denied a request for stay. So, very shortly after
14 that, the state petitioners, including Florida,
15 filed an application with the Supreme Court asking
16 the United States Supreme Court for an immediate
17 stay of the Clean Power Plan pending litigation.

18 And on February 9th, the United States Supreme
19 Court granted the stay of implementation of the
20 Clean Power Plan and its pending -- the conclusion
21 of all litigation.

22 That means not just the district court, but if
23 there is an appeal to the Supreme Court, the stay
24 would be in effect until the conclusion of that.
25 What this means is that EPA will not be enforcing

1 or implementing the Clean Power Plan during the
2 this time period. So, they will not be taking any
3 official action. And during this time period, any
4 due dates for, you know, submitting the state plans
5 or extensions of time -- you know, there's no due
6 dates right now, so --

7 COMMISSIONER GRAHAM: So, does that, in
8 essence, just push everything back until the stay
9 ends?

10 MS. COWDERY: It will --

11 COMMISSIONER EDGAR: Yes and no.

12 MS. COWDERY: Yeah, yes and no because what --
13 what, apparently, has happened in the past is when
14 you've got a rule situation like this from EPA
15 that's been put on hold or stayed at the end of
16 litigation -- apparently, what happens is the
17 parties submit something to the Court asking -- or
18 suggesting what the new dates will be, what the new
19 compliance dates will be. And then the Court
20 actually issues an order setting the new dates.

21 So, we don't know -- you know, I think -- I
22 think everyone is pretty much feeling like the
23 2000 -- September 2016 date is definitely pushed
24 back, but as far as other dates that were --
25 further years, you know, we just really don't know

1 yet. It remains to be seen.

2 So, back -- now, we're at the district court
3 again. Where they are right now is that initial
4 briefs were recently filed by the petitioners.
5 Respondent's briefs are due March 28th; the reply
6 briefs the 15th of April; and then oral argument is
7 set for June 2nd. So, that's the Clean Power Plan.

8 There is also the second pending litigation on
9 the new modified and reconstructed source rule.
10 And right now, where that stands is the parties
11 have submitted proposed briefing schedules. The
12 Court has not yet set the briefing schedules, but
13 we would anticipate that those would be -- the
14 briefs would be finished, you know, this year. So,
15 that's where we are on those.

16 CHAIRMAN BROWN: Thank you.

17 Commissioner, Edgar, would you like to add
18 anything?

19 COMMISSIONER EDGAR: I would. Thank you very
20 much. And thank you for that update.

21 I think it's important that we all note that
22 the status is that the Clean Power Plan rules have
23 been stayed, but they have not been invalidated. I
24 agree with Katherine and have heard this stated
25 much more clearly the last few days than prior to

1 that that EPA is not able to enforce the
2 September 2016 submission deadline for either a
3 state SIP or a request for extension. They are not
4 able to enforce that. And therefore, they have
5 stated they are not expecting states to meet that
6 deadline.

7 However, they have made some very strong
8 statements from the administrator. And I had the
9 opportunity to participate on a conference call
10 with Assistant Administrator McCabe last week --
11 and Anna was in on it with me -- where she made
12 some very strong statements saying EPA will
13 continue to work on implementation.

14 They believe very strongly that there are
15 aspects toward implementation, if, indeed, the plan
16 is upheld, that they can continue to move forward
17 on; that, yes, it pauses enforcement while the
18 litigation continues, but that it does not, quote,
19 change our path, as the decision was not on the
20 merits.

21 They continue very publicly to be very
22 confident, of course, in the legal underpinnings
23 and are saying they will continue to work toward a
24 federal plan, model trading rules, and potentially
25 the CEIP.

1 So, I guess the point would be that some
2 things will continue to move forward. The question
3 is will there be enforceable deadlines in the
4 future. And I wouldn't necessarily presume that
5 the same amount of time would be given, should,
6 indeed, portions of the plan be upheld.

7 I also -- and I'm sure you have seen, too, in
8 the trade-press and in numerous public forums, you
9 have financial analysts, senior industry
10 executives, many stakeholders who have said very
11 publicly that, regardless of what happens with the
12 litigation, industry plans, in many instances, have
13 already, for a number of years and into the future,
14 included efforts at carbon reduction, including
15 coal retirements and renewable energy investments.

16 So, there is what happens with the Clean Power
17 Plan and the uncertainty as to potential future
18 deadlines, but yet, the ongoing discussion as to
19 potential carbon regulation, potential carbon
20 pricing, potential trading for allowances
21 mechanisms probably is a dialogue that needs to
22 continue.

23 And my -- my understanding from conversations
24 with senior EPA officials is that, you know, there
25 certainly is some support in some areas for that

1 2022 deadline or something near it potentially
2 being in effect.

3 So, I guess the bottom line, I would say, is
4 the uncertainty continues. And while portions are
5 put on hold, other portions of the larger
6 discussion of policy issues are going to continue.

7 CHAIRMAN BROWN: Thank you. I think well-
8 stated.

9 COMMISSIONER EDGAR: I did -- if I may, one
10 more thing?

11 CHAIRMAN BROWN: Yes.

12 COMMISSIONER EDGAR: I don't know if you all
13 would find this of interest. I found it of
14 interest, so I brought it. This is not an original
15 document. This is a document that is online. It's
16 put out by the Environment and Energy Daily, which
17 is a trade-press publication.

18 But I think the -- as a snapshot, the
19 information, it pertains -- there are two states in
20 here that what they're reflecting are not
21 completely consistent with what I've been hearing
22 from government officials, but yet, if you just
23 look across, it gives you a snapshot of how states
24 have been reacting since -- since the stay.

25 And again, I -- I did not -- this is a public

1 document, a trade press document, but no reason to
2 necessarily recreate the wheel. And we will
3 continue working with staff to follow along as to
4 how other states are reacting.

5 COMMISSIONER PATRONIS: (Inaudible.)

6 COMMISSIONER EDGAR: There are lots of things
7 you can take from that map.

8 (Laughter.)

9 CHAIRMAN BROWN: They are making political
10 jokes over here.

11 Commissioner Edgar, thank you so much for
12 handing this out. This is interesting. Although,
13 it says four states that are exempt. I only see
14 Vermont, Alaska --

15 COMMISSIONER PATRONIS: -- Hawaii.

16 CHAIRMAN BROWN: -- Hawaii.

17 COMMISSIONER PATRONIS: Hawaii, Alaska.

18 COMMISSIONER EDGAR: Hawaii and Arkansas.

19 MS. COWDERY: It's actually D.C. is --

20 COMMISSIONER EDGAR: District of Columbia.

21 CHAIRMAN BROWN: Oh, yeah. Yeah.

22 MS. COWDERY: District of Columbia --

23 CHAIRMAN BROWN: Thank you.

24 MS. COWDERY: -- and three states actually.

25 CHAIRMAN BROWN: Sure. This is great.

1 Appreciate it.

2 COMMISSIONER EDGAR: You're welcome.

3 CHAIRMAN BROWN: Commissioners, do you have
4 any questions of anyone?

5 COMMISSIONER PATRONIS: I -- all right. Yes.

6 CHAIRMAN BROWN: Sure.

7 COMMISSIONER PATRONIS: Why -- why are four
8 states exempt?

9 CHAIRMAN BROWN: Cayce?

10 MR. HINTON: I would have to call up
11 Mr. Breman.

12 MR. BREMAN: As to four states?

13 MR. HINTON: Yeah. Why are they exempt?

14 MR. BREMAN: Vermont is excluded because they
15 don't have phosphate emissions.

16 COMMISSIONER PATRONIS: Yeah. Yeah, I figured
17 there was probably --

18 MR. BREMAN: The EPA says they are going to be
19 handling, at a future date, the emissions for the
20 other states. And Washington, D.C., is called a
21 state for reasons of EE News knows only.

22 MS. COWDERY: And I think Hawaii and Alaska
23 had something to do with them not being contiguous.

24 MR. BREMAN: Right.

25 MS. COWDERY: You know --

1 MR. BREMAN: And I think Puerto Rico is being
2 thought of, too, and Guam, the territories.

3 COMMISSIONER PATRONIS: Gotcha. Thanks.

4 CHAIRMAN BROWN: Commissioners?

5 Cayce.

6 MR. HINTON: I was just -- Commissioner Edgar
7 handled a lot of what I was going to throw in, just
8 a little commentary or colored commentary.

9 Last time we were here, we were discussing the
10 comments on the federal implementation of the
11 federal plan and draft model trading rules. It's
12 about 1800 comments filed on that by stakeholders,
13 compared to over 34,000 that were filed in the
14 Clean Power Plan.

15 CHAIRMAN BROWN: Right.

16 MR. HINTON: And in addition, they were also
17 taking some comments on the Clean Energy Incentive
18 Program.

19 They, in January, put out an announcement that
20 they would be issuing some form of proposal here in
21 the spring and taking official comments on the
22 implementation of the CEIP.

23 It's unknown at this point whether they are
24 going to move forward with that. There may be some
25 discussion about since these are all stemmed from

1 the CPP, whether they have -- you know, if they can
2 move forward to taking these official actions or
3 not, but that remains to be seen at this point, but
4 they -- we were listening on the same call.

5 And it's very clear that they are continuing
6 to evaluate comments and make plans and are willing
7 to work with states who want to have conversations
8 with them about these things. That's largely it.
9 Most of what I was going to say has already been
10 covered, so --

11 CHAIRMAN BROWN: Well, thank you. And thank
12 you for keeping us informed through your e-mails
13 and dialogue.

14 And Commissioner Edgar, thank you for being so
15 engaged on the national level and also in the
16 states. So, we appreciate the efforts. And we
17 will see you later. Thank you.

18 General counsel. Mary Anne, any updates?

19 MS. HELTON: I just wanted to remind everybody
20 that you will have the opportunity for ethics
21 training after IA. Adria will be giving a
22 presentation on gifts.

23 CHAIRMAN BROWN: We are all looking forward to
24 that.

25 Mr. Braulio -- Mr. Braulio.

1 MR. BAEZ: I sound like a hairstylist.

2 (Laughter.)

3 MR. BAEZ: Just a quick reminder,
4 Commissioners, and you already know, but for those
5 that don't, University of Florida's PERC conference
6 is scheduled for March 16th and 17th. And it is
7 the last opportunity we'll have to publicize it or
8 at least remind folks.

9 We look forward to -- I know many of you or a
10 few of you are slated to participate in some way,
11 shape, or form and hoping the attendance is good as
12 well. We'll be sending some of -- some of your
13 staff will be attending as well.

14 CHAIRMAN BROWN: Thank you, Braulio.

15 MR. BAEZ: Thanks.

16 CHAIRMAN BROWN: Other matters? I have two --
17 I have a couple, before I open it up for that.

18 As you all know, with the retirement of
19 Charlie Beck, Mary Anne Helton has been efficiently
20 and graciously serving as interim general counsel,
21 especially during a very challenging time
22 personally.

23 And we really appreciate your work. You have
24 really kept the office running so smoothly, as you
25 always do. And there have been absolutely no

1 hiccups whatsoever. And we thank you for that.

2 Since Charlie's departure, my office has
3 received several resumes from interested persons,
4 and I forward them on to each of your offices as
5 well.

6 One particular candidate has stood out to me
7 and has impressed me with his background,
8 experience, and other activities, professional and
9 personal. And I believe he would be a good fit for
10 our Agency.

11 I've had an opportunity to sit down with this
12 individual for a couple of hours and had a lengthy
13 discussion about the issues that are critically
14 important to our Agency and the work we do. And to
15 me, he's definitely eager to take them on.

16 Keith Hetrick, who has accepted my invitation
17 today to be here at this Internal Affairs meeting,
18 has a very, very impressive resume with over 29
19 years of experience in water,
20 environmental-permitting policy, land use,
21 administrative law. He has an abundant amount of
22 experience in the private sector, including serving
23 at two prestigious law firms, Broad and Cassel and
24 Greenberg Traurig, as well as serving as general
25 counsel to the Florida Home Builders Association

1 for nearly 15 years.

2 He was also -- he also has relevant public-
3 sector law experience. He served as an attorney at
4 the Department of Environmental Protection and as a
5 staff attorney at the Florida Senate where he
6 gained a lot of experience during both of those
7 ventures.

8 He is also, I believe, a lawyer's lawyer.
9 He's Board certified in State and Federal
10 Government and administrative practice in Florida.
11 He was also on Law Review, which is very hard, for
12 you non-lawyers, to get on at Florida State, his
13 alma mater. He also has a Master's in public
14 administration and a Bachelor's in public affairs.

15 I think he would be a great fit for the
16 Agency, for the Department. And I believe those
17 experiences just -- just meet the difficult and
18 complex issues that we're dealing with, and his
19 perspective will serve us well.

20 So, because I can't make a motion, I wanted to
21 propose and recommend him for your consideration as
22 the best candidate for the general counsel position
23 at this time. And I open up the floor for comments
24 or discussion.

25 Commissioner Edgar.

1 COMMISSIONER EDGAR: Mr. Chairman, are you
2 interested in a motion today? Mr. -- did I say
3 mister?

4 CHAIRMAN BROWN: I am not a mister. I am not.

5 COMMISSIONER EDGAR: Sorry. Old habits. Old
6 habits.

7 (Laughter.)

8 CHAIRMAN BROWN: I am prepared to receive a
9 motion.

10 COMMISSIONER EDGAR: Okay. Thank you.

11 Well, then if I may, I am familiar with
12 Mr. Hetrick's work and resume and background. We
13 actually have worked in some of the same places,
14 although never together and never at the same time.

15 But as you mentioned, he did work at the
16 Florida Department of Environmental Protection, as
17 did I once; served as legal staff in the Florida
18 Senate, as I did once; and is a very proud alumni
19 of FSU Law School, as am I; although, again, we
20 never crossed paths in those places at that time.

21 But as a result, I think it's an excellent
22 background to bring to this Agency in the capacity
23 of the general counsel. And I would move that we
24 ask the Chair to offer Mr. Hetrick a position and
25 negotiate salary, start date, and any other

1 relevant details.

2 CHAIRMAN BROWN: Is there a second?

3 COMMISSIONER BRISÉ: Second.

4 CHAIRMAN BROWN: Any discussion? All those in
5 favor, say aye.

6 (Aye, in unison.)

7 CHAIRMAN BROWN: Opposed?

8 (No response.)

9 CHAIRMAN BROWN: Congratulations, Mr. Hetrick.
10 Would you like to say a few words?

11 MR. HETRICK: Yes, ma'am, if I could. May I
12 approach?

13 CHAIRMAN BROWN: Please. Thank you. And
14 welcome to our Internal Affairs meeting, too?

15 MR. HETRICK: Thank you. Thank you very much.
16 Commissioner Patronis I know from legislative
17 days.

18 COMMISSIONER PATRONIS: You look good.

19 MR. HETRICK: Thank you very much, sir.

20 Commissioner Graham, you're the one I haven't
21 met. I really look forward to getting to know you
22 and working with you. I appreciate the opportunity
23 for all the interviews and getting to know each of
24 you better. And I look forward to that as well.

25 I can tell you that I'm so very excited to get

1 started and get to work and meet all the attorneys
2 in this office. It is simply going to be an
3 absolute thrill for me to work with the
4 extraordinarily talented group of lawyers and staff
5 that you have assembled. And I really would like
6 each of you to know that I do -- I pledge to do my
7 best to serve you with honor and integrity by
8 providing excellent work product and serving the
9 lawyers in this office.

10 I also pledge to do everything in my power to
11 support and advance the high professional,
12 operational, and ethical standards that you've set
13 out as a Commission, as well as the tremendous work
14 effort that is readily apparent from the attorneys
15 on your staff.

16 I'm honored, humbled, and very gratified to be
17 considered for this. And I thank you and look
18 forward to the wonderful opportunity to serve the
19 Commission and many of your wonderful legal staff.

20 CHAIRMAN BROWN: Thank you very much.
21 Appreciate it.

22 MR. HETRICK: Thank you.

23 CHAIRMAN BROWN: Commissioners, anything
24 further?

25 COMMISSIONER PATRONIS: Welcome.

1 COMMISSIONER EDGAR: Welcome.

2 CHAIRMAN BROWN: Welcome.

3 (Applause.)

4 CHAIRMAN BROWN: It is my understanding that
5 Mr. Hetrick will potentially have a two-week start
6 date. So, we should probably see him over the next
7 two weeks. He'll be getting familiar with the
8 staff in that -- in that interim time. So, thank
9 you.

10 One other matter, as you know, we have the
11 employee of the month. This past month, it was the
12 Division of Accounting and Finance. And the
13 Commission chose Mr. Bart Fletcher, who is here
14 today. And he is the supervisor of surveillance
15 and rate filings. He's been with the Commission
16 since 1997.

17 We had an opportunity to chat. And he is a
18 kind and very caring individual. And his -- the
19 folks that work with him just really -- he's so
20 hands-on and they absolutely admire him and respect
21 him, and he does a great job. He had a great deal
22 of support on this vote, too, which shows the
23 respect that the entire Agency has for him.

24 So, Mr. Fletcher, thank you so much.

25 Congratulations. We have a brief little award for

1 you. Thank you.

2 (Applause.)

3 CHAIRMAN BROWN: To further embarrass you --

4 (Laughter.)

5 (Picture taken.)

6 CHAIRMAN BROWN: If there are no other
7 matters -- Commissioners, any other matters? This
8 meeting is adjourned. Thank you.

9 (Internal Affairs adjourned at 10:45 a.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

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time and place herein stated.

IT IS FURTHER CERTIFIED that I
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attorney or counsel connected with the action, nor am I
financially interested in the action.

DATED THIS 3rd day of March, 2016.



ANDREA KOMARIDIS
NOTARY PUBLIC
COMMISSION #EE866180
EXPIRES FEBRUARY 09, 2017