

By Senator Fasano

11-00639C-10

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1                   A bill to be entitled  
2           An act relating to testimony before the Public Service  
3           Commission; creating s. 350.122, F.S.; requiring each  
4           person offering testimony at a meeting, workshop,  
5           hearing, or other scheduled event of the Public  
6           Service Commission to disclose any financial or  
7           fiduciary relationship with any public utility;  
8           requiring such disclosures to be filed in writing with  
9           the office of the commission and with the office of  
10          the Public Counsel before testimony is provided to the  
11          commission; providing a penalty for failure to make  
12          such disclosure; providing procedures for a petition  
13          for a hearing to review the penalty; providing an  
14          effective date.

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

17  
18           Section 1. Section 350.122, Florida Statutes, is created to  
19           read:

20           350.122 Testimony; public disclosure of affiliation.-

21           (1) Each person offering testimony at a meeting, workshop,  
22           hearing, or other scheduled event of the Public Service  
23           Commission shall disclose any financial or fiduciary  
24           relationship with any public utility, as defined in s. 366.02,  
25           at the time the testimony is provided to the commission and as  
26           required by subsection (2). Such disclosure shall include:

27           (a) Any charitable contribution made by any public utility  
28           to any organization represented by the person testifying.

29           (b) Positions of governance that are held by an employee of

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30 any public utility within the organization represented by the  
31 person testifying.

32 (c) Any gifts as defined in chapter 112 received from any  
33 public utility, or from any business entity which, directly or  
34 indirectly, is an affiliate or subsidiary of any public utility  
35 regulated by the commission.

36 (2) Disclosures required under subsection (1) shall also be  
37 filed in writing with the office of the clerk of the commission  
38 and with the office of the Public Counsel before the testimony  
39 is provided to the commission.

40 (3) Any person who knowingly violates this section, as  
41 determined by and issued in a final order of the commission, may  
42 not offer testimony to or appear before the commission or  
43 otherwise represent anyone before the commission for a period of  
44 2 years.

45 (4) The determination by the commission that a person has  
46 knowingly violated this section shall be agency action under  
47 chapter 120. Any petition for a hearing under chapter 120 must  
48 be filed by the person with the Division of Administrative  
49 Hearings within 30 days after the order under subsection (3) is  
50 filed with the clerk of the commission. In such case, the person  
51 shall, within the 30-day period, notify the clerk of the  
52 commission of his or her intention to request a hearing.

53 Section 2. This act shall take effect July 1, 2010.