

House Joint Resolution

A joint resolution proposing the creation of Section 14 of Article IV and Section 31 of Article XII of the State Constitution, providing for an elected, five-member Public Service Commission within the executive branch and prohibiting candidates for election to the commission from accepting contributions from employees, lobbyists, officers, directors, or agents of: any utility or entity regulated by the commission, affiliates of regulated utilities or entities, business entities, law firms, and trade associations under certain circumstances.

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

That the following creation of Section 14 of Article IV and Section 31 of Article XII of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE IV  
EXECUTIVE

SECTION 14. Public service commission.--

(a) There shall be an elected public service commission consisting of five members. The qualifications, compensation, and residency requirements for members of the commission and the powers and duties of the commission shall be provided by general law.

29 (b) A candidate for election to a seat on the commission  
 30 may not accept contributions from any employee, lobbyist,  
 31 officer, director, or agent of:

32 (1) A business entity that, directly or indirectly, owns  
 33 or controls a public utility regulated by the commission.

34 (2) A public utility or company regulated by the  
 35 commission.

36 (3) A business entity that, directly or indirectly, is an  
 37 affiliate or subsidiary of a public utility regulated by the  
 38 commission.

39 (4) A business entity that is exempt from regulation by  
 40 the commission but is an actual business competitor of a local  
 41 exchange company or public utility regulated by the commission.

42 (5) A business entity or trade association that has been a  
 43 party to a commission proceeding within the two years preceding  
 44 the date of the contribution.

45 (6) A law firm that has been a party to a commission  
 46 proceeding within the two years preceding the date of the  
 47 contribution.

48 (7) A business entity or trade association directly or  
 49 indirectly funded by a public utility or company regulated by  
 50 the commission or a direct or indirect affiliate of a public  
 51 utility or company regulated by the commission.

52 ARTICLE XII

53 SCHEDULE

54 SECTION 31. Public service commission.--Section 14 of  
 55 Article IV and this section shall take effect January 8, 2013,  
 56 but shall govern with respect to the qualifying for and the

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57 holding of primary elections in 2012.

58 BE IT FURTHER RESOLVED that the following statement be  
59 placed on the ballot:

60 CONSTITUTIONAL AMENDMENTS

61 ARTICLE IV, SECTION 14

62 ARTICLE XII, SECTION 31

63 ELECTION OF MEMBERS OF THE PUBLIC SERVICE

64 COMMISSION.--Proposing amendments to the State Constitution to  
65 provide for an elected, five-member Public Service Commission  
66 within the executive branch. Under the proposed amendments, the  
67 Public Service Commission would consist of five members who are  
68 elected by the people rather than appointed by the Governor, and  
69 the commission would be a part of the executive branch of state  
70 government rather than the legislative branch. A candidate for  
71 election to a seat on the commission would be prohibited from  
72 accepting contributions from employees, lobbyists, officers,  
73 directors, or agents of: any utility or entity regulated by the  
74 commission, affiliates of regulated utilities or entities,  
75 business entities, law firms, and trade associations under  
76 certain circumstances. Each of the five seats on the commission  
77 would be subject to a vote of the electors in 2012.