

House Joint Resolution

A joint resolution proposing the creation of Section 14 of Article IV and Section 32 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 32 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) An attorney or the law firm of an attorney that has
 46 represented a party to a commission proceeding within the two
 47 years preceding the date of the 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 32. 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

HJR 719

2011

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 32

63 | ELECTION OF MEMBERS OF THE PUBLIC SERVICE COMMISSION.—

64 | Proposing amendments to the State Constitution to provide for an
65 | elected, five-member Public Service Commission within the
66 | executive branch. Under the proposed amendments, the Public
67 | Service Commission would consist of five members who are elected
68 | by the people rather than appointed by the Governor, and the
69 | 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, certain attorneys and law firms, and trade
76 | associations under certain circumstances. Each of the five seats
77 | on the commission would be subject to a vote of the electors in
78 | 2012.