

By Senator Fasano

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Senate 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.

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

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

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

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

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

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

46       (6) An attorney or the law firm of an attorney that has  
47 represented a party to a commission proceeding within the two  
48 years preceding the date of the contribution.

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

53                                   ARTICLE XII

54                                   SCHEDULE

55       SECTION 32. Public service commission.—Section 14 of  
56 Article IV and this section shall take effect January 8, 2013,  
57 but shall govern with respect to the qualifying for and the  
58 holding of primary elections in 2012.

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

61 CONSTITUTIONAL AMENDMENTS

62 ARTICLE IV, SECTION 14

63 ARTICLE XII, SECTION 32

64 ELECTION OF MEMBERS OF THE PUBLIC SERVICE COMMISSION.—  
65 Proposing amendments to the State Constitution to provide for an  
66 elected, five-member Public Service Commission within the  
67 executive branch. Under the proposed amendments, the Public  
68 Service Commission would consist of five members who are elected  
69 by the people rather than appointed by the Governor, and the  
70 commission would be a part of the executive branch of state  
71 government rather than the legislative branch. A candidate for  
72 election to a seat on the commission would be prohibited from  
73 accepting contributions from employees, lobbyists, officers,  
74 directors, or agents of: any utility or entity regulated by the  
75 commission, affiliates of regulated utilities or entities,  
76 business entities, certain attorneys and law firms, and trade  
77 associations under certain circumstances. Each of the five seats  
78 on the commission would be subject to a vote of the electors in  
79 2012.