

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, hearing,
 5 or other scheduled event of the Public Service Commission
 6 to disclose any financial or fiduciary relationship with
 7 any public utility; requiring such disclosures to be filed
 8 in writing with the office of the commission and with the
 9 office of the Public Counsel before testimony is provided
 10 to the commission; providing a penalty for failure to make
 11 such disclosure; providing procedures for a petition for a
 12 hearing to review the penalty; providing an effective
 13 date.

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

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

19 350.122 Testimony; public disclosure of affiliation.—

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

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

28 (b) Positions of governance that are held by an employee
29 of any public utility within the organization represented by the
30 person testifying.

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

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

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

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

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