

Reference:

Article IV, Section 10; Article V, Section 3(b)(3)

Ballot Title:

Executive (Public Service Commission and Public Counsel)

Ballot Summary:

Proposing a revision of the Florida Constitution to provide for a five-member public service commission, each member to be appointed by the governor from a list of not fewer than three persons submitted by a nominating commission, and that such members shall be confirmed by the senate; and to establish a public counsel to represent the people of the state before the public service commission.

Full Text:**ARTICLE IV****EXECUTIVE****SECTION 10. Public service commission and public counsel.-**

(a) There shall be a public service commission, composed of five members, appointed by the governor subject to confirmation by the senate for staggered terms of six years. The governor shall fill each vacancy on the commission by appointing one of not fewer than three persons nominated by a nominating commission established by law. A commissioner shall assume office only after confirmation by the senate. The qualifications, compensation, and residency requirements of members of the commission and powers, duties and administrative procedures of the commission shall be provided by general law. A chairperson shall be selected by the members of the commission from its membership. The commission shall regulate such public utilities as may be provided by general law. It shall also regulate such other entities as may be provided by general law, Judicial review of commission actions shall be taken directly to the supreme court by certiorari.

(b) There shall be an appointed public counsel, as prescribed by law, who shall provide legal representation for the people of the state relating to matters contained in this section in proceedings before the commission as prescribed by law.

Schedule to Article IV, Section 10.-

(a) This section shall be deemed to be deleted from this Constitution ten (10) years from its becoming effective and will become a general law which may thereafter be amended by law.

(b) The public service commissioner elected in November, 1976 shall become a member of the public service commission created herein, and shall serve a term to expire January 1, 1981.

(c) The public service commissioners elected in November, 1978 shall become members of the public service commission created herein, and shall serve terms to expire January 1, 1982.

(d) The terms of the original appointees to the public service commission shall expire as follows:

(1) One member's term shall expire on January 1, 1983.

(2) One member's term shall expire on January 1, 1984.

(e) This section shall become effective January 4, 1979, and the appointments required under this section shall be made prior to March 1, 1979, and shall not be subject to a nominating commission unless one has been established by law.

ARTICLE III

LEGISLATURE

SECTION 13. Term of office.-

(a) No office shall be created the term of which shall exceed four years except as provided herein.

(b) The terms of office of public service commission members shall be exempt from the limitations of this section, provided that their terms shall not exceed six years.

ARTICLE V

JUDICIARY

SECTION 3. Supreme court.-

(b) JURISDICTION.-The supreme court:

(3) May review by certiorari any decision of a district court of appeal that affects a class of constitutional or state officers, that passes upon a question certified by a district court of appeal to be of great public interest, or that is in direct conflict with a decision of any district court of appeal or of the supreme court on the same question of law, and any interlocutory order passing upon a matter which upon final judgement would be directly appealable to the supreme court; and may issue writs of certiorari to the public service commission or commissions having statewide jurisdiction established by general law ~~having statewide jurisdiction.~~