

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Innovation, Industry, and Technology

BILL: CS/SB 196

INTRODUCER: Innovation, Industry, and Technology Committee and Senator Powell

SUBJECT: Office of Public Counsel

DATE: March 19, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Imhof	IT	Fav/CS
2.			GO	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 196 creates a four-year term for the Public Counsel. It deletes the current provision that the Public Counsel serves at the pleasure of the joint committee, and replaces it with authorization for the joint committee to remove a sitting Public Counsel by a majority vote of the committee appointees of each house. The bill requires the committee to receive applications, conduct interviews, and appoint a Public Counsel to a four-year term beginning on January 15, 2021, and every four years thereafter. No term may exceed four years, except that the Public Counsel may continue in office beyond the four-year limit until his or her successor is appointed and takes office, unless he or she was removed by the committee. A person may not be appointed Public Counsel if by the end of a term he or she would have served more than 12 consecutive years.

The bill takes effect July 1, 2019.

II. Present Situation:

The Public Counsel has the statutory duty to provide legal representation for the people of the state in proceedings before the Florida Public Service Commission and in proceedings concerning a water or wastewater utility before counties that have opted out of PSC jurisdiction over such utilities.¹

¹ Section 350.0611, F.S.

The Public Counsel is under the legislative branch, and the Governor has no power to release or withhold funds appropriated to it or to determine the number, or fix the compensation, of the employees of the Public Counsel or to exercise any control over them.²

The Public Counsel is appointed by and serves at the pleasure of the committee, and is subject to biennial reconfirmation. Vacancies in the office are to be filled in the same manner as the original appointment. The Public Counsel is to perform his or her duties independently.³

III. Effect of Proposed Changes:

The bill creates a four-year term for the Public Counsel. It deletes the current provision that the Public Counsel serves at the pleasure of the joint committee, and replaces it with authorization for the joint committee to remove a sitting Public Counsel by a majority vote of the committee appointees of each house. The bill requires the committee to receive applications, conduct interviews, and appoint a Public Counsel to a four-year term beginning on January 15, 2021, and every four years thereafter. No term may exceed four years, except that the Public Counsel may continue in office beyond the four-year limit until his or her successor is appointed and takes office, unless he or she was removed by the committee. A person may not be appointed Public Counsel if by the end of a term he or she would have served more than 12 consecutive years.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

² Section 350.0614, F.S.

³ Section 350.061, F.S.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 350.061 of the Florida Statutes.

IX. Additional Information:A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Innovation, industry, and Technology on March 19, 2019:**

The committee substitute:

- Authorizes the joint committee to remove a sitting Public Counsel by majority vote of the committee appointees of each house;
- Allows a sitting Public Counsel to continue to serve beyond the newly-created four-year term until the committee appoints a successor and the successor takes office; and
- Makes stylistic changes in structure and wording.

B. Amendments:

None.