

By Senator Brown-Waite

10-203-00

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A bill to be entitled

An act relating to the Public Counsel; amending s. 350.0611, F.S.; directing the Public Counsel to provide legal representation for the people of the state in water and wastewater utility rate proceedings before counties; providing an effective date.

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

Section 1. Section 350.0611, Florida Statutes, is amended to read:

350.0611 Public Counsel; duties and powers.--It shall be the duty of the Public Counsel to provide legal representation for the people of the state in proceedings before the commission and in proceedings before counties under s. 367.171(8). The Public Counsel shall have such powers as are necessary to carry out the duties of his or her office, including, but not limited to, the following specific powers:

(1) To recommend to the commission, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the commission and urge therein any position which he or she deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the commission, and utilize therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the commission which shall be reviewable by summary procedure in the circuit courts of this state;

1 (2) To have access to and use of all files, records,
2 and data of the commission available to any other attorney
3 representing parties in a proceeding before the commission;

4 (3) In any proceeding in which he or she has
5 participated as a party, to seek review of any determination,
6 finding, or order of the commission, or of any hearing
7 examiner designated by the commission, in the name of the
8 state or its citizens;

9 (4) To prepare and issue reports, recommendations, and
10 proposed orders to the commission, the Governor, and the
11 Legislature on any matter or subject within the jurisdiction
12 of the commission, and to make such recommendations as he or
13 she deems appropriate for legislation relative to commission
14 procedures, rules, jurisdiction, personnel, and functions;

15 (5) To appear before other state agencies, federal
16 agencies, and state and federal courts in connection with
17 matters under the jurisdiction of the commission, in the name
18 of the state or its citizens.

19 Section 2. This act shall take effect upon becoming a
20 law.

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23 SENATE SUMMARY

24 Provides for the Public Counsel to represent the people
25 of the state in water and wastewater utility rate
26 proceedings before counties.
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