

By the Committee on Regulated Industries and Senators
Brown-Waite, Klein, Cowin and Mitchell

315-2016-00

1 A bill to be entitled
2 An act relating to the Public Counsel; amending
3 s. 350.0611, F.S.; allowing the Public Counsel
4 to provide legal representation for the people
5 of the state in water and wastewater utility
6 rate proceedings before counties; providing an
7 effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Section 350.0611, Florida Statutes, is
12 amended to read:

13 350.0611 Public Counsel; duties and powers.--It shall
14 be the duty of the Public Counsel to provide legal
15 representation for the people of the state in proceedings
16 before the commission. The Public Counsel may provide legal
17 representation for the people of the state in proceedings
18 before counties under s. 367.171(8).The Public Counsel shall
19 have such powers as are necessary to carry out the duties of
20 his or her office, including, but not limited to, the
21 following specific powers:

22 (1) To recommend to the commission, by petition, the
23 commencement of any proceeding or action or to appear, in the
24 name of the state or its citizens, in any proceeding or action
25 before the commission and urge therein any position which he
26 or she deems to be in the public interest, whether consistent
27 or inconsistent with positions previously adopted by the
28 commission, and utilize therein all forms of discovery
29 available to attorneys in civil actions generally, subject to
30 protective orders of the commission which shall be reviewable
31 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.

21
22 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
23 COMMITTEE SUBSTITUTE FOR
24 Senate Bill's 178, 1514 & 1978

25 The Committee Substitute for Senate Bills 178, 1514 and 1978
26 provides that the Public Counsel may provide legal
27 representation for the people of the state in water and
28 wastewater utility rate proceedings before counties.