

hbd-02

Bill No. HB 1933, 1st Eng.

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Argenziano offered the following:

Amendment (with title amendment)

On page 4, between lines 19 and 20,

insert:

Section 5. Section 180.136, Florida Statutes, is created to read:

180.136 Water or sewer utilities; notice.--Before a local government water or sewer utility increases any rate, charge, or fee for water or sewer utility service, the utility shall provide notice of the proposed increase to each customer of the utility through the utility's billing process. The notice shall state the date, time, and place of the meeting of the governing board of the local government at which such increase will be considered. The notice required in this section is in addition to any notice and public meeting requirements for ordinance adoption as provided by general law.

Section 6. Section 350.0611, Florida Statutes, is amended to read:

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1 350.0611 Public Counsel; duties and powers.--It shall
 2 be the duty of the Public Counsel to provide legal
 3 representation for the people of the state in proceedings
 4 before the commission and in proceedings before counties
 5 pursuant to s. 367.171(8). The Public Counsel shall have such
 6 powers as are necessary to carry out the duties of his or her
 7 office, including, but not limited to, the following specific
 8 powers:

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

19 (2) To have access to and use of all files, records,
 20 and data of the commission available to any other attorney
 21 representing parties in a proceeding before the commission.†

22 (3) In any proceeding in which he or she has
 23 participated as a party, to seek review of any determination,
 24 finding, or order of the commission, or of any hearing
 25 examiner designated by the commission, in the name of the
 26 state or its citizens.†

27 (4) To prepare and issue reports, recommendations, and
 28 proposed orders to the commission, the Governor, and the
 29 Legislature on any matter or subject within the jurisdiction
 30 of the commission, and to make such recommendations as he or
 31 she deems appropriate for legislation relative to commission

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1 procedures, rules, jurisdiction, personnel, and functions.

2 (5) To appear before other state agencies, federal
3 agencies, and state and federal courts in connection with
4 matters under the jurisdiction of the commission, in the name
5 of the state or its citizens.

6 Section 7. Subsection (8) of section 367.171, Florida
7 Statutes, is amended to read:

8 367.171 Effectiveness of this chapter.--

9 (8) Each county which is excluded from the provisions
10 of this chapter shall regulate the rates of all utilities in
11 that county which would otherwise be subject to regulation by
12 the commission pursuant to s. 367.081(1), (2), (3), and (6).
13 The county shall not regulate the rates or charges of any
14 system or facility which would otherwise be exempt from
15 commission regulation pursuant to s. 367.022(2). For this
16 purpose the county or its agency shall proceed as though the
17 county or agency is the commission. In all proceedings
18 conducted by a county or its agency under the authority of
19 this chapter, the provisions of ss. 120.569 and 120.57 shall
20 apply.

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23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 On page 1, line 20, after the semicolon

26
27 insert:

28 creating s. 180.136, F.S.; requiring notice of
29 proposed increases in certain water or sewer
30 utility service rates, charges, or fees;
31 specifying such notice is in addition to other

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1 notice and meeting requirements; amending s.
2 350.0611, F.S.; requiring the Public Counsel to
3 provide legal representation in proceedings
4 before counties under certain circumstances;
5 amending s. 367.171, F.S.; requiring county
6 rate proceedings to follow certain provisions
7 of the Administrative Procedure Act;
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