

By Representative Argenziano

1 A bill to be entitled
2 An act relating to water and wastewater
3 systems; amending s. 350.0611, F.S.; requiring
4 the Public Counsel to provide legal
5 representation in proceedings before counties
6 under certain circumstances; amending s.
7 367.0816, F.S.; requiring rate reductions at
8 the conclusion of a rate case expense recovery
9 period; providing an effective date.

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

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

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

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

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1 protective orders of the commission which shall be reviewable
2 by summary procedure in the circuit courts of this state.†

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

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

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

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

21 Section 2. Section 367.0816, Florida Statutes, is
22 amended to read:

23 367.0816 Recovery of rate case expenses.--The amount
24 of rate case expense determined by the commission pursuant to
25 the provisions of this chapter to be recovered through a
26 public utilities rate shall be apportioned for recovery over a
27 period of 4 years. At the conclusion of the recovery period,
28 the rate of the public utility shall be reduced immediately by
29 the amount of rate case expense previously included in rates.

30 Section 3. This act shall take effect upon becoming a
31 law.

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HOUSE SUMMARY

Requires the Public Counsel to provide legal representation in proceedings before counties pursuant to s. 367.171(8), F.S., relating to county regulation of utility rates. Requires rate reductions at the conclusion of the 4-year rate case expense recovery period.