

Bill No. SB 344

Amendment No. Barcode 265016

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Brown-Waite moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (8) of section 367.171, Florida Statutes, is amended to read:

367.171 Effectiveness of this chapter.--

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

Bill No. SB 344

Amendment No. ____ Barcode 265016

1 Section 2. Section 350.0611, Florida Statutes, is
2 amended to read:

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

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

23 (2) To have access to and use of all files, records,
24 and data of the commission or the counties available to any
25 other attorney representing parties in a proceeding before the
26 commission or the counties;

27 (3) In any proceeding in which he or she has
28 participated as a party, to seek review of any determination,
29 finding, or order of the commission or the counties, or of any
30 hearing examiner designated by the commission or the counties,
31 in the name of the state or its citizens;

Bill No. SB 344

Amendment No. ____ Barcode 265016

1 (4) To prepare and issue reports, recommendations, and
2 proposed orders to the commission, the Governor, and the
3 Legislature on any matter or subject within the jurisdiction
4 of the commission, and to make such recommendations as he or
5 she deems appropriate for legislation relative to commission
6 procedures, rules, jurisdiction, personnel, and functions; and

7 (5) To appear before other state agencies, federal
8 agencies, and state and federal courts in connection with
9 matters under the jurisdiction of the commission, in the name
10 of the state or its citizens.

11 Section 3. Section 367.0816, Florida Statutes, is
12 amended to read:

13 367.0816 Recovery of rate case expenses.--The amount
14 of rate case expense determined by the commission pursuant to
15 the provisions of this chapter to be recovered through a
16 public utilities rate shall be apportioned for recovery over a
17 period of 4 years. At the conclusion of the recovery period,
18 the rate of the public utility shall be reduced immediately by
19 the amount of rate case expense previously included in rates.

20 Section 4. This act shall take effect upon becoming a
21 law.

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

25 And the title is amended as follows:

26 Delete everything before the enacting clause

27
28 and insert:

29 A bill to be entitled
30 An act relating to water and wastewater
31 systems; amending s. 367.171, F.S.; deleting

Bill No. SB 344

Amendment No. ____ Barcode 265016

1 the requirement that county rate proceedings
2 follow certain provisions of the Administrative
3 Procedure Act; amending s. 350.0611, F.S.;
4 requiring the Public Counsel to provide legal
5 representation in proceedings before counties
6 under certain circumstances; amending s.
7 367.0816, F.S.; requiring a reduction in the
8 rate case expense that is apportioned by a
9 public utility at the conclusion of the
10 recovery period; providing an effective date.

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