

1 A bill to be entitled
2 An act relating to water and wastewater
3 systems; repealing s. 13 of ch. 2000-350, Laws
4 of Florida, which requires county rate
5 proceedings to follow certain provisions of the
6 Administrative Procedure Act; amending s.
7 350.0611, F.S.; requiring the Public Counsel to
8 provide legal representation in proceedings
9 before counties under certain circumstances;
10 recovery of rate case expenses; providing an
11 effective date.

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

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15 Section 1. Section 13 of chapter 2000-350, Laws of
16 Florida, is repealed.

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

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

27 (1) To recommend to the commission or the counties, by
28 petition, the commencement of any proceeding or action or to
29 appear, in the name of the state or its citizens, in any
30 proceeding or action before the commission or the counties and
31 urge therein any position which he or she deems to be in the

1 public interest, whether consistent or inconsistent with
2 positions previously adopted by the commission or the
3 counties, and utilize therein all forms of discovery available
4 to attorneys in civil actions generally, subject to protective
5 orders of the commission or the counties which shall be
6 reviewable by summary procedure in the circuit courts of this
7 state;

8 (2) To have access to and use of all files, records,
9 and data of the commission or the counties available to any
10 other attorney representing parties in a proceeding before the
11 commission or the counties;

12 (3) In any proceeding in which he or she has
13 participated as a party, to seek review of any determination,
14 finding, or order of the commission or the counties, or of any
15 hearing examiner designated by the commission or the counties,
16 in the name of the state or its citizens;

17 (4) To prepare and issue reports, recommendations, and
18 proposed orders to the commission, the Governor, and the
19 Legislature on any matter or subject within the jurisdiction
20 of the commission, and to make such recommendations as he or
21 she deems appropriate for legislation relative to commission
22 procedures, rules, jurisdiction, personnel, and functions; and

23 (5) To appear before other state agencies, federal
24 agencies, and state and federal courts in connection with
25 matters under the jurisdiction of the commission, in the name
26 of the state or its citizens.

27 Section 3. Section 367.0816, Florida Statutes, is
28 amended to read:

29 367.0816 Recovery of rate case expenses.--The amount
30 of rate case expense determined by the commission pursuant to
31 the provisions of this chapter to be recovered through a

1 public utilities rate shall be apportioned for recovery over a
2 period of 4 years. At the conclusion of the recovery period,
3 the rate of the public utility shall be reduced immediately by
4 the amount of rate case expense previously included in rates.

5 Section 4. This act shall take effect upon becoming a
6 law.