

1 A bill to be entitled
2 An act relating to water and wastewater
3 systems; amending s. 367.171, F.S.; deleting
4 the requirement that county rate proceedings to
5 follow certain provisions of the Administrative
6 Procedure Act; amending s. 350.0611, F.S.;
7 requiring the Public Counsel to provide legal
8 representation in proceedings before counties
9 under certain circumstances; recovery of rate
10 case expenses; providing an effective date.

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

13
14 Section 1. Subsection (8) of section 367.171, Florida
15 Statutes, is amended to read:

16 367.171 Effectiveness of this chapter.--

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

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

31

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

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

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

30 (4) To prepare and issue reports, recommendations, and
31 proposed orders to the commission, the Governor, and the

1 Legislature on any matter or subject within the jurisdiction
2 of the commission, and to make such recommendations as he or
3 she deems appropriate for legislation relative to commission
4 procedures, rules, jurisdiction, personnel, and functions; and

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

9 Section 3. Section 367.0816, Florida Statutes, is
10 amended to read:

11 367.0816 Recovery of rate case expenses.--The amount
12 of rate case expense determined by the commission pursuant to
13 the provisions of this chapter to be recovered through a
14 public utilities rate shall be apportioned for recovery over a
15 period of 4 years. At the conclusion of the recovery period,
16 the rate of the public utility shall be reduced immediately by
17 the amount of rate case expense previously included in rates.

18 Section 4. This act shall take effect upon becoming a
19 law.