

Bill No. CS for CS for SB 1488

Barcode 770598

CHAMBER ACTION

Senate

House

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Senator Klein moved the following amendment:

**Senate Amendment (with title amendment)**

On page 66, between lines 8 and 9,

insert:

Section 24. Section 350.061, Florida Statutes, is transferred, renumbered as section 11.402, Florida Statutes, and amended to read:

11.402 ~~350.061~~ Public Counsel; appointment; oath; restrictions on Public Counsel and his or her employees.--

(1) The Joint Legislative Auditing Committee shall appoint a Public Counsel by majority vote of the members of the committee to represent the general public of Florida before the Florida Public Service Commission and the Office of Insurance Regulation. The Public Counsel shall be an attorney admitted to practice before the Florida Supreme Court and shall serve at the pleasure of the Joint Legislative Auditing Committee, subject to annual reconfirmation by the committee. Vacancies in the office shall be filled in the same manner as the original appointment.

Bill No. CS for CS for SB 1488

Barcode 770598

1           (2) The Public Counsel shall take and subscribe to the  
2 oath of office required of state officers by the State  
3 Constitution.

4           (3) No officer or full-time employee of the Public  
5 Counsel shall actively engage in any other business or  
6 profession; serve as the representative of any political party  
7 or on any executive committee or other governing body thereof;  
8 serve as an executive, officer, or employee of any political  
9 party, committee, organization, or association; receive  
10 remuneration for activities on behalf of any candidate for  
11 public office; or engage on behalf of any candidate for public  
12 office in the solicitation of votes or other activities in  
13 behalf of such candidacy. Neither the Public Counsel nor any  
14 employee of the Public Counsel shall become a candidate for  
15 election to public office unless he or she shall first resign  
16 from his or her office or employment.

17           Section 25. Section 350.0611, Florida Statutes, is  
18 transferred, renumbered as section 11.403, Florida Statutes,  
19 and amended to read:

20           11.403 ~~350.0611~~ Public Counsel; duties and powers.--It  
21 shall be the duty of the Public Counsel to provide legal  
22 representation for the people of the state in proceedings  
23 before the Public Service Commission and the Office of  
24 Insurance Regulation and in proceedings before counties  
25 pursuant to s. 367.171(8). The Public Counsel shall have such  
26 powers as are necessary to carry out the duties of his or her  
27 office, including, but not limited to, the following specific  
28 powers:

29           (1) To recommend to the Public Service Commission or  
30 the counties, by petition, the commencement of any proceeding  
31 or action or to appear, in the name of the state or its

Bill No. CS for CS for SB 1488

Barcode 770598

1 citizens, in any proceeding or action before the commission or  
2 the counties.

3 (2) To recommend to the Office of Insurance  
4 Regulation, by petition, the commencement of, and to appear in  
5 the name of the state or its citizens in, any proceeding or  
6 action before the office relating to:

- 7 (a) Rules governing residential property insurance; or
  - 8 (b) Rate filings for residential property insurance
- 9 which, pursuant to standards determined by the office, request  
10 an average statewide rate increase of 10 percent or greater as  
11 compared to the current rates in effect or the rates in effect  
12 12 months prior to the proposed effective date.

13  
14 The Public Counsel may not stay any final order of the Office  
15 of Insurance Regulation.

16 (3) To ~~and~~ urge in any proceeding or action to which  
17 he or she is a party ~~therein~~ any position ~~that~~ ~~which~~ he or she  
18 deems to be in the public interest, whether consistent or  
19 inconsistent with positions previously adopted by the  
20 commission, ~~or~~ the counties, or the office, and utilize  
21 therein all forms of discovery available to attorneys in civil  
22 actions generally, subject to protective orders of the  
23 commission, ~~or~~ the counties, or the office, which shall be  
24 reviewable by summary procedure in the circuit courts of this  
25 state.

26 (4)~~(2)~~ To have access to and use of all files,  
27 records, and data of the commission, ~~or~~ the counties, or the  
28 office available to any other attorney representing parties in  
29 a proceeding before the commission, ~~or~~ the counties, or the  
30 office.

31 (5)~~(3)~~ In any proceeding in which he or she has

Bill No. CS for CS for SB 1488

Barcode 770598

1 participated as a party, to seek review of any determination,  
2 finding, or order of the commission, ~~or~~ the counties, or the  
3 office, or of any hearing examiner designated by the  
4 commission, ~~or~~ the counties, or the office, in the name of the  
5 state or its citizens.†

6       (6)(4) To prepare and issue reports, recommendations,  
7 and proposed orders to the commission or office, the Governor,  
8 and the Legislature on any matter or subject within the  
9 jurisdiction of the commission or office, and to make such  
10 recommendations as he or she deems appropriate for legislation  
11 relative to commission or office procedures, rules,  
12 jurisdiction, personnel, and functions.†~~and~~

13       (7)(5) To appear before other state agencies, federal  
14 agencies, and state and federal courts in connection with  
15 matters under the jurisdiction of the commission or office, in  
16 the name of the state or its citizens.

17       Section 26. Section 350.0612, Florida Statutes, is  
18 transferred, renumbered as section 11.404, Florida Statutes,  
19 and amended to read:

20       11.404 ~~350.0612~~ Public Counsel; location.--The Public  
21 Counsel shall maintain his or her office in Leon County ~~on the~~  
22 ~~premises of the commission or, if suitable space there cannot~~  
23 ~~be provided,~~ at such ~~other~~ place convenient to the offices of  
24 the Public Services Commission or the Office of Insurance  
25 Regulation ~~commissioners~~ as will enable him or her to carry  
26 out expeditiously the duties and functions of his or her  
27 office.

28       Section 27. Section 350.0613, Florida Statutes, is  
29 transferred, renumbered as section 11.405, Florida Statutes,  
30 and amended to read:

31       11.405 ~~350.0613~~ Public Counsel; employees; receipt of

Bill No. CS for CS for SB 1488

Barcode 770598

1 pleadings.--The Joint Legislative Auditing Committee may  
2 authorize the Public Counsel to employ clerical and technical  
3 assistants whose qualifications, duties, and responsibilities  
4 the committee shall from time to time prescribe. The committee  
5 may from time to time authorize retention of the services of  
6 additional attorneys, actuaries, economists, or experts to the  
7 extent that the best interests of the people of the state will  
8 be better served thereby, including the retention of expert  
9 witnesses and other technical personnel for participation in  
10 contested proceedings before the Public Service Commission or  
11 Office of Insurance Regulation. The commission shall furnish  
12 the Public Counsel with copies of the initial pleadings in all  
13 proceedings before the commission. The office shall furnish  
14 the Public Counsel with copies of all filings that relate to  
15 the jurisdiction of the Public Counsel pursuant to s.  
16 11.403(2). ~~and~~ If the Public Counsel intervenes as a party in  
17 any proceeding he or she shall be served with copies of all  
18 subsequent pleadings, exhibits, and prepared testimony, if  
19 used. Upon filing notice of intervention, the Public Counsel  
20 shall serve all interested parties with copies of such notice  
21 and all of his or her subsequent pleadings and exhibits.

22 Section 28. Section 350.0614, Florida Statutes, is  
23 transferred, renumbered as section 11.406, Florida Statutes,  
24 and amended to read:

25 11.406 ~~350.0614~~ Public Counsel; compensation and  
26 expenses.--

27 (1) The salaries and expenses of the Public Counsel  
28 and his or her employees shall be allocated by the committee  
29 only from moneys appropriated to the Public Counsel by the  
30 Legislature.

31 (2) The Legislature hereby declares and determines

Bill No. CS for CS for SB 1488

Barcode 770598

1 that the Public Counsel is under the legislative branch of  
 2 government within the intention of the legislation as  
 3 expressed in chapter 216, and no power shall be in the  
 4 Executive Office of the Governor or its successor to release  
 5 or withhold funds appropriated to it, but the same shall be  
 6 available for expenditure as provided by law and the rules or  
 7 decisions of the Joint Auditing Committee.

8 (3) Neither the Executive Office of the Governor nor  
 9 the Department of Management Services or its successor shall  
 10 have power to determine the number, or fix the compensation,  
 11 of the employees of the Public Counsel or to exercise any  
 12 manner of control over them.

13

14 (Redesignate subsequent sections.)

15

16

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

18 And the title is amended as follows:

19 On page 5, line 15, after the semicolon,

20

21 insert:

22 transferring, renumbering, and amending ss.  
 23 350.061, 350.0611, 350.0612, 350.0613, and  
 24 350.0614, F.S.; authorizing the Public Counsel  
 25 to represent the general public before the  
 26 Office of Insurance Regulation; including  
 27 certain proceedings related to rules and rate  
 28 filings for residential property insurance;  
 29 authorizing the Public Counsel to have access  
 30 to files of the office, to seek review of  
 31 orders of the office, to issue reports,

Bill No. CS for CS for SB 1488

Barcode 770598

1            recommendations, and proposed orders to the  
2            office; specifying where the Public Counsel  
3            shall maintain his or her office; authorizing  
4            the Joint Legislative Auditing Committee to  
5            authorize the Public Counsel to employ certain  
6            types of employees; requiring the Office of  
7            Insurance Regulation to provide copies of  
8            certain filings to the Public Counsel;

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