

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Gannon offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 419 and 420, insert:

5  
6 Section 7. Section 350.061, Florida Statutes, is  
7 transferred, renumbered as section 11.402, Florida Statutes, and  
8 amended to read:

9 11.402 ~~350.061~~ Public Counsel; appointment; oath;  
10 restrictions on Public Counsel and his or her employees.--

11 (1) The Joint Legislative Auditing Committee shall appoint  
12 a Public Counsel by majority vote of the members of the  
13 committee to represent the general public of Florida before the  
14 Florida Public Service Commission and the Office of Insurance  
15 Regulation. The Public Counsel shall be an attorney admitted to

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16 practice before the Florida Supreme Court and shall serve at the  
17 pleasure of the Joint Legislative Auditing Committee, subject to  
18 annual reconfirmation by the committee. Vacancies in the office  
19 shall be filled in the same manner as the original appointment.

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

23 (3) No officer or full-time employee of the Public Counsel  
24 shall actively engage in any other business or profession; serve  
25 as the representative of any political party or on any executive  
26 committee or other governing body thereof; serve as an  
27 executive, officer, or employee of any political party,  
28 committee, organization, or association; receive remuneration  
29 for activities on behalf of any candidate for public office; or  
30 engage on behalf of any candidate for public office in the  
31 solicitation of votes or other activities in behalf of such  
32 candidacy. Neither the Public Counsel nor any employee of the  
33 Public Counsel shall become a candidate for election to public  
34 office unless he or she shall first resign from his or her  
35 office or employment.

36 Section 8. Section 350.0611, Florida Statutes, is  
37 transferred, renumbered as section 11.403, Florida Statutes, and  
38 amended to read:

39 11.403 ~~350.0611~~ Public Counsel; duties and powers.--It  
40 shall be the duty of the Public Counsel to provide legal  
41 representation for the people of the state in proceedings before  
42 the Public Service Commission and the Office of Insurance

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43 Regulation and in proceedings before counties pursuant to s.  
44 367.171(8). The Public Counsel shall have such powers as are  
45 necessary to carry out the duties of his or her office,  
46 including, but not limited to, the following specific powers:

47 (1) To recommend to the Public Service Commission or the  
48 counties, by petition, the commencement of any proceeding or  
49 action or to appear, in the name of the state or its citizens,  
50 in any proceeding or action before the commission or the  
51 counties.

52 (2) To recommend to the Office of Insurance Regulation, by  
53 petition, the commencement of, and to appear in the name of the  
54 state or its citizens in, any proceeding or action before the  
55 office relating to:

56 (a) Rules governing residential property insurance; or

57 (b) Rate filings for residential property insurance which,  
58 pursuant to standards determined by the office, request an  
59 average statewide rate increase of 10 percent or greater as  
60 compared to the current rates in effect or the rates in effect  
61 12 months prior to the proposed effective date.

62  
63 The Public Counsel may not stay any final order of the Office of  
64 Insurance Regulation.

65 (3) To ~~and~~ urge in any proceeding or action to which he or  
66 she is a party ~~therein~~ any position that ~~which~~ he or she deems  
67 to be in the public interest, whether consistent or inconsistent  
68 with positions previously adopted by the commission, ~~or~~ the  
69 counties, or the office, and utilize therein all forms of

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70 discovery available to attorneys in civil actions generally,  
71 subject to protective orders of the commission, ~~or~~ the counties,  
72 or the office, which shall be reviewable by summary procedure in  
73 the circuit courts of this state.†

74 ~~(4)(2)~~ To have access to and use of all files, records,  
75 and data of the commission, ~~or~~ the counties, or the office  
76 available to any other attorney representing parties in a  
77 proceeding before the commission, ~~or~~ the counties, or the  
78 office.†

79 ~~(5)(3)~~ In any proceeding in which he or she has  
80 participated as a party, to seek review of any determination,  
81 finding, or order of the commission, ~~or~~ the counties, or the  
82 office, or of any hearing examiner designated by the commission,  
83 ~~or~~ the counties, or the office, in the name of the state or its  
84 citizens.†

85 ~~(6)(4)~~ To prepare and issue reports, recommendations, and  
86 proposed orders to the commission or office, the Governor, and  
87 the Legislature on any matter or subject within the jurisdiction  
88 of the commission or office, and to make such recommendations as  
89 he or she deems appropriate for legislation relative to  
90 commission or office procedures, rules, jurisdiction, personnel,  
91 and functions.†~~and~~

92 ~~(7)(5)~~ To appear before other state agencies, federal  
93 agencies, and state and federal courts in connection with  
94 matters under the jurisdiction of the commission or office, in  
95 the name of the state or its citizens.

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96 Section 9. Section 350.0612, Florida Statutes, is  
97 transferred, renumbered as section 11.404, Florida Statutes, and  
98 amended to read:

99 11.404 ~~350.0612~~ Public Counsel; location.--The Public  
100 Counsel shall maintain his or her office in Leon County ~~on the~~  
101 ~~premises of the commission or, if suitable space there cannot be~~  
102 ~~provided,~~ at such ~~other~~ place convenient to the offices of the  
103 Public Services Commission or the Office of Insurance Regulation  
104 ~~commissioners~~ as will enable him or her to carry out  
105 expeditiously the duties and functions of his or her office.

106 Section 10. Section 350.0613, Florida Statutes, is  
107 transferred, renumbered as section 11.405, Florida Statutes, and  
108 amended to read:

109 11.405 ~~350.0613~~ Public Counsel; employees; receipt of  
110 pleadings.--The Joint Legislative Auditing Committee may  
111 authorize the Public Counsel to employ clerical and technical  
112 assistants whose qualifications, duties, and responsibilities  
113 the committee shall from time to time prescribe. The committee  
114 may from time to time authorize retention of the services of  
115 additional attorneys, actuaries, economists, or experts to the  
116 extent that the best interests of the people of the state will  
117 be better served thereby, including the retention of expert  
118 witnesses and other technical personnel for participation in  
119 contested proceedings before the Public Service Commission or  
120 Office of Insurance Regulation. The commission shall furnish the  
121 Public Counsel with copies of the initial pleadings in all  
122 proceedings before the commission. The office shall furnish the

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123 Public Counsel with copies of all filings that relate to the  
124 jurisdiction of the Public Counsel pursuant to s. 11.403(2).  
125 ~~and~~ If the Public Counsel intervenes as a party in any  
126 proceeding he or she shall be served with copies of all  
127 subsequent pleadings, exhibits, and prepared testimony, if used.  
128 Upon filing notice of intervention, the Public Counsel shall  
129 serve all interested parties with copies of such notice and all  
130 of his or her subsequent pleadings and exhibits.

131 Section 11. Section 350.0614, Florida Statutes, is  
132 transferred, renumbered as section 11.406, Florida Statutes, and  
133 amended to read:

134 11.406 ~~350.0614~~ Public Counsel; compensation and  
135 expenses.--

136 (1) The salaries and expenses of the Public Counsel and  
137 his or her employees shall be allocated by the committee only  
138 from moneys appropriated to the Public Counsel by the  
139 Legislature.

140 (2) The Legislature hereby declares and determines that  
141 the Public Counsel is under the legislative branch of government  
142 within the intention of the legislation as expressed in chapter  
143 216, and no power shall be in the Executive Office of the  
144 Governor or its successor to release or withhold funds  
145 appropriated to it, but the same shall be available for  
146 expenditure as provided by law and the rules or decisions of the  
147 Joint Auditing Committee.

148 (3) Neither the Executive Office of the Governor nor the  
149 Department of Management Services or its successor shall have

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150 power to determine the number, or fix the compensation, of the  
151 employees of the Public Counsel or to exercise any manner of  
152 control over them.

153 Section 12. Paragraph (b) of subsection (1) of section  
154 112.3145, Florida Statutes, is amended to read:

155 112.3145 Disclosure of financial interests and clients  
156 represented before agencies.--

157 (1) For purposes of this section, unless the context  
158 otherwise requires, the term:

159 (b) "Specified state employee" means:

160 1. Public counsel created by chapter 11 350, an assistant  
161 state attorney, an assistant public defender, a full-time state  
162 employee who serves as counsel or assistant counsel to any state  
163 agency, the Deputy Chief Judge of Compensation Claims, a judge  
164 of compensation claims, an administrative law judge, or a  
165 hearing officer.

166 2. Any person employed in the office of the Governor or in  
167 the office of any member of the Cabinet if that person is exempt  
168 from the Career Service System, except persons employed in  
169 clerical, secretarial, or similar positions.

170 3. Each appointed secretary, assistant secretary, deputy  
171 secretary, executive director, assistant executive director, or  
172 deputy executive director of each state department, commission,  
173 board, or council; unless otherwise provided, the division  
174 director, assistant division director, deputy director, bureau  
175 chief, and assistant bureau chief of any state department or

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176 division; or any person having the power normally conferred upon  
177 such persons, by whatever title.

178 4. The superintendent or institute director of a state  
179 mental health institute established for training and research in  
180 the mental health field or the warden or director of any major  
181 state institution or facility established for corrections,  
182 training, treatment, or rehabilitation.

183 5. Business managers, purchasing agents having the power  
184 to make any purchase exceeding the threshold amount provided for  
185 in s. 287.017 for CATEGORY ONE, finance and accounting  
186 directors, personnel officers, or grants coordinators for any  
187 state agency.

188 6. Any person, other than a legislative assistant exempted  
189 by the presiding officer of the house by which the legislative  
190 assistant is employed, who is employed in the legislative branch  
191 of government, except persons employed in maintenance, clerical,  
192 secretarial, or similar positions.

193 7. Each employee of the Commission on Ethics.  
194  
195

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

197 Remove line 45, and insert:

198  
199 alternative hurricane deductibles; transferring,  
200 renumbering, and amending ss. 350.061, 350.0611, 350.0612,  
201 350.0613, and 350.0614, F.S.; authorizing the Public  
202 Counsel to represent the general public before the Office

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203 of Insurance Regulation; including certain proceedings  
204 related to rules and rate filings for residential property  
205 insurance; authorizing the Public Counsel to have access  
206 to files of the office, to seek review of orders of the  
207 office, to issue reports, recommendations, and proposed  
208 orders to the office; specifying where the Public Counsel  
209 shall maintain his or her office; authorizing the Joint  
210 Legislative Auditing Committee to authorize the Public  
211 Counsel to employ certain types of employees; requiring  
212 the Office of Insurance Regulation to provide copies of  
213 certain filings to the Public Counsel; amending s.  
214 112.3145, F.S.; conforming a cross-reference; providing  
215 effective

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