3-576-06

1	A bill to be entitled
2	An act relating to the Public Counsel; amending
3	s. 350.061, F.S.; transferring responsibility
4	for appointing the Public Counsel from the
5	Committee on Public Service Commission
6	Oversight to the Attorney General; amending s.
7	350.0613, F.S.; providing authority of the
8	Department of Legal Affairs with respect to
9	employees of the Public Counsel and their
10	qualifications and to the retention of
11	attorneys and experts; amending s. 350.0614,
12	F.S.; deleting a declaration that the Public
13	Counsel is part of the legislative branch;
14	providing duties of the Department of Legal
15	Affairs with respect to allocation of salaries
16	and expenses of the Public Counsel and
17	employees; amending s. 112.324, F.S.;
18	prescribing authority of the Attorney General
19	in cases reported by the Commission on Ethics
20	regarding the Public Counsel or an employee
21	thereof; providing an effective date.
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23	Be It Enacted by the Legislature of the State of Florida:
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25	Section 1. Subsection (1) of section 350.061, Florida
26	Statutes, is amended to read:
27	350.061 Public Counsel; appointment; oath;
28	restrictions on Public Counsel and his or her employees
29	(1) The <u>Attorney General</u> Committee on Public Service
30	Commission Oversight shall appoint a Public Counsel by
31	majority vote of the members of the committee to represent the

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general public of Florida before the Florida Public Service
Commission. The Public Counsel <u>must shall</u> be an attorney
admitted to practice before the Florida Supreme Court and
shall serve at the pleasure of the <u>Attorney General Committee</u>
on <u>Public Service Commission Oversight</u>, <u>subject to biennial</u>
reconfirmation by the committee. The Public Counsel shall
perform his or her duties independently. Vacancies in the
office shall be filled in the same manner as the original
appointment.

Section 2. Section 350.0613, Florida Statutes, is amended to read:

350.0613 Public Counsel; employees; receipt of pleadings. -- The Department of Legal Affairs committee may authorize the Public Counsel to employ clerical and technical assistants whose qualifications, duties, and responsibilities the Department of Legal Affairs committee shall from time to time prescribe. The Department of Legal Affairs committee may from time to time authorize retention of the services of additional attorneys or experts to the extent that the best interests of the people of the state will be better served thereby, including the retention of expert witnesses and other technical personnel for participation in contested proceedings before the commission. The commission shall furnish the Public Counsel with copies of the initial pleadings in all proceedings before the commission, and if the Public Counsel intervenes as a party in any proceeding he or she shall be served with copies of all subsequent pleadings, exhibits, and prepared testimony, if used. Upon filing notice of intervention, the Public Counsel shall serve all interested parties with copies of such notice and all of his or her subsequent pleadings and exhibits.

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Statutes, is amended to read:

records and meeting exemptions. --

2 amended to read: 3 350.0614 Public Counsel; compensation and expenses.--4 (1) The salaries and expenses of the Public Counsel and his or her employees shall be allocated by the Department 5 of Legal Affairs committee only from moneys appropriated to 7 the Public Counsel by the Legislature. 8 (2) The Legislature declares and determines that the Public Counsel is under the legislative branch of government 9 10 within the intention of the legislation as expressed in chapter 216, and no power shall be in the Executive Office of 11 12 the Governor or its successor to release or withhold funds 13 appropriated to it, but the same shall be available for expenditure as provided by law and the rules or decisions of 14 the Committee on Public Service Commission Oversight. 15 (2) (2) (3) Neither the Executive Office of the Governor 16 17 nor the Department of Management Services or its successor shall have power to determine the number, or fix the 18 compensation, of the employees of the Public Counsel or to 19 exercise any manner of control over them. 20 21 Section 4. Subsection (8) of section 112.324, Florida

Section 3. Section 350.0614, Florida Statutes, is

(8) If, in cases pertaining to complaints other than complaints against impeachable officers or members of the Legislature, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part or of s. 8, Art. II of the State Constitution, it shall be the duty of the commission to report its findings and recommend appropriate action to the proper

112.324 Procedures on complaints of violations; public

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disciplinary official or body as follows, and such official or body shall have the power to invoke the penalty provisions of this part, including the power to order the appropriate elections official to remove a candidate from the ballot for a violation of s. 112.3145 or s. 8(a) and (i), Art. II of the State Constitution:

- (a) The President of the Senate and the Speaker of the House of Representatives, jointly, in any case concerning the Public Counsel, members of the Public Service Commission, members of the Public Service Commission Nominating Council, the Auditor General, the director of the Office of Program Policy Analysis and Government Accountability, or members of the Legislative Committee on Intergovernmental Relations.
- (b) The Supreme Court, in any case concerning an employee of the judicial branch.
- concerning an employee of the Senate; the Speaker of the House of Representatives, in any case concerning an employee of the House of Representatives; or the President and the Speaker, jointly, in any case concerning an employee of a committee of the Legislature whose members are appointed solely by the President and the Speaker or in any case concerning an employee of the Public Counsel, Public Service Commission, Auditor General, Office of Program Policy Analysis and Government Accountability, or Legislative Committee on Intergovernmental Relations.
- (d) Except as otherwise provided by this part, the Governor, in the case of any other public officer, public employee, former public officer or public employee, candidate, or former candidate.

1	(e) The President of the Senate or the Speaker of the
2	House of Representatives, whichever is applicable, in any case
3	concerning a former member of the Legislature who has violated
4	a provision applicable to former members or whose violation
5	occurred while a member of the Legislature.
6	(f) The Attorney General in any case concerning the
7	Public Counsel or an employee of the Public Counsel.
8	Section 5. This act shall take effect January 1, 2007.
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11	SENATE SUMMARY
12	Transfers the responsibility for appointing and removing the Public Counsel from the Committee on Public Service
13	Commission Oversight to the Attorney General and functions relating to personnel in the Public Counsel's
14	office and their salary and qualifications to the
15	Department of Legal Affairs.
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