



Bill No. CS for CS for SB 142

Barcode 131526

1 appear, in the name of the state or its citizens, in any  
 2 proceeding or action before the commission or the counties and  
 3 urge therein any position which he or she deems to be in the  
 4 public interest, whether consistent or inconsistent with  
 5 positions previously adopted by the commission or the  
 6 counties, and utilize therein all forms of discovery available  
 7 to attorneys in civil actions generally, subject to protective  
 8 orders of the commission or the counties which shall be  
 9 reviewable by summary procedure in the circuit courts of this  
 10 state.†

11 (2) To have access to and use of all files, records,  
 12 and data of the commission or the counties available to any  
 13 other attorney representing parties in a proceeding before the  
 14 commission or the counties.†

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

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

26 ~~and~~

27 (5) To appear before other state agencies, federal  
 28 agencies, and state and federal courts in connection with  
 29 matters under the jurisdiction of the commission, in the name  
 30 of the state or its citizens, and on behalf of the State of  
 31 Florida and its political subdivisions in their capacity as

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1 consumers of communications services and utility services.

2 (6) To receive and investigate complaints that involve  
3 communications services, as that term is defined in s.  
4 202.11(2), and that are not within the jurisdiction of the  
5 Public Service Commission. If the Public Counsel believes the  
6 practice forming the basis of a complaint constitutes an  
7 unfair or deceptive trade practice or other unlawful practice  
8 as defined in s. 501.204, either standing on its own or when  
9 considered with other similar, actual practices or potentially  
10 systemic practices, the Public Counsel may appear in the name  
11 of the residents of the State of Florida to petition the  
12 Circuit Court of Leon County, or any other circuit court of  
13 the state in which the practice was identified, to enjoin the  
14 practice as an unfair and deceptive trade practice, and to  
15 petition for a judgment for actual damages for aggrieved  
16 consumers, for civil penalties of not more than \$10,000 for  
17 each willful unfair and deceptive trade practice or not more  
18 than \$15,000 for each willful unfair and deceptive trade  
19 practice that meets the criteria of s. 501.2077, and to  
20 recover attorney's fees and costs of investigation and court  
21 costs. Any moneys collected under this subsection, other than  
22 moneys recovered for consumer damages, shall be deposited as  
23 received into the General Revenue Fund unallocated.

24 (7) To appear before state and federal agencies,  
25 including, but not limited to, the Florida Public Service  
26 Commission, the Department of Environmental Protection, the  
27 Department of Community Affairs, the Federal Energy Regulatory  
28 Commission, the Federal Communications Commission, and the  
29 Federal Trade Commission, in the name of the state or its  
30 residents, and on behalf of the State of Florida and its  
31 political subdivisions in their capacity as consumers of

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1 communications services and utility services, for any purpose  
2 that in the discretion of the Public Counsel would enhance  
3 terms and conditions of utility and communications services  
4 afforded to the residents of the State of Florida or to the  
5 state or its political subdivisions as consumers or would lead  
6 to more affordable rates charged by utility and communications  
7 providers. The Public Counsel may also challenge any fee, tax,  
8 or other assessment levied by any state or federal authority  
9 which the Public Counsel believes will have a substantial  
10 detrimental effect on the utility or communications services  
11 provided or on the price charged to Florida residents or to  
12 the State of Florida as a consumer.

13 Section 4. The sum of \$800,000 of recurring funds from  
14 the General Revenue Fund is appropriated to the Office of  
15 Public Counsel for the 2006-2007 fiscal year.

16 Section 5. This act shall take effect upon becoming a  
17 law.

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

21 And the title is amended as follows:

22 On page 1, line 2 through page 2, line 2, delete those  
23 lines

24  
25

26 A bill to be entitled  
27 An act relating to communications; amending s.  
28 364.051, F.S., relating to price regulation;  
29 allowing a telecommunications company to  
30 publicly publish price lists for nonbasic  
31 services; providing guidelines for such

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1 publication; allowing 1 day's notice for price  
2 changes to nonbasic services; deleting a  
3 company's option to elect that its basic  
4 services be treated as nonbasic services;  
5 requiring a company to request that the Public  
6 Service Commission lessen its service quality  
7 regulation; providing criteria for granting a  
8 petition to change regulatory treatment of  
9 retail services; amending s. 364.025, F.S.;  
10 providing definitions; providing that a local  
11 exchange telecommunications company obligated  
12 to serve as the carrier of last resort is not  
13 obligated to provide basic local  
14 telecommunications service to customers in a  
15 multitenant business or residential property  
16 under certain circumstances; requiring the  
17 local exchange telecommunications company to  
18 notify the Public Service Commission when it is  
19 relieved of the obligation to provide service;  
20 providing for the local exchange  
21 telecommunications company to request a waiver  
22 of its carrier of last resort obligation from  
23 the commission; providing for carrier of last  
24 resort obligation to apply when specified  
25 conditions cease to exist; providing for effect  
26 of the act on the commission's jurisdiction;  
27 amending s. 350.0611, F.S.; providing  
28 additional authority to the Public Counsel,  
29 including the authority to provide legal  
30 representation to, and to appear on behalf of,  
31 the state and its political subdivisions as

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1 consumers of communications services and  
2 utility services, to receive, investigate, and  
3 take legal action upon complaints involving  
4 communications services not within the  
5 jurisdiction of the Public Service Commission,  
6 to appear before state and federal agencies to  
7 enhance terms and conditions of utility and  
8 communications services, and to analyze and  
9 report on pending legislation relevant to  
10 utility and communications services; providing  
11 appropriations; providing an effective date.

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