

Bill No. SB 1542

Barcode 573368

CHAMBER ACTION

Senate

House

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The Committee on Communications and Public Utilities  
(Constantine) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Section 350.0611, Florida Statutes, is  
amended to read:

350.0611 Public Counsel; duties and powers.--It shall  
be the duty of the Public Counsel to provide legal  
representation for the people of the state in proceedings  
before the commission and in proceedings before counties  
pursuant to s. 367.171(8) and to provide legal representation  
to the State of Florida and its political subdivisions in  
their capacity as consumers of communications services and  
utility services. The Public Counsel shall have such powers as  
are necessary to carry out the duties of his or her office,  
including, but not limited to, the following specific powers:

(1) To recommend to the commission or the counties, by  
petition, the commencement of any proceeding or action or to

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

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

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

11       (8) To analyze all pending legislation during each  
 12 legislative session which is relevant to the provision of  
 13 utility and communications services in the state and prepare  
 14 and submit to the President of the Senate and the Speaker of  
 15 the House of Representatives, as well as the substantive  
 16 committees, periodic reports that include, but need not be  
 17 limited to, the likely effect of pending legislation on  
 18 conditions of service and the affordability of rates charged  
 19 for utility and communications services provided in the state.

20           Section 2. This act shall take effect upon becoming a  
 21 law.

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

25 And the title is amended as follows:

26           Delete everything before the enacting clause

27

28 and insert:

29                                   A bill to be entitled

30           An act relating to the Public Counsel; amending

31           s. 350.0611, F.S.; providing additional

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1 authority to the Public Counsel, including the  
2 authority to provide legal representation to,  
3 and to appear on behalf of, the state and its  
4 political subdivisions as consumers of  
5 communications services and utility services,  
6 to receive, investigate, and take legal action  
7 upon complaints involving communications  
8 services not regulated by the Public Service  
9 Commission, to appear before state and federal  
10 agencies to enhance terms and conditions of  
11 utility and communications services, and to  
12 analyze and report on pending legislation  
13 relevant to utility and communications  
14 services; providing an effective date.

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