

Bill No. CS for SB 1544

Barcode 163368

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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05/01/2006 11:50 AM

11 Senators Constantine and Argenziano moved the following
12 amendment:

14 **Senate Amendment (with title amendment)**

15 On page 4, between lines 18 & 19,

17 insert:

18 Section 2. Section 350.0611, Florida Statutes, is
19 amended to read:

20 350.0611 Public Counsel; duties and powers.--It shall
21 be the duty of the Public Counsel to provide legal
22 representation for the people of the state in proceedings
23 before the commission and in proceedings before counties
24 pursuant to s. 367.171(8) and to provide legal representation
25 to the State of Florida and its political subdivisions in
26 their capacity as consumers of communications services and
27 utility services. The Public Counsel shall have such powers as
28 are necessary to carry out the duties of his or her office,
29 including, but not limited to, the following specific powers:

- 30 (1) To recommend to the commission or the counties, by
31 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 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 3. 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
17 (Redesignate subsequent sections.)

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19

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, lines 1-21, delete those lines

23

24 and insert:

25 A bill to be entitled
26 An act relating to communications; amending s.
27 364.025, F.S.; providing definitions; providing
28 that a local exchange telecommunications
29 company obligated to serve as the carrier of
30 last resort is not obligated to provide basic
31 local telecommunications service to customers

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1 in a multitenant business or residential
2 property under certain circumstances; requiring
3 the local exchange telecommunications company
4 to notify the Public Service Commission when it
5 is relieved of the obligation to provide
6 service; providing for the local exchange
7 telecommunications company to request a waiver
8 of its carrier of last resort obligation from
9 the commission; providing for carrier of last
10 resort obligation to apply when specified
11 conditions cease to exist; providing for effect
12 of the act on the commission's jurisdiction;
13 amending s. 350.0611, F.S.; providing
14 additional authority to the Public Counsel,
15 including the authority to provide legal
16 representation to, and to appear on behalf of,
17 the state and its political subdivisions as
18 consumers of communications services and
19 utility services, to receive, investigate, and
20 take legal action upon complaints involving
21 communications services not within the
22 jurisdiction of the Public Service Commission,
23 to appear before state and federal agencies to
24 enhance terms and conditions of utility and
25 communications services, and to analyze and
26 report on pending legislation relevant to
27 utility and communications services; providing
28 appropriations; providing an effective date.

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