

Bill No. CS for CS for SB 1980

Barcode 124114

CHAMBER ACTION

Senate

House

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Senators Campbell, Klein, Geller, and Smith moved the following **amendment to amendment** (021596):

Senate Amendment (with title amendment)

On page 24, between lines 2 and 3,

insert:

Section 5. Subsection (1) of section 350.061, Florida Statutes, is amended to read:

350.061 Public Counsel; appointment; oath; restrictions on Public Counsel and his or her employees.--

(1) The Committee on Public Service Commission Oversight shall appoint a Public Counsel by majority vote of the members of the committee to represent the general public of Florida before the Florida Public Service Commission and the Office of Insurance Regulation. The Public Counsel shall be an attorney admitted to practice before the Florida Supreme Court and shall serve at the pleasure of the Committee on Public Service Commission Oversight, subject to biennial reconfirmation by the committee. The Public Counsel shall perform his or her duties independently. Vacancies in the

Bill No. CS for CS for SB 1980

Barcode 124114

1 office shall be filled in the same manner as the original
2 appointment.

3 Section 6. Section 350.0611, Florida Statutes, is
4 amended to read:

5 350.0611 Public Counsel; duties and powers.--It shall
6 be the duty of the Public Counsel to provide legal
7 representation for the people of the state in proceedings
8 before the Public Service Commission and the Office of
9 Insurance Regulation and in proceedings before counties
10 pursuant to s. 367.171(8). The Public Counsel shall have such
11 powers as are necessary to carry out the duties of his or her
12 office, including, but not limited to, the following specific
13 powers:

14 (1) To recommend to the Public Service Commission or
15 the counties, by petition, the commencement of any proceeding
16 or action or to appear, in the name of the state or its
17 citizens, in any proceeding or action before the commission or
18 the counties.

19 (2) To recommend to the Office of Insurance
20 Regulation, by petition, the commencement of, and to appear in
21 the name of the state or its citizens in, any proceeding or
22 action before the office relating to:

- 23 (a) Rules governing residential property insurance; or
 - 24 (b) Rate filings for residential property insurance
- 25 which, pursuant to standards determined by the office, request
26 an average statewide rate increase of 10 percent or greater as
27 compared to the current rates in effect or the rates in effect
28 12 months prior to the proposed effective date.

29
30 The Public Counsel may not stay any final order of the Office
31 of Insurance Regulation.

Bill No. CS for CS for SB 1980

Barcode 124114

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

11 ~~(4)(2)~~ To have access to and use of all files,
 12 records, and data of the commission, ~~or~~ the counties, or the
 13 office available to any other attorney representing parties in
 14 a proceeding before the commission, ~~or~~ the counties, or the
 15 office.†

16 ~~(5)(3)~~ In any proceeding in which he or she has
 17 participated as a party, to seek review of any determination,
 18 finding, or order of the commission, ~~or~~ the counties, or the
 19 office, or of any hearing examiner designated by the
 20 commission, ~~or~~ the counties, or the office, in the name of the
 21 state or its citizens.†

22 ~~(6)(4)~~ To prepare and issue reports, recommendations,
 23 and proposed orders to the commission or office, the Governor,
 24 and the Legislature on any matter or subject within the
 25 jurisdiction of the commission or office, and to make such
 26 recommendations as he or she deems appropriate for legislation
 27 relative to commission or office procedures, rules,
 28 jurisdiction, personnel, and functions.† ~~and~~

29 ~~(7)(5)~~ To appear before other state agencies, federal
 30 agencies, and state and federal courts in connection with
 31 matters under the jurisdiction of the commission or office, in

Bill No. CS for CS for SB 1980

Barcode 124114

1 the name of the state or its citizens.

2 Section 7. Section 350.0612, Florida Statutes, is
3 amended to read:

4 350.0612 Public Counsel; location.--The Public Counsel
5 shall maintain his or her office in Leon County ~~on the~~
6 ~~premises of the commission or, if suitable space there cannot~~
7 ~~be provided,~~ at such ~~other~~ place convenient to the offices of
8 the Public Services Commission or the Office of Insurance
9 Regulation ~~commissioners~~ as will enable him or her to carry
10 out expeditiously the duties and functions of his or her
11 office.

12 Section 8. Section 350.0613, Florida Statutes, is
13 amended to read:

14 350.0613 Public Counsel; employees; receipt of
15 pleadings.--The Joint Legislative Auditing Committee may
16 authorize the Public Counsel to employ clerical and technical
17 assistants whose qualifications, duties, and responsibilities
18 the committee shall from time to time prescribe. The committee
19 may from time to time authorize retention of the services of
20 additional attorneys, actuaries, economists, or experts to the
21 extent that the best interests of the people of the state will
22 be better served thereby, including the retention of expert
23 witnesses and other technical personnel for participation in
24 contested proceedings before the Public Service Commission or
25 Office of Insurance Regulation. The commission shall furnish
26 the Public Counsel with copies of the initial pleadings in all
27 proceedings before the commission. The office shall furnish
28 the Public Counsel with copies of all filings that relate to
29 the jurisdiction of the Public Counsel pursuant to s.

30 350.0611(2)., ~~and~~ If the Public Counsel intervenes as a party
31 in any proceeding he or she shall be served with copies of all

Bill No. CS for CS for SB 1980

Barcode 124114

1 subsequent pleadings, exhibits, and prepared testimony, if
 2 used. Upon filing notice of intervention, the Public Counsel
 3 shall serve all interested parties with copies of such notice
 4 and all of his or her subsequent pleadings and exhibits.

5 Section 9. Paragraph (b) of subsection (3) of section
 6 624.319, Florida Statutes, is amended to read:

7 624.319 Examination and investigation reports.--

8 (3)

9 (b) Workpapers and other information held by the
 10 department or office, and workpapers and other information
 11 received from another governmental entity or the National
 12 Association of Insurance Commissioners, for the department's
 13 or office's use in the performance of its examination or
 14 investigation duties pursuant to this section and ss. 624.316,
 15 624.3161, 624.317, and 624.318 are confidential and exempt
 16 from the provisions of s. 119.07(1) and s. 24(a), Art. I of
 17 the State Constitution. This exemption applies to workpapers
 18 and other information held by the department or office before,
 19 on, or after the effective date of this exemption. Such
 20 confidential and exempt information may be disclosed to
 21 another governmental entity, if disclosure is necessary for
 22 the receiving entity to perform its duties and

23 responsibilities, and may be disclosed to the National
 24 Association of Insurance Commissioners. The Public Counsel
 25 shall have access to such confidential and exempt information
 26 pertaining to residential property insurance at any time. The
 27 receiving governmental entity or the association must maintain
 28 the confidential and exempt status of the information. The
 29 information made confidential and exempt by this paragraph may
 30 be used in a criminal, civil, or administrative proceeding so
 31 long as the confidential and exempt status of such information

Bill No. CS for CS for SB 1980

Barcode 124114

1 is maintained. This paragraph is subject to the Open
 2 Government Sunset Review Act of 1995 in accordance with s.
 3 119.15 and shall stand repealed on October 2, 2007, unless
 4 reviewed and saved from repeal through reenactment by the
 5 Legislature.

6
 7 (Redesignate subsequent sections.)
 8
 9

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

11 And the title is amended as follows:

12 On page 130, line 25, after the first semicolon,

13
 14 insert:

15 amending ss. 350.061, 350.0611, 350.0612,
 16 350.0613, and 350.0614, F.S.; authorizing the
 17 Public Counsel to represent the general public
 18 before the Office of Insurance Regulation;
 19 including certain proceedings related to rules
 20 and rate filings for residential property
 21 insurance; authorizing the Public Counsel to
 22 have access to files of the office, to seek
 23 review of orders of the office, to issue
 24 reports, recommendations, and proposed orders
 25 to the office; specifying where the Public
 26 Counsel shall maintain his or her office;
 27 authorizing the Joint Legislative Auditing
 28 Committee to authorize the Public Counsel to
 29 employ certain types of employees; requiring
 30 the Office of Insurance Regulation to provide
 31 copies of certain filings to the Public

Bill No. CS for CS for SB 1980

Barcode 124114

1 Counsel; amending s. 624.319, F.S.; authorizing
2 the Public Counsel to have access to certain
3 confidential information held by the Department
4 of Financial Services or the Office of
5 Insurance Regulation;

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