

Bill No. CS for CS for SB 1980

Barcode 950994

CHAMBER ACTION

Senate

House

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Senators Campbell, Klein, Geller, and Smith moved the following amendment:

**Senate Amendment (with title amendment)**

On page 26, between lines 5 and 6,

insert:

Section 6. 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

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

3 Section 7. 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.

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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

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1 the name of the state or its citizens.

2 Section 8. 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 9. 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

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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 10. 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

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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.)  
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 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 2, line 9, after the 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

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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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