

By Senator Broxson

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1 A bill to be entitled
 2 An act relating to representation by the Public
 3 Counsel; amending s. 350.0611, F.S.; authorizing the
 4 Public Counsel to provide representation in
 5 proceedings of municipal and other government
 6 utilities; authorizing the Public Counsel to represent
 7 residential ratepayers in rate proceedings before the
 8 Public Service Commission determining rate structure;
 9 authorizing the Public Counsel to represent customers
 10 living outside the jurisdictional boundaries of a
 11 local government utility in ratesetting proceedings;
 12 providing an effective date.

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 14 Be It Enacted by the Legislature of the State of Florida:

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

18 350.0611 Public Counsel; duties and powers.—It shall be the
 19 duty of the Public Counsel to provide legal representation for
 20 the people of the state in proceedings before the commission,
 21 ~~and~~ in proceedings before counties pursuant to s. 367.171(8),
 22 and in proceedings of municipal and other local government

23 utilities. The Public Counsel shall have such powers as are
 24 necessary to carry out the duties of his or her office,
 25 including, but not limited to, the following specific powers:

26 (1) (a) To recommend to the commission or the counties, by
 27 petition, the commencement of any proceeding or action or to
 28 appear, in the name of the state or its citizens, in any
 29 proceeding or action before the commission or the counties and

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30 urge therein any position which he or she deems to be in the
31 public interest, whether consistent or inconsistent with
32 positions previously adopted by the commission or the counties,
33 and utilize therein all forms of discovery available to
34 attorneys in civil actions generally, subject to protective
35 orders of the commission or the counties which shall be
36 reviewable by summary procedure in the circuit courts of this
37 state;

38 (b) To represent residential ratepayers in a rate
39 proceeding in which the commission determines the rate
40 structure; and

41 (c) To represent ratepayers living outside the
42 jurisdictional boundary of a local government that provides a
43 utility service to those ratepayers in a proceeding in which
44 rates for the local government utility services are determined;

45 (2) To have access to and use of all files, records, and
46 data of the commission or the counties available to any other
47 attorney representing parties in a proceeding before the
48 commission or the counties;

49 (3) In any proceeding in which he or she has participated
50 as a party, to seek review of any determination, finding, or
51 order of the commission or the counties, or of any hearing
52 examiner designated by the commission or the counties, in the
53 name of the state or its citizens;

54 (4) To prepare and issue reports, recommendations, and
55 proposed orders to the commission, the Governor, and the
56 Legislature on any matter or subject within the jurisdiction of
57 the commission, and to make such recommendations as he or she
58 deems appropriate for legislation relative to commission

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59 procedures, rules, jurisdiction, personnel, and functions; and

60 (5) To appear before other state agencies, federal
61 agencies, and state and federal courts in connection with
62 matters under the jurisdiction of the commission, in the name of
63 the state or its citizens.

64 Section 2. This act shall take effect July 1, 2017.