

By the Committee on Communications, Energy, and Public Utilities; and Senator Broxson

579-02999-17

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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 water  
6 and wastewater utilities; authorizing the Public  
7 Counsel to represent customers living outside the  
8 jurisdictional boundaries of a local government water  
9 and wastewater utility in ratesetting proceedings;  
10 providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Section 350.0611, Florida Statutes, is amended  
15 to read:

16 350.0611 Public Counsel; duties and powers.—It shall be the duty  
17 of the Public Counsel to provide legal representation for the  
18 people of the state in proceedings before the commission, ~~and~~ in  
19 proceedings before counties pursuant to s. 367.171(8), and in  
20 proceedings of municipal and other local government water and  
21 wastewater utilities. The Public Counsel shall have such powers  
22 as are necessary to carry out the duties of his or her office,  
23 including, but not limited to, the following specific powers:

24 (1) (a) To recommend to the commission or the counties, by  
25 petition, the commencement of any proceeding or action or to  
26 appear, in the name of the state or its citizens, in any  
27 proceeding or action before the commission or the counties and  
28 urge therein any position which he or she deems to be in the  
29 public interest, whether consistent or inconsistent with

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30 positions previously adopted by the commission or the counties,  
31 and utilize therein all forms of discovery available to  
32 attorneys in civil actions generally, subject to protective  
33 orders of the commission or the counties which shall be  
34 reviewable by summary procedure in the circuit courts of this  
35 state; and

36 (b) To represent ratepayers living outside the  
37 jurisdictional boundary of a local government that provides a  
38 water and wastewater utility service to those ratepayers in a  
39 proceeding in which rates for the local government water and  
40 wastewater utility services are determined;

41 (2) To have access to and use of all files, records, and  
42 data of the commission or the counties available to any other  
43 attorney representing parties in a proceeding before the  
44 commission or the counties;

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

50 (4) To prepare and issue reports, recommendations, and  
51 proposed orders to the commission, the Governor, and the  
52 Legislature on any matter or subject within the jurisdiction of  
53 the commission, and to make such recommendations as he or she  
54 deems appropriate for legislation relative to commission  
55 procedures, rules, jurisdiction, personnel, and functions; and

56 (5) To appear before other state agencies, federal  
57 agencies, and state and federal courts in connection with  
58 matters under the jurisdiction of the commission, in the name of

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59 the state or its citizens.

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