

By the Committees on Appropriations; and Communications, Energy, and Public Utilities; and Senators Broxson and Mayfield

576-03767-17

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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 appropriation and authorizing positions;
11 providing an effective date.

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

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

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

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

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

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

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

58 (5) To appear before other state agencies, federal

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59 agencies, and state and federal courts in connection with
60 matters under the jurisdiction of the commission, in the name of
61 the state or its citizens.

62 Section 2. Effective July 1, 2017, the sum of \$1,229,130 in
63 recurring funds from the General Revenue Fund is appropriated to
64 the Office of Public Counsel, and nine full-time equivalent
65 positions are authorized, for the purpose of implementing this
66 act.

67 Section 3. This act shall take effect July 1, 2017.