	Bill No. <u>SB 344</u>
	Amendment No Barcode 422502
	CHAMBER ACTION
I	Senate House
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11	Senator Brown-Waite moved the following amendment:
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13	Senate Amendment (with title amendment)
14	Delete everything after the enacting clause
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16	and insert:
17	Section 1. Subsection (8) of section 367.171, Florida
18	Statutes, is amended to read:
19	367.171 Effectiveness of this chapter
20	(8) Each county which is excluded from the provisions
21	of this chapter shall regulate the rates of all utilities in
22	that county which would otherwise be subject to regulation by
23	the commission pursuant to s. $367.081(1)$ , (2), (3), and (6).
24	The county shall not regulate the rates or charges of any
25	system or facility which would otherwise be exempt from
26	commission regulation pursuant to s. 367.022(2). For this
27	purpose the county or its agency shall proceed as though the
28	county or agency is the commission. <del>In all proceedings</del>
29	conducted by a county or its agency under the authority of
30	this chapter, the provisions of ss. 120.569 and 120.57 shall
31	apply.
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Bill No. SB 344

Amendment No. \_\_\_\_ Barcode 422502

1 Section 2. Section 350.0611, Florida Statutes, is 2 amended to read: 3 350.0611 Public Counsel; duties and powers.--It shall 4 be the duty of the Public Counsel to provide legal representation for the people of the state in proceedings 5 6 before the commission and in proceedings before counties 7 pursuant to s. 367.171(8). The Public Counsel shall have such powers as are necessary to carry out the duties of his or her 8 9 office, including, but not limited to, the following specific powers: 10 11 (1) To recommend to the commission or the counties, by 12 petition, the commencement of any proceeding or action or to 13 appear, in the name of the state or its citizens, in any proceeding or action before the commission or the counties and 14 15 urge therein any position which he or she deems to be in the public interest, whether consistent or inconsistent with 16 17 positions previously adopted by the commission or the counties, and utilize therein all forms of discovery available 18 to attorneys in civil actions generally, subject to protective 19 orders of the commission or the counties which shall be 20 21 reviewable by summary procedure in the circuit courts of this 22 state; (2) To have access to and use of all files, records, 23 24 and data of the commission or the counties available to any 25 other attorney representing parties in a proceeding before the 26 commission or the counties; 27 (3) In any proceeding in which he or she has 28 participated as a party, to seek review of any determination, finding, or order of the commission or the counties, or of any 29 30 hearing examiner designated by the commission or the counties, 31 in the name of the state or its citizens;

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1 (4) To prepare and issue reports, recommendations, and 2 proposed orders to the commission, the Governor, and the 3 Legislature on any matter or subject within the jurisdiction 4 of the commission, and to make such recommendations as he or 5 she deems appropriate for legislation relative to commission 6 procedures, rules, jurisdiction, personnel, and functions; and 7 (5) To appear before other state agencies, federal agencies, and state and federal courts in connection with 8 9 matters under the jurisdiction of the commission, in the name of the state or its citizens. 10 Section 3. This act shall take effect upon becoming a 11 12 law. 13 14 15 16 And the title is amended as follows: 17 Delete everything before the enacting clause 18 19 and insert: A bill to be entitled 20 21 An act relating to water and wastewater systems; amending s. 367.171, F.S.; deleting 22 the requirement that county rate proceedings 23 24 follow certain provisions of the Administrative Procedure Act; amending s. 350.0611, F.S.; 25 26 requiring the Public Counsel to provide legal 27 representation in proceedings before counties 28 under certain circumstances; providing an 29 effective date. 30 31

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