

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Perez offered the following:

Amendment (with title amendment)

Remove lines 93-288 and insert:

Section 3. Effective January 1, 2019, subsection (1) of section 366.11, Florida Statutes, is amended to read:

366.11 Certain exemptions.—

(1) No provision of this chapter shall apply in any manner, other than as specified in ss. 366.04, 366.05(7) and (8), 366.051, 366.055, 366.093, 366.095, 366.14, 366.15, 366.80-366.83, and 366.91, to utilities owned and operated by municipalities, whether within or without any municipality, or by cooperatives organized and existing under the Rural Electric

253173

Approved For Filing: 2/16/2018 3:41:37 PM

Amendment No.

14 Cooperative Law of the state, or to the sale of electricity,
15 manufactured gas, or natural gas at wholesale by any public
16 utility to, and the purchase by, any municipality or cooperative
17 under and pursuant to any contracts now in effect or which may
18 be entered into in the future, when such municipality or
19 cooperative is engaged in the sale and distribution of
20 electricity or manufactured or natural gas, or to the rates
21 provided for in such contracts.

22 Section 4. Effective January 1, 2019, section 366.15,
23 Florida Statutes, is amended to read:

24 366.15 Medically essential electric ~~public~~ utility
25 service.—

26 (1) As used in this section, the term:

27 (a) "Health care practitioner" means a physician or
28 physician assistant licensed under chapter 458 or chapter 459 or
29 an advanced registered nurse practitioner licensed under chapter
30 464.

31 (b) "Medically essential" means the medical dependence on
32 electric-powered equipment that must be operated continuously or
33 as circumstances require as specified by a health care
34 practitioner ~~physician~~ to avoid the loss of life or immediate
35 hospitalization of the customer or another permanent resident at
36 the residential service address.

37 (2) Each electric ~~public~~ utility shall designate employees
38 who are authorized to direct an ordered continuation or

253173

Approved For Filing: 2/16/2018 3:41:37 PM

Amendment No.

39 restoration of medically essential electric service. An electric
40 ~~A public~~ utility shall not impose upon any customer any
41 additional deposit to continue or restore medically essential
42 electric service.

43 (3) (a) Each electric public utility shall post on its
44 website a written explanation of the certification process for
45 obtaining medically essential electric service. The website must
46 include the standard certification form adopted by the utility
47 pursuant to paragraph (b). Each electric utility shall annually
48 provide a written explanation of the certification process ~~for~~
49 ~~medically essential electric service~~ to each residential utility
50 customer:

51 1. When the customer opens an account for electric service
52 with the electric utility; and

53 2. At least semiannually, either by means of a written
54 bill insert or, if the customer has provided contact information
55 to receive electronic communications from the electric utility,
56 by electronic means.

57 (b) Each electric utility shall adopt a standard
58 certification form to be completed and signed by each
59 residential customer who wishes to have his or her service
60 certified as medically essential. The certification form must
61 include: the customer's service address; the customer's name and
62 the account number for the service address; the name of the
63 permanent resident at the service address who is medically

253173

Approved For Filing: 2/16/2018 3:41:37 PM

Amendment No.

64 dependent on electric-powered equipment and the name of that
65 person's certifying health care practitioner; and the customer's
66 contact information for purposes of receiving communications
67 from the utility by telephone and, if available, by electronic
68 means. The certification form shall include a separate section
69 to be completed and signed by a health care practitioner to
70 certify that electric service is medically essential for the
71 customer or other permanent resident at that service address.
72 This section of the certification form must include: the name,
73 business address, and medical license number of the certifying
74 health care practitioner; a statement by the health care
75 practitioner, in medical and nonmedical terms, that specifies
76 why the electric service is medically essential, as defined in
77 subsection (1); and a specification of the time period for which
78 service is expected to remain medically essential.

79 (c) Certification ~~that~~ of a customer's electricity needs
80 are as medically essential requires the customer to complete
81 forms supplied by the public utility and to submit to the
82 utility a completed standard certification form which includes
83 the health care practitioner's certification a form completed by
84 a physician licensed in this state pursuant to chapter 458 or
85 chapter 459 which states in medical and nonmedical terms why the
86 electric service is medically essential. The certification may
87 not extend beyond 60 months. Falsification of the ~~False~~
88 certification of medically essential service by a physician is a

253173

Approved For Filing: 2/16/2018 3:41:37 PM

Amendment No.

89 violation of s. 458.331(1)(h), ~~or~~ s. 459.015(1)(i), or s.
90 464.018(1)(f).

91 ~~(d)-(b)~~ Medically essential service must ~~shall~~ be
92 recertified at the expiration of the time period specified in
93 the certification or once every 12 months after certification,
94 whichever is later. The electric public utility shall send the
95 ~~certified~~ customer by regular mail, or by e-mail if the customer
96 has provided the utility his or her e-mail address, a package of
97 recertification materials, including recertification forms, at
98 least 60 ~~30~~ days prior to the expiration of the customer's
99 certification. The materials shall advise the ~~certified~~ customer
100 that he or she must complete and submit the recertification
101 forms within 30 days after the expiration of the customer's
102 existing certification. If the recertification forms are not
103 received within this 30-day period, the electric public utility
104 may terminate the customer's certification. No more often than
105 once every 12 months during the term of the certification, the
106 electric utility may request verification from the customer that
107 the person for whom electric service is certified continues to
108 reside at the service address.

109 (4) Each electric public utility must ~~shall~~ certify a
110 customer's electric service as medically essential if the
111 customer completes the requirements of subsection (3).

112 (5) Notwithstanding any other provision of this section,
113 an electric a public utility may disconnect service to a

253173

Approved For Filing: 2/16/2018 3:41:37 PM

Amendment No.

114 residence whenever an emergency may threaten the health or
115 safety of a person, the surrounding area, or the electric public
116 utility's distribution system. The electric public utility shall
117 act promptly to restore service as soon as feasible.

118 (6) A customer whose electric service is certified as
119 medically essential under this section is entitled, at a
120 minimum, to the same time period for payment of bills that
121 applies to all other residential customers served by the
122 electric utility but no fewer than 20 days after the date the
123 bill is mailed or delivered by the utility. If payment or a
124 satisfactory payment arrangement has not been made within the
125 specified time period, the electric utility may schedule
126 disconnection of service for nonpayment of the bill. Before a
127 scheduled disconnection of service for nonpayment of a bill, the
128 electric utility shall provide, in addition to any notice
129 provided in the utility's normal course of business, the
130 following notice to a customer whose electric service is
131 certified as medically essential under this section:

132 (a) No later than 15 days, and again no later than 7 days,
133 prior 24 hours before any scheduled disconnection of service for
134 nonpayment of bills to a customer who requires medically
135 essential service, the electric a public utility shall attempt
136 to contact the customer by telephone in order to provide notice
137 of the scheduled disconnection and shall provide such notice in
138 writing, including by electronic means if the customer has

253173

Approved For Filing: 2/16/2018 3:41:37 PM

Amendment No.

139 | provided contact information to receive electronic
140 | communications from the utility.

141 | **(b)** ~~If the customer does not have a telephone number~~
142 | ~~listed on the account or if the~~ electric public utility cannot
143 | reach the customer or other adult resident of the premises by
144 | telephone by the specified time, the electric public utility
145 | shall send a representative to the customer's residence to
146 | attempt to contact the customer, no later than 2 4 p.m. of the
147 | business days ~~day~~ before the scheduled disconnection. If contact
148 | is not made, however, the electric public utility must ~~may~~ leave
149 | written notification at the residence advising the customer of
150 | the scheduled disconnection and shall provide such notice by
151 | electronic means if the customer has provided contact
152 | information to receive electronic communications from the
153 | utility.

154 |
155 | Thereafter, the electric public utility may disconnect service
156 | on the scheduled disconnection ~~specified~~ date if payment to the
157 | electric utility or a satisfactory payment arrangement with the
158 | electric utility has not been made.

159 | **(7)** Each electric public utility customer who requires
160 | medically essential service is responsible for making
161 | satisfactory arrangements with the electric public utility to
162 | ensure payment for such service, and such arrangements must be
163 | consistent with the requirements of the utility's tariff.

253173

Approved For Filing: 2/16/2018 3:41:37 PM

Amendment No.

164 (8) Each electric ~~public~~ utility customer who requires
165 medically essential service is solely responsible for any backup
166 equipment or power supply and a planned course of action in the
167 event of a power outage or interruption of service.

168 (9) Each electric ~~public~~ utility that provides electric
169 service to any customer whose electric service is certified as
170 medically essential pursuant to this section ~~who requires~~
171 ~~medically essential service~~ shall call, contact, or otherwise
172 advise such customer of scheduled service interruptions.

173 (10) (a) Each electric ~~public~~ utility shall provide
174 information on sources of state or local agency funding which
175 may provide financial assistance to the ~~public~~ utility's
176 customers who require medically essential service and who notify
177 the ~~public~~ utility of their need for financial assistance.

178 (b)1. Each electric ~~public~~ utility that operates a program
179 to receive voluntary financial contributions from the ~~public~~
180 utility's customers to provide assistance to persons who are
181 unable to pay for the ~~public~~ utility's services shall maintain a
182 list of all agencies to which the ~~public~~ utility distributes
183 such funds for such purposes and shall make the list available
184 to any such person who requests the list.

185 2. Each public utility that operates such a program shall:

186 a. Maintain a system of accounting for the specific
187 amounts distributed to each such agency, and the ~~public~~ utility
188 and such agencies shall maintain a system of accounting for the

253173

Approved For Filing: 2/16/2018 3:41:37 PM

Amendment No.

189 specific amounts distributed to persons under such respective
190 programs.

191 b. Train its customer service representatives to assist
192 any person who possesses a medically essential certification as
193 provided in this section in identifying such agencies and
194 programs.

195 (11) Nothing in this act shall form the basis for any
196 cause of action against an electric ~~a public~~ utility. Failure to
197 comply with any obligation created by this act does not
198 constitute evidence of negligence on the part of the electric
199 ~~public~~ utility.

200 Section 5. Effective January 1, 2019, section 456.45,
201 Florida Statutes, is created to

202

203 -----

204 **T I T L E A M E N D M E N T**

205 Remove line 23 and insert:

206 such certification; providing effective dates.

253173

Approved For Filing: 2/16/2018 3:41:37 PM