

By Senator Hutson

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1 A bill to be entitled
2 An act relating to medically essential electric
3 utility service; amending s. 366.15, F.S.; revising
4 and defining terms; providing notification
5 requirements for electric utilities relating to the
6 certification process for obtaining medically
7 essential electric utility service and service
8 disconnection; revising certification requirements and
9 process for customers; specifying time limits for
10 certifications; revising penalties for falsification
11 of such certification; revising requirements relating
12 to billing and customer disconnection for electric
13 utilities providing such service; creating s. 456.45,
14 F.S.; defining a term; requiring certain health care
15 practitioners to inform certain patients of such
16 certification process; requiring such practitioners to
17 complete certain medical certifications and document
18 such certifications; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 366.15, Florida Statutes, is amended to
23 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

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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
39 restoration of medically essential electric service. An electric
40 ~~A public~~ utility may ~~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 provide standard and medical certification forms developed and
47 adopted by commission rule.

48 (b) Each electric utility shall annually provide a written
49 explanation of the certification process ~~for medically essential~~
50 ~~electric service~~ to each residential utility customer:

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

53 2. At least semiannually by including an insert in his or
54 her monthly statement or by e-mail if the customer has provided
55 his or her e-mail address to the electric utility.

56 (c) Certification that ~~of~~ a customer's electricity needs
57 are as medically essential requires the customer ~~to complete~~
58 ~~forms supplied by the public utility and to submit to the~~ the

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59 electric utility a completed application that includes the
60 standard form and the medical certification ~~a form completed by~~
61 a health care practitioner which states ~~physician licensed in~~
62 ~~this state pursuant to chapter 458 or chapter 459 which states~~
63 ~~in medical and nonmedical terms why the electric service is~~
64 ~~medically essential and specifies the period for which the~~
65 ~~electric service is expected to remain medically essential. The~~
66 ~~certification may not extend beyond 60 months. Falsification of~~
67 ~~the False certification of medically essential service by a~~
68 ~~physician is a violation of s. 458.331(1) (h), ~~or~~ s.~~
69 ~~459.015(1) (i), or s. 464.018(1) (f).~~

70 ~~(d) (b)~~ The certification must ~~Medically essential service~~
71 ~~shall~~ be recertified upon its expiration or ~~once every 12 months~~
72 after its issuance under subsection (4), whichever is later. The
73 electric public utility shall send the certified customer by
74 regular mail, or by e-mail if the customer has provided his or
75 her e-mail address to the electric utility, a package of
76 recertification materials, including recertification forms, at
77 least 60 ~~30~~ days prior to the expiration of the customer's
78 certification. The materials must ~~shall~~ advise the ~~certified~~
79 customer that he or she must complete and submit the
80 recertification forms within 30 days after the expiration of the
81 customer's existing certification. If the recertification forms
82 are not received within this 30-day period, the electric public
83 utility may terminate the customer's certification.

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

87 (5) Notwithstanding any other provision of this section, an

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88 ~~electric a public~~ utility may disconnect service to a residence
89 whenever an emergency may threaten the health or safety of a
90 person, the surrounding area, or the electric utility ~~public~~
91 ~~utility's~~ distribution system. The electric ~~public~~ utility shall
92 act promptly to restore service as soon as feasible.

93 (6) A customer whose service is certified as medically
94 essential shall have the same time as a residential customer to
95 pay his or her monthly statement, but such time may not be less
96 than 20 days after the electric utility mails or e-mails his or
97 her monthly statement. Before an electric utility may disconnect
98 the customer's electric service for nonpayment, in addition to
99 any other notice provided in the utility's normal course of
100 business, the electric utility must attempt to contact the
101 customer no later than 15 days and again no later than 7 days
102 before the scheduled disconnection 24 hours before any scheduled
103 ~~disconnection of service for nonpayment of bills to a customer~~
104 ~~who requires medically essential service, a public utility shall~~
105 ~~attempt to contact the customer~~ by telephone, and by e-mail if
106 the customer has provided his or her e-mail address to the
107 electric utility, in order to provide notice of the scheduled
108 ~~disconnection. If the customer does not have a telephone number~~
109 ~~listed on the account or if the electric public~~ utility cannot
110 reach the customer or other adult resident of the premises by
111 telephone or e-mail by the specified time, the electric public
112 utility shall send a representative to the customer's residence
113 to attempt to contact the customer or resident, no later than 2
114 business days 4 p.m. of the day before the scheduled
115 ~~disconnection. If contact is not made, however, the electric~~
116 ~~public~~ utility must ~~may~~ leave written notification at the

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117 residence advising the customer of the scheduled disconnection.
118 Thereafter, the electric ~~public~~ utility may disconnect service
119 on the scheduled disconnection date if payment has not been made
120 or the customer has not made satisfactory payment arrangements
121 ~~specified date.~~

122 (7) Each electric ~~public~~ utility customer who requires
123 medically essential service is responsible for making
124 satisfactory arrangements with the electric ~~public~~ utility to
125 ensure payment for such service, and such arrangements must be
126 consistent with the requirements of the utility's tariff.

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

131 (9) Each electric ~~public~~ utility that provides electric
132 service to any customer whose electric service is certified as
133 medically essential ~~who requires medically essential service~~
134 shall call, contact, or otherwise advise, and e-mail if the
135 customer has provided his or her e-mail address to the electric
136 utility, the ~~such~~ customer of scheduled service interruptions.

137 (10) (a) Each electric ~~public~~ utility shall provide
138 information on sources of state or local agency funding that
139 ~~which~~ may provide financial assistance to the electric utility
140 ~~public utility's~~ customers who require medically essential
141 service and who notify the electric ~~public~~ utility of their need
142 for financial assistance.

143 (b)1. Each electric ~~public~~ utility that operates a program
144 to receive voluntary financial contributions from its ~~the public~~
145 ~~utility's~~ customers to provide assistance to persons who are

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146 unable to pay for the electric utility services ~~public utility's~~
147 ~~services~~ shall maintain a list of all agencies to which the
148 electric ~~public~~ utility distributes such funds for such purposes
149 and shall make the list available to any ~~such~~ person who
150 requests the list.

151 2. Each electric ~~public~~ utility that operates such a
152 program shall:

153 a. Maintain a system of accounting for the specific amounts
154 distributed to each such agency, and the electric ~~public~~ utility
155 and such agencies shall maintain a system of accounting for the
156 specific amounts distributed to persons under such respective
157 programs.

158 b. Train its customer service representatives to assist any
159 person who possesses a medically essential certification as
160 provided in this section in identifying such agencies and
161 programs.

162 (11) Nothing in this act shall form the basis for any cause
163 of action against an electric ~~a public~~ utility. Failure to
164 comply with any obligation created by this act does not
165 constitute evidence of negligence on the part of the electric
166 ~~public~~ utility.

167 Section 2. Section 456.45, Florida Statutes, is created to
168 read:

169 456.45 Certification of medically essential electric
170 utility service.-

171 (1) As used in this section, the term "health care
172 practitioner" means a physician or physician assistant licensed
173 under chapter 458 or chapter 459 or an advanced registered nurse
174 practitioner licensed under chapter 464.

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175 (2) A health care practitioner who determines that a
176 patient may be at risk of loss of life or immediate
177 hospitalization if the patient were to lose electric service at
178 the patient's residential service address shall inform the
179 patient of the right to obtain certification under the medically
180 essential electric service program pursuant to s. 366.15 and
181 provide the patient with a written copy of the law.

182 (3) At the request of a patient who meets the criteria in
183 subsection (2), the health care practitioner must provide the
184 patient a completed medical certification using the form adopted
185 by the Florida Public Service Commission under s. 366.15(3) and
186 document the certification in the patient's record.

187 Section 3. This act shall take effect July 1, 2018.