

1 A bill to be entitled
 2 An act relating to medically essential electric
 3 utility service; amending s. 366.11, F.S.; specifying
 4 that certain utilities are not exempt from providing
 5 medically essential electric service; amending s.
 6 366.15, F.S.; revising and defining terms; providing
 7 notification requirements for electric utilities
 8 relating to the certification process for obtaining
 9 medically essential electric service and service
 10 disconnection; providing certification requirements
 11 for customers; specifying duties of electric
 12 utilities; revising penalties for falsification of
 13 such certification; creating s. 456.45, F.S.;
 14 requiring certain health care practitioners to inform
 15 certain patients of such certification process;
 16 requiring such practitioners to provide patients with
 17 completed medical certifications and document the
 18 certification; providing an effective date.

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

21
 22 Section 1. Subsection (1) of section 366.11, Florida
 23 Statutes, is amended to read:

24 366.11 Certain exemptions.—

25 (1) No provision of this chapter shall apply in any

26 manner, other than as specified in ss. 366.04, 366.05(7) and
 27 (8), 366.051, 366.055, 366.093, 366.095, 366.14, 366.15, 366.80-
 28 366.83, and 366.91, to utilities owned and operated by
 29 municipalities, whether within or without any municipality, or
 30 by cooperatives organized and existing under the Rural Electric
 31 Cooperative Law of the state, or to the sale of electricity,
 32 manufactured gas, or natural gas at wholesale by any public
 33 utility to, and the purchase by, any municipality or cooperative
 34 under and pursuant to any contracts now in effect or which may
 35 be entered into in the future, when such municipality or
 36 cooperative is engaged in the sale and distribution of
 37 electricity or manufactured or natural gas, or to the rates
 38 provided for in such contracts.

39 Section 2. Section 366.15, Florida Statutes, is amended to
 40 read:

41 366.15 Medically essential electric ~~public~~ utility
 42 service.—

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

44 (a) "Health care practitioner" means a physician or
 45 physician assistant licensed under chapter 458 or chapter 459 or
 46 an advanced registered nurse practitioner licensed under chapter
 47 464.

48 (b) "Medically essential" means the medical dependence on
 49 electric-powered equipment that must be operated continuously or
 50 as circumstances require as specified by a health care

51 practitioner ~~physician~~ to avoid the loss of life or immediate
52 hospitalization of the customer or another permanent resident at
53 the residential service address.

54 (2) Each electric ~~public~~ utility shall designate employees
55 who are authorized to direct an ordered continuation or
56 restoration of medically essential electric service. An electric
57 ~~A public~~ utility shall not impose upon any customer any
58 additional deposit to continue or restore medically essential
59 electric service.

60 (3) (a) Each electric ~~public~~ utility shall post on its
61 website a written explanation of the certification process for
62 obtaining medically essential electric service. The website must
63 include the standard certification form adopted by the utility
64 pursuant to paragraph (b). Each electric utility shall annually
65 provide a written explanation of the certification process ~~for~~
66 ~~medically essential electric service~~ to each residential utility
67 customer:

68 1. When the customer opens an account for electric service
69 with the electric utility; and

70 2. At least semiannually, either by means of a written
71 bill insert or, if the customer has provided contact information
72 to receive electronic communications from the electric utility,
73 by electronic means.

74 (b) Each electric utility shall adopt a standard
75 certification form to be completed and signed by each

76 residential customer who wishes to have his or her service
77 certified as medically essential. The certification form must
78 include the customer's service address, the customer's name and
79 the account number for the service address, the name of the
80 permanent resident at the service address who is medically
81 dependent on electric-powered equipment and the name of that
82 person's certifying health care practitioner, and the customer's
83 contact information for purposes of receiving communications
84 from the utility by telephone and, if the customer has provided
85 authorization to receive electronic communications by electronic
86 means. The certification form shall include a separate section
87 to be completed and signed by a health care practitioner to
88 certify that electric service is medically essential for the
89 customer or other permanent resident at the service address.
90 This section of the certification form must include the name,
91 business address, and medical license number of the certifying
92 health care practitioner; a statement by the certifying health
93 care practitioner, in medical and nonmedical terms, that
94 specifies why the electric service is medically essential, as
95 defined in subsection (1); and a specification of the time
96 period for which the electric service is expected to remain
97 medically essential.

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

101 utility a completed standard certification form which includes
102 the health care practitioner's certification ~~a form completed by~~
103 ~~a physician licensed in this state pursuant to chapter 458 or~~
104 ~~chapter 459 which states in medical and nonmedical terms why the~~
105 ~~electric service is medically essential. The certification may~~
106 not extend beyond 60 months. Falsification of the ~~False~~
107 ~~certification of medically essential service by a physician is a~~
108 ~~violation of s. 458.331(1)(h), ~~or~~ s. 459.015(1)(i), ~~or~~ s.~~
109 464.018(1)(f).

110 (d) ~~(b)~~ Medically essential service must ~~shall~~ be
111 recertified at the expiration of the time period specified in
112 the certification or ~~once every~~ 12 months after certification,
113 whichever is later. The electric ~~public~~ utility shall send the
114 ~~certified~~ customer by regular mail, or by e-mail if the customer
115 has provided the utility with his or her e-mail address, a
116 package of recertification materials, including recertification
117 forms, at least 60 ~~30~~ days before ~~prior to~~ the expiration of the
118 customer's certification. The materials shall advise the
119 ~~certified~~ customer that he or she must complete and submit the
120 recertification forms within 30 days after the expiration of the
121 customer's existing certification. If the recertification forms
122 are not received within this 30-day period, the electric ~~public~~
123 utility may terminate the customer's certification. No more than
124 once every 12 months during the term of the certification, the
125 electric utility may request verification from the customer that

126 the person for whom electric service is certified continues to
127 reside at the service address.

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

131 (5) Notwithstanding any other provision of this section,
132 an electric ~~a public~~ utility may disconnect service to a
133 residence whenever an emergency may threaten the health or
134 safety of a person, the surrounding area, or the electric ~~public~~
135 utility's distribution system. The electric ~~public~~ utility shall
136 act promptly to restore service as soon as feasible.

137 (6) A customer whose electric service is certified as
138 medically essential under this section is entitled, at a
139 minimum, to the same time period for payment of bills that
140 applies to all other residential customers served by the
141 electric utility. However, the time period may not be fewer than
142 20 days after the date the bill is mailed or delivered by the
143 utility. If payment or a satisfactory payment arrangement has
144 not been made within the specified time period, the electric
145 utility may schedule disconnection of service for nonpayment of
146 the bill. In addition to any other notice provided in the
147 utility's normal course of business, before the electric utility
148 disconnects service, it shall provide the following notice to
149 each customer whose electric service is certified as medically
150 essential under this section:

151 (a) No later than 15 days, and again no later than 7 days,
152 before a scheduled disconnection ~~24 hours before any scheduled~~
153 ~~disconnection of service for nonpayment of bills to a customer~~
154 ~~who requires medically essential service,~~ the electric a public
155 utility shall attempt to contact the customer by telephone in
156 ~~order~~ to provide notice of the scheduled disconnection and shall
157 provide the notice in writing, including by electronic means if
158 the customer has provided contact information to receive
159 electronic communications from the electric utility.

160 (b) If the customer does not have a telephone number
161 ~~listed on the account or if the electric public~~ utility cannot
162 reach the customer or other adult resident of the premises by
163 telephone by the specified time, the electric public utility
164 shall send a representative to the customer's residence to
165 attempt to contact the customer, ~~no later than 2 business days 4~~
166 ~~p.m. of the day before the~~ scheduled disconnection. If contact
167 is not made, however, the electric public utility must ~~may~~ leave
168 written notification at the residence advising the customer of
169 the scheduled disconnection and shall provide such notice by
170 electronic means if the customer has provided contact
171 information to receive electronic communications from the
172 electric utility.

173
174 Thereafter, the electric public utility may disconnect service
175 on the scheduled disconnection ~~specified~~ date if payment to the

176 | electric utility or a satisfactory payment arrangement with the
177 | electric utility has not been made.

178 | (7) Each electric ~~public~~ utility customer who requires
179 | medically essential service is responsible for making
180 | satisfactory arrangements with the electric ~~public~~ utility to
181 | ensure payment for such service, and such arrangements must be
182 | consistent with the requirements of the utility's tariff.

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

187 | (9) Each electric ~~public~~ utility that provides electric
188 | service to any customer whose electric service is certified as
189 | medically essential pursuant to this section ~~who requires~~
190 | ~~medically essential service~~ shall call, contact, or otherwise
191 | advise such customer of scheduled service interruptions.

192 | (10) (a) Each electric ~~public~~ utility shall provide
193 | information on sources of state or local agency funding which
194 | may provide financial assistance to the ~~public~~ utility's
195 | customers who require medically essential service and who notify
196 | the ~~public~~ utility of their need for financial assistance.

197 | (b)1. Each electric ~~public~~ utility that operates a program
198 | to receive voluntary financial contributions from the ~~public~~
199 | utility's customers to provide assistance to persons who are
200 | unable to pay for the ~~public~~ utility's services shall maintain a

201 list of all agencies to which the ~~public~~ utility distributes
 202 such funds for such purposes and shall make the list available
 203 to any such person who requests the list.

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

205 a. Maintain a system of accounting for the specific
 206 amounts distributed to each such agency, and the public utility
 207 and such agencies shall maintain a system of accounting for the
 208 specific amounts distributed to persons under such respective
 209 programs.

210 b. Train its customer service representatives to assist
 211 any person who possesses a medically essential certification as
 212 provided in this section in identifying such agencies and
 213 programs.

214 (11) Nothing in this act shall form the basis for any
 215 cause of action against an electric ~~a public~~ utility. Failure to
 216 comply with any obligation created by this act does not
 217 constitute evidence of negligence on the part of the electric
 218 ~~public~~ utility.

219 Section 3. Section 456.45, Florida Statutes, is created to
 220 read:

221 456.45 Certification of medically essential electric
 222 service.—

223 (1) As used in this section, the term "health care
 224 practitioner" means a physician or physician assistant licensed
 225 under chapter 458 or chapter 459 or an advanced registered nurse

226 practitioner licensed under chapter 464.

227 (2) A health care practitioner who determines that a
228 patient may be at risk of loss of life or immediate
229 hospitalization if the patient were to lose electric service at
230 the patient's residential service address shall inform the
231 patient of his or her right to obtain certification under the
232 medically essential electric service program provided by the
233 patient's electric utility pursuant to s. 366.15, and provide
234 the patient with a written copy of the law.

235 (3) Upon the request of such a patient, the health care
236 practitioner must provide the patient with a completed medical
237 certification using the standard certification form adopted by
238 the patient's electric utility and made available on the
239 utility's website pursuant to s. 366.15(3) and must document the
240 certification in the patient's medical record.

241 Section 4. This act shall take effect January 1, 2020.