

1 A bill to be entitled
2 An act relating to utility customer assistance funds;
3 defining the term "utility"; requiring the Office of
4 Energy within the Department of Agriculture and
5 Consumer Services to establish an application process
6 for utilities for certain purposes related to
7 receiving funds to provide financial assistance to
8 certain residential customers; providing criteria that
9 each utility must meet to receive utility customer
10 assistance funds; specifying required elements for
11 each repayment plan offered to specified residential
12 customers; requiring each participating utility to
13 establish a separate customer utility assistance fund
14 and follow generally accepted accounting principles in
15 its recording; requiring each participating utility to
16 provide an accounting report to the Governor, the
17 President of the Senate, the Speaker of the House of
18 Representatives, the Public Service Commission, and
19 the Office of Public Counsel by a specified date;
20 requiring each participating utility to use specified
21 federal funds to provide direct subsidy payments to
22 certain residential customers under certain
23 conditions; authorizing certain residential customers
24 to seek debt relief or mitigation from other available
25 resources or renegotiate terms of a repayment plan;

26 providing an appropriation for specified uses;
 27 providing an effective date.
 28

29 Be It Enacted by the Legislature of the State of Florida:
 30

31 Section 1. Utility customer assistance funds.-

32 (1) For purposes of this section, the term "utility" means
 33 an electric utility as defined in s. 366.02(2), Florida
 34 Statutes, a natural gas utility as defined in s. 366.04(3)(c),
 35 Florida Statutes, or a utility as defined in s. 367.021, Florida
 36 Statutes.

37 (2) The Office of Energy within the Department of
 38 Agriculture and Consumer Services must establish an application
 39 process for a utility that meets the requirements of this
 40 section to complete before it may receive utility customer
 41 assistance funds to provide financial assistance to residential
 42 customers for nonpayment of utility bills as provided in this
 43 section.

44 (3) To be eligible for utility customer assistance funds,
 45 a utility must attest that:

46 (a) It will not disconnect utility service to a
 47 residential customer for nonpayment of any bill or fee connected
 48 to the provision of utility service through December 31, 2021.

49 (b) It will not use utility customer assistance funds to
 50 pay for new deposits, down payments, fees, late fees, interest

51 charges, or penalties.

52 (c) It will first use the utility customer assistance
53 funds to provide financial assistance to residential customers
54 whose accounts are more than 60 days past due. Remaining funds
55 shall be used to provide financial assistance to residential
56 customers whose accounts are at least 30 days past due.

57 (d) To the extent possible, it will direct residential
58 customers in writing to other state or federal resources that
59 may assist residential customers in providing debt relief.

60 (e) Within 30 days after receiving utility customer
61 assistance funds, it will notify all residential customers whose
62 accounts are at least 60 days past due of a COVID-19 relief
63 repayment plan. The notification may be by bill insert or bill
64 notice and must include eligibility, billing information,
65 applicable financial assistance resources, and contact
66 information where residential customers may learn more about the
67 repayment plan.

68 (f) It will waive all reconnection fees for residential
69 customers whose utility service was disconnected for any
70 duration starting on March 9, 2020, and ending on January 1,
71 2022, and it will seek to restore utility service to residential
72 customers whose utility service was disconnected.

73 (4) The COVID-19 relief repayment plan:

74 (a) May not require any new deposits, down payments, fees,
75 late fees, interest charges, or penalties.

76 (b) Must amortize the repayment of a residential
77 customer's utility debt over a period of at least 6 months but
78 not more than 24 months. The utility must work with the
79 residential customer to establish a repayment plan that meets
80 the requirements of this paragraph and that the residential
81 customer determines is sustainable and affordable.

82 (c) May not contain eligibility criteria for participation
83 in the repayment plan, such as installment plan history or
84 upfront fees.

85 (5) Before receiving utility customer assistance funds,
86 each utility must establish a separate COVID-19 customer utility
87 assistance fund and must record each residential customer
88 assistance payment on behalf of a residential customer in
89 accordance with generally accepted accounting principles. Each
90 utility must reflect the utility customer assistance payment on
91 the residential customer's bill after the utility customer
92 assistance funds are applied to that residential customer's
93 account.

94 (6) Each utility that receives utility customer assistance
95 funds must provide a report of all related accounting to the
96 Governor, the President of the Senate, the Speaker of the House
97 of Representatives, the Public Service Commission, and the
98 Office of Public Counsel by December 31, 2021.

99 (7) (a) In addition to utility customer assistance funds
100 provided under this section, utilities must use funds allocated

101 from the federal coronavirus relief funds of the Coronavirus
102 Aid, Relief, and Economic Security Act (P.L. 116-136) to provide
103 direct subsidy payments on behalf of residential customers whose
104 accounts are more than 60 days past due, provided such use meets
105 eligibility requirements pursuant to United States Department of
106 the Treasury guidance. In applying these funds to residential
107 customer accounts, utilities shall prioritize providing
108 financial assistance to customers whose accounts are more than
109 60 days past due before providing financial assistance to
110 customers whose accounts are at least 31 days but not more than
111 60 days past due.

112 (b) In addition to the utility customer assistance funds
113 provided in this section, utilities must accept financial
114 assistance from other utility assistance programs funded with
115 federal funds for customers whose accounts are at least 60 days
116 past due.

117 (8) This section does not limit or prevent a residential
118 customer from applying or seeking debt relief or mitigation from
119 other available resources, from entering into another payment
120 plan offered by the utility, or from renegotiating the terms of
121 the repayment plan.

122 Section 2. The Legislature shall appropriate \$100 million
123 to provide direct assistance to residential utility customers
124 whose accounts have been past due since May 9, 2020. Utility
125 customer assistance funds shall be transferred to the Office of

HB 1435

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126 | Energy within the Department of Agriculture and Consumer
127 | Services within 30 days after this act becomes a law.

128 | Section 3. This act shall take effect July 1, 2021.