

Bill No. CS for CS for SB 1348

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Dawson 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. Section 366.15, Florida Statutes, is		
18	created to read:		
19	<u>366.15 Medically essential electric utility service.--</u>		
20	<u>(1) As used in this section, the term "Medically</u>		
21	<u>essential" means the medical dependence on electric-powered</u>		
22	<u>medical equipment for residential customers that must be</u>		
23	<u>operated 24 hours per day, seven days per week; or to avoid</u>		
24	<u>the loss of life or immediate hospitalization of the</u>		
25	<u>residential customer or another permanent resident at the</u>		
26	<u>service address due to serious medical complications caused by</u>		
27	<u>the electric-powered medical equipment ceasing to operate.</u>		
28	<u>Notwithstanding the foregoing, medically essential service</u>		
29	<u>shall also include the following electric-powered medical</u>		
30	<u>equipment in the home: feeding tubes and medical equipment</u>		
31	<u>used in performing kidney dialysis in the home.</u>		

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1 (2) Each electric utility shall designate employees
2 who are authorized to direct an ordered continuation or
3 restoration of medically essential service. Doubts shall be
4 resolved in favor of continued or restored service. However,
5 such continued or restored service shall be for no longer than
6 10 business days to permit the customer to seek certification
7 under section 3(a) or re-certification under section 3(b). An
8 electric utility shall not impose upon any customer any
9 additional deposit to continue or restore medically essential
10 service.

11 (3)(a) Each electric utility shall provide an
12 explanation of the certification process upon the customer's
13 request and shall provide appropriate forms to be completed
14 before having the customer's service designated as medically
15 essential service. Certification of medically essential
16 service requires a written completion of a provided form by
17 the customer of record and completion of a provided form by a
18 physician licensed to practice medicine in this state, stating
19 in medical and nonmedical terms why the electric service is
20 medically essential.

21 (b) Medically essential service must be recertified no
22 more frequently than once every 12 months. Recertification of
23 medically essential service shall require in writing
24 completion of a utility provided form by the customer of
25 record and completion of a utility provided form by a
26 physician licensed to practice medicine in this state, stating
27 in medical and nonmedical terms why the electric service is
28 medically essential.

29 (4)(a) Each electric utility shall adopt policies and
30 procedures to ensure that electric service is provided to any
31 customer who provides to the electric utility a certificate

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1 from a doctor licensed under chapter 458 that such electric
2 service is medically essential. False certification of
3 medically essential service by a physician is considered a
4 violation of chapter 458. Delegating ocular post-operative
5 responsibilities to a person not licensed under chapters 458
6 or 459 is grounds for disciplinary action under chapters 458
7 and 459.

8 (b) The continued provision of such service shall be
9 consistent with the requirements of the electric utility's
10 residential rates.

11 (5) Notwithstanding any other provision of this
12 section, an electric utility may disconnect service to a
13 residence whenever an emergency may threaten the health or
14 safety of a person, the surrounding area, or the electric
15 utility's distribution system. The electric utility shall act
16 promptly to restore service as soon as feasible.

17 (6) No later than 24 hours before any scheduled
18 disconnection of service for nonpayment of bills to a customer
19 who requires medically essential service, an electric utility
20 shall attempt to contact the customer by telephone in order to
21 provide notice of the schedule disconnection. If the customer
22 does not have a telephone number listed on the account or if
23 the electric utility cannot reach the customer or other adult
24 resident of the premises by telephone by the specified time,
25 the electric utility shall send a representative to the
26 customer's residence to attempt to contact the customer, no
27 later than 4 p.m. of the day before scheduled disconnection.
28 If contact is not made, however, the electric utility may
29 leave written notification at the residence advising the
30 customer of the scheduled disconnection. Thereafter, the
31 electric utility may disconnect service on the specified date.

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1 (7) Each electric utility customer who requires
2 medically essential service is responsible for making
3 satisfactory arrangements with the electric utility to ensure
4 payment for such service.

5 (8) Each electric utility customer who requires
6 medically essential service is solely responsible for any
7 backup equipment or power supply and a planned course of
8 action in the event of a power outage or interruption of
9 service.

10 (9)(a) Each electric utility that provides electric
11 service to any of the electric utility's customers who require
12 medically essential service shall monitor, by certification no
13 more frequently than once every 12 months, the health or
14 condition of such customer and to call, contact, or otherwise
15 advise such customer of scheduled service interruptions.

16 (b) Each electric utility shall establish a program to
17 monitor the renewal of certificates no more frequently than
18 once every 12 months. The customer shall be sent by regular
19 mail the current package of information and advised that a new
20 certificate must be on file within 30 days after the
21 expiration of the existing certificates for medically
22 essential service to continue. If no certificate is received
23 within such 30-day period, the electric utility shall remove
24 all indications and procedures relating to the management of
25 medical essential service from the customer's records.

26 (10)(a) Each electric utility shall provide
27 information on sources of state or local agency funding which
28 may provide financial assistance to the electric utility's
29 customers who require medically essential service and who
30 notify the electric utility of their need for financial
31 assistance.

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1 (b)1. Each electric utility that operates a program to
2 receive voluntary financial contributions from the electric
3 utility's customers to provide assistance to persons who are
4 unable to pay for the electric utility's services shall
5 maintain a list of all agencies to which the electric utility
6 distributes such funds for such purposes and shall make the
7 list available to any such person who requests the list.

8 2. Each electric utility that operates such a program
9 shall:

10 a. Maintain a system of accounting for the specific
11 amounts distributed to each such agency, and the electric
12 utility and such agencies shall maintain a system of
13 accounting for the specific amounts distributed to persons
14 under such respective programs.

15 b. Train its customer service representatives to
16 assist any person who possesses a medically essential
17 certification as provided in this section in identifying such
18 agencies and programs.

19 Section 2. Nothing in this act shall form the basis
20 for any cause of action for monetary damages against an
21 electric utility. Failure to comply with any obligation
22 created by this act does not constitute evidence of negligence
23 on the part of the electric utility.

24 Section 3. This act shall take effect upon becoming a
25 law.

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28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 Delete everything before the enacting clause

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1 and insert:

2 A bill to be entitled

3 An act relating to medically essential electric

4 utility service; creating s. 366.15, F.S.;

5 defining the term "medically essential";

6 requiring electric utilities to provide

7 medically essential service under specified

8 circumstances; requiring electric utilities to

9 adopt policies and procedures to ensure

10 medically essential service; authorizing

11 utilities to disconnect service under certain

12 circumstances; providing for notice to

13 customers; providing for payment for service;

14 providing for monitoring of customers;

15 providing responsibilities for customers;

16 providing for the identification of sources for

17 funding purposes; providing an effective date.

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