

By Senator Dawson

30-915-00

See HB

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A bill to be entitled  
An act relating to medically essential electric utility service; creating s. 366.15, F.S.; providing definitions; requiring continuation or restoration of medically essential electric service for certain customers under certain circumstances; requiring the Public Service Commission to adopt rules relating to physician certificates of medically essential service requirements; providing criteria and requirements; requiring utilities to adopt certain policies and procedures; authorizing utilities to disconnect electric service under certain circumstances; requiring notice; providing procedures; requiring payment for medically essential service; providing responsibilities for customers requiring medically essential electric service; specifying absence of certain obligations or duties by utilities under certain circumstances; requiring utilities to establish programs to assist customers requiring medically essential utility service in obtaining funding for such service; providing requirements; authorizing the commission to adopt certain rules; providing an effective date.

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

1           Section 1. Section 366.15, Florida Statutes, is  
2 created to read:

3           366.15 Medically essential electric utility service.--

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

5           (a) "Medically essential" means required to sustain a  
6 person's life, avoid serious medical injuries or complications  
7 requiring a person's immediate hospitalization, or avoid  
8 serious impairment to health or safety which is likely to  
9 result from termination of service and the person is unable,  
10 because of mental or physical problems, to manage his or her  
11 own resources or to protect himself or herself from neglect or  
12 hazardous situations without the assistance of others.

13           (b) "Utility" means a public utility which supplies  
14 electricity or an electric utility, as defined in this  
15 chapter.

16           (2) Each utility shall continue, safeguard from  
17 termination, or restore discontinued or terminated electric  
18 service to a person's residence whenever such service is  
19 medically essential as determined pursuant to this section by  
20 a physician licensed under chapter 458. Each utility shall  
21 designate an employee who is authorized to direct an ordered  
22 continuation or restoration of medically essential service.  
23 Doubts shall be resolved in favor of continued or restored  
24 service. A utility shall not impose upon any customer any  
25 additional service charge or deposit or any other charge or  
26 financial requirement to continue or restore medically  
27 essential service.

28           (3) The commission shall provide, by rule, for written  
29 certification by a physician licensed under chapter 458 that  
30 provision of electric service at a person's residence is  
31 medically essential, provided the commission may authorize an

1 initial certification by telephone if written certification is  
2 provided within 5 business days. Such certificate shall  
3 explain briefly and clearly, in medical and nonmedical terms,  
4 why continuance of electric service is medically essential.  
5 The commission shall provide for the duration, form, content,  
6 and renewal of physician certificates. The commission shall,  
7 in consultation with the Department of Health, the Department  
8 of Children and Family Services, and the Department of Elderly  
9 Affairs, establish criteria to be used by a physician in  
10 making a determination that the provision of electric service  
11 is medically essential.

12 (4)(a) Each utility shall adopt policies and  
13 procedures to ensure that electric service is continuously  
14 provided to any customer who provides to the utility a  
15 certificate from a doctor licensed under chapter 458 that such  
16 electric service is medically essential.

17 (b) The continued provision of such service shall be  
18 consistent with the requirements of the utility's residential  
19 rates.

20 (5) Notwithstanding any other provision of this  
21 section, a utility may disconnect service to a residence  
22 whenever an emergency may threaten the health or safety of a  
23 person, the surrounding area, or the utility's distribution  
24 system. The utility shall act promptly to restore service as  
25 soon as feasible. Service shall be restored to any residence  
26 before being terminated for any other reason.

27 (6) No later than 12 noon of the day prior to any  
28 scheduled disconnection of service for nonpayment of bills to  
29 a customer who requires such service as medically essential, a  
30 utility shall attempt to contact the customer by telephone in  
31 order to provide notice of the scheduled disconnection. If the

1 customer does not have a telephone number listed on the  
2 account, or if the utility cannot reach such customer or other  
3 adult resident of the premises by telephone by the specified  
4 time, the utility shall send a representative to the  
5 customer's residence to attempt to contact the customer, no  
6 later than 4 p.m. of the day prior to scheduled disconnection.  
7 If contact is not made, however, the utility may leave written  
8 notification at the residence advising the customer of the  
9 scheduled disconnection. Thereafter, the utility may  
10 disconnect service on the specified date.

11 (7) Each utility customer who requires medically  
12 essential service is responsible for making mutually  
13 satisfactory arrangements with the utility to ensure payment  
14 for such service.

15 (8) Each utility customer who requires medically  
16 essential service is solely responsible for any backup  
17 equipment or power supply and a planned course of action in  
18 the event of a power outage.

19 (9) Each utility which provides electric service to  
20 any of the utility's customers who require medically essential  
21 service shall monitor, by writing or telephoning once each  
22 year, the health or condition of such customer to ensure  
23 continuous service, and to call, contact, or otherwise advise  
24 such customer of service interruptions.

25 (10)(a) Each utility shall establish a program to help  
26 the utility's customers who require medically essential  
27 service to locate and receive funding provided by state or  
28 local agencies to help pay for such service.

29 (b)1. Each utility which operates a program to receive  
30 voluntary financial contributions from the utility's customers  
31 to provide assistance to persons who are unable to pay for the

1 utility's services shall maintain a list of all agencies to  
2 which the utility distributes such funds for such purposes and  
3 shall make the list available to any such person who requests  
4 the list.

5 2. Each utility which operates such a program shall:

6 a. Retain a portion of such funds for distribution by  
7 the utility directly to persons who require medically  
8 essential service.

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

14 c. Train its customer service representatives to  
15 assist any person who possesses a certificate as provided in  
16 this section in identifying such agencies and programs and in  
17 receiving funds under such programs.

18 d. Establish guidelines on distributing such funds,  
19 giving highest priority in such distribution to the utility's  
20 customers who require medically essential service, and shall  
21 require each agency to which the utility distributes such  
22 funds to give highest priority to such customers in  
23 distributing such funds.

24 (11) The commission shall, in consultation with the  
25 Department of Health, the Department of Children and Family  
26 Services, and the Department of Elderly Affairs, adopt any  
27 rule necessary to implement the provisions of this section.

28 Section 2. This act shall take effect upon becoming a  
29 law.

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LEGISLATIVE SUMMARY

Provides for continuation or restoration of electric service which is medically essential. Provides for a physician's certification of the necessity for medically essential electric service. Requires utilities to establish programs to assist customers requiring medically essential electric service in obtaining funding for such service. See bill for details.