

By the Committee on Regulated Industries and Senator Dawson

315-1972-00

1 A bill to be entitled
 2 An act relating to medically essential electric
 3 public utility service; creating s. 366.15,
 4 F.S.; defining the term "medically essential";
 5 requiring electric public utilities to provide
 6 medically essential service under specified
 7 circumstances; requiring electric public
 8 utilities to adopt policies and procedures to
 9 ensure medically essential service; authorizing
 10 utilities to disconnect service under certain
 11 circumstances; providing for notice to
 12 customers; providing for payment for service;
 13 providing for monitoring of customers;
 14 providing responsibilities for customers;
 15 providing for the identification of sources for
 16 funding purposes; providing an effective date.

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

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

22 366.15 Medically essential electric public utility
 23 service.--

24 (1) As used in this section, the term "Medically
 25 essential" means the medical dependence on electric-powered
 26 medical equipment that must be operated continuously or on a
 27 regularly scheduled time interval or as circumstances may
 28 require as specified by a physician to sustain the life of or
 29 avoid serious medical complications requiring immediate
 30 hospitalization of the customer or another permanent resident
 31 at the service address. The term also includes feeding tubes

1 and medical equipment used in performing kidney dialysis in
2 the home.

3 (2) Each public utility shall designate employees who
4 are authorized to direct an ordered continuation or
5 restoration of medically essential service. A public utility
6 shall not impose upon any customer any additional deposit to
7 continue or restore medically essential service.

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

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

28 (4)(a) Each public utility shall adopt policies and
29 procedures to ensure that electric service is provided to any
30 customer who provides to the public utility a certificate from
31 a doctor licensed under chapter 458 that such electric service

1 is medically essential. False certification of medically
2 essential service by a physician is a violation of chapter
3 458.

4 (b) The continued provision of such service shall be
5 consistent with the requirements of the public utility's
6 residential rates.

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

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

28 (7) Each public utility customer who requires
29 medically essential service is responsible for making
30 satisfactory arrangements with the public utility to ensure
31 payment for such service.

1 (8) Each public utility customer who requires
2 medically essential service is solely responsible for any
3 backup equipment or power supply and a planned course of
4 action in the event of a power outage or interruption of
5 service.

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

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

22 (10)(a) Each public utility shall provide information
23 on sources of state or local agency funding which may provide
24 financial assistance to the public utility's customers who
25 require medically essential service and who notify the public
26 utility of their need for financial assistance.

27 (b)1. Each public utility that operates a program to
28 receive voluntary financial contributions from the public
29 utility's customers to provide assistance to persons who are
30 unable to pay for the public utility's services shall maintain
31 a list of all agencies to which the public utility distributes

1 such funds for such purposes and shall make the list available
2 to any such person who requests the list.

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

5 a. Maintain a system of accounting for the specific
6 amounts distributed to each such agency, and the public
7 utility and such agencies shall maintain a system of
8 accounting for the specific amounts distributed to persons
9 under such respective programs.

10 b. Train its customer service representatives to
11 assist any person who possesses a medically essential
12 certification as provided in this section in identifying such
13 agencies and programs.

14 Section 2. Nothing in this act shall form the basis
15 for any cause of action against a public utility. Failure to
16 comply with any obligation created by this act does not
17 constitute evidence of negligence on the part of the public
18 utility.

19 Section 3. This act shall take effect upon becoming a
20 law.

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22 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
23 COMMITTEE SUBSTITUTE FOR
24 Senate Bill 1348

25 The Committee Substitute for Senate Bill 1348 expands existing
26 provisions regarding medically essential electric service,
27 modifies service termination policies, and requires utility
28 companies to assist customers requiring medically essential
29 electric service.
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