

By the Committees on Governmental Oversight and Productivity;
Regulated Industries; and Senator Dawson

302-2123-00

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; providing procedures for
8 certification of medically essential utility
9 service; authorizing utilities to disconnect
10 service under certain circumstances; providing
11 for notice to customers; providing for payment
12 for service; providing for monitoring of
13 customers; providing responsibilities for
14 customers; providing for the identification of
15 sources for funding purposes; providing an
16 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 equipment that must be operated continuously or as
27 circumstances require as specified by a physician to avoid the
28 loss of life or immediate hospitalization of the customer or
29 another permanent resident at the service address. The term
30 also includes feeding tubes and medical equipment used in
31 performing kidney dialysis in the home.

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

7 (3)(a) Each public utility shall annually provide a
8 written explanation of the certification process for medically
9 essential electric service to each utility customer.
10 Certification of a customer's electricity needs as medically
11 essential requires the customer to complete forms supplied by
12 the public utility and to submit a form completed by a
13 physician licensed in this state pursuant to chapter 458 which
14 states in medical and nonmedical terms why the electric
15 service is medically essential. False certification of
16 medically essential service by a physician is a violation of
17 s. 458.331(1)(h).

18 (b) Medically essential service shall be recertified
19 once every 12 months. The public utility shall send the
20 certified customer by regular mail a package of
21 recertification materials, including recertification forms, at
22 least 30 days prior to the expiration of the customer's
23 certification. The materials shall advise the certified
24 customer that he or she must complete and submit the
25 recertification forms within 30 days after the expiration of
26 customer's existing certification. If the recertification
27 forms are not received within this 30-day period, the public
28 utility may terminate the customer's certification.

29 (4) Each public utility shall certify a customer's
30 electric service as medically essential if the customer
31 completes the requirements of subsection (3).

1 (5) Notwithstanding any other provision of this
2 section, a public utility may disconnect service to a
3 residence whenever an emergency may threaten the health or
4 safety of a person, the surrounding area, or the public
5 utility's distribution system. The public utility shall act
6 promptly to restore service as soon as feasible.

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

22 (7) Each public utility customer who requires
23 medically essential service is responsible for making
24 satisfactory arrangements with the public utility to ensure
25 payment for such service and such arrangements must be
26 consistent with the requirements of the utility's tariff.

27 (8) Each public utility customer who requires
28 medically essential service is solely responsible for any
29 backup equipment or power supply and a planned course of
30 action in the event of a power outage or interruption of
31 service.

1 (9) Each public utility that provides electric service
2 to any customers who require medically essential service shall
3 call, contact, or otherwise advise such customer of scheduled
4 service interruptions.

5 (10)(a) Each public utility shall provide information
6 on sources of state or local agency funding which may provide
7 financial assistance to the public utility's customers who
8 require medically essential service and who notify the public
9 utility of their need for financial assistance.

10 (b)1. Each public utility that operates a program to
11 receive voluntary financial contributions from the public
12 utility's customers to provide assistance to persons who are
13 unable to pay for the public utility's services shall maintain
14 a list of all agencies to which the public utility distributes
15 such funds for such purposes and shall make the list available
16 to any such person who requests the list.

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

19 a. Maintain a system of accounting for the specific
20 amounts distributed to each such agency, and the public
21 utility and such agencies shall maintain a system of
22 accounting for the specific amounts distributed to persons
23 under such respective programs.

24 b. Train its customer service representatives to
25 assist any person who possesses a medically essential
26 certification as provided in this section in identifying such
27 agencies and programs.

28 Section 2. Nothing in this act shall form the basis
29 for any cause of action against a public utility. Failure to
30 comply with any obligation created by this act does not
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1 constitute evidence of negligence on the part of the public
2 utility.

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

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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 CS for SB 1348

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9 Deletes the provision which appeared to require utilities to
10 monitor the health of its customers.

11 Clarifies requirement that utilities certify electricity needs
12 as medically essential if the customer complies with statutory
13 certification requirements.

14 Provides that a doctor may be disciplined by the Board of
15 Medicine if he or she falsely certifies a person's electricity
16 needs as medically essential.

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