

By Representative Sublette

1 A bill to be entitled
2 An act relating to medically essential electric
3 utility service; creating s. 366.15, F.S.;
4 providing definitions; requiring continuation
5 or restoration of medically essential electric
6 service for certain customers under certain
7 circumstances; requiring the Public Service
8 Commission to adopt rules relating to physician
9 certificates of medically essential service
10 requirements; providing criteria and
11 requirements; requiring utilities to adopt
12 certain policies and procedures; authorizing
13 utilities to disconnect electric service under
14 certain circumstances; requiring notice;
15 providing procedures; requiring payment for
16 medically essential service; providing
17 responsibilities for customers requiring
18 medically essential electric service;
19 specifying absence of certain obligations or
20 duties by utilities under certain
21 circumstances; requiring utilities to establish
22 programs to assist customers requiring
23 medically essential utility service in
24 obtaining funding for such service; providing
25 requirements; authorizing the commission to
26 adopt certain rules; providing an effective
27 date.

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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Section 366.15, Florida Statutes, is
2 created to read:

3 366.15 Medically essential electric utility service.--

4 (1) For purposes of this section:

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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HOUSE 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.