

Bill No. CS/CS/HB 591, 2nd Eng.

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Dawson moved the following amendment to amendment		
12	(850612):		
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14	Senate Amendment (with title amendment)		
15	On page 140, between lines 14 and 15,		
16			
17	insert:		
18	Section 82. Section 366.15, Florida Statutes, is		
19	created to read:		
20	<u>366.15 Medically essential electric utility service.--</u>		
21	<u>(1) As used in this section, the term "Medically</u>		
22	<u>essential" means the medical dependence on electric-powered</u>		
23	<u>medical equipment for residential customers that must be</u>		
24	<u>operated 24 hours per day, seven days per week; or to avoid</u>		
25	<u>the loss of life or immediate hospitalization of the</u>		
26	<u>residential customer or another permanent resident at the</u>		
27	<u>service address due to serious medical complications caused by</u>		
28	<u>the electric-powered medical equipment ceasing to operate.</u>		
29	<u>Notwithstanding the foregoing, medically essential service</u>		
30	<u>shall also include the following electric-powered medical</u>		
31	<u>equipment in the home: feeding tubes and medical equipment</u>		

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1 used in performing kidney dialysis in the home.

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

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

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

30 (4)(a) Each electric utility shall adopt policies and
31 procedures to ensure that electric service is provided to any

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

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

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

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

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1 electric utility may disconnect service on the specified date.

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

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

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

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

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

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1 assistance.

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

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

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

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

20 Section 83. Nothing in this act shall form the basis
21 for any cause of action for monetary damages against an
22 electric utility. Failure to comply with any obligation
23 created by this act does not constitute evidence of negligence
24 on the part of the electric utility.

25 Section 84. This act shall take effect upon becoming a
26 law.

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28 (Redesignate subsequent sections.)
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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 150, line 31, after the semicolon

4

5 insert:

6 creating s. 366.15, F.S.; defining the term

7 "medically essential"; requiring electric

8 utilities to provide medically essential

9 service under specified circumstances;

10 requiring electric utilities to adopt policies

11 and procedures to ensure medically essential

12 service; authorizing utilities to disconnect

13 service under certain circumstances; providing

14 for notice to customers; providing for payment

15 for service; providing for monitoring of

16 customers; providing responsibilities for

17 customers; providing for the identification of

18 sources for funding purposes;

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