

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

Amendment No. \_\_\_\_

| <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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Senator Dawson moved the following amendment to amendment (850612):

**Senate Amendment (with title amendment)**

On page 140, between lines 14 and 15,

insert:

Section 82. Section 366.15, Florida Statutes, is created to read:

366.15 Medically essential electric utility service.--

(1) As used in this section, the term "Medically essential" means the medical dependence on electric-powered medical equipment for residential customers that must be operated 24 hours per day, seven days per week; or to avoid the loss of life or immediate hospitalization of the residential customer or another permanent resident at the service address due to serious medical complications caused by the electric-powered medical equipment ceasing to operate. Notwithstanding the foregoing, medically essential service shall also include the following electric-powered medical equipment in the home: feeding tubes and medical equipment

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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.

6 (b) The continued provision of such service shall be  
7 consistent with the requirements of the electric utility's  
8 residential rates.

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

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

30 (7) Each electric utility customer who requires  
31 medically essential service is responsible for making

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1 satisfactory arrangements with the electric utility to ensure  
2 payment for such service.

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

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

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

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

30 (b)1. Each electric utility that operates a program to  
31 receive voluntary financial contributions from the electric

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1 utility's customers to provide assistance to persons who are  
2 unable to pay for the electric utility's services shall  
3 maintain a list of all agencies to which the electric utility  
4 distributes such funds for such purposes and shall make the  
5 list available to any such person who requests the list.

6 2. Each electric utility that operates such a program  
7 shall:

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

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

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

22 Section 84. This act shall take effect upon becoming a  
23 law.

24  
25 (Redesignate subsequent sections.)  
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28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 On page 150, line 31, after the semicolon  
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1 insert:  
2 creating s. 366.15, F.S.; defining the term  
3 "medically essential"; requiring electric  
4 utilities to provide medically essential  
5 service under specified circumstances;  
6 requiring electric utilities to adopt policies  
7 and procedures to ensure medically essential  
8 service; authorizing utilities to disconnect  
9 service under certain circumstances; providing  
10 for notice to customers; providing for payment  
11 for service; providing for monitoring of  
12 customers; providing responsibilities for  
13 customers; providing for the identification of  
14 sources for funding purposes;

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