

By Senator Dawson

30-81-01

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) Electric utility service is "medically essential"  
25          when the utility customer or another permanent resident at the  
26          service address is medically dependent on electric-powered  
27          equipment that must be operated continuously or as  
28          circumstances require as specified by a physician to avoid the  
29          loss of life or immediate hospitalization of the customer or  
30          other resident. The term also includes service that is  
31          necessary for the use of feeding tubes or the operation of

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

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

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

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

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

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

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

26           (7) Each public utility customer who requires  
27 medically essential electric service is responsible for making  
28 satisfactory arrangements with the public utility to ensure  
29 payment for such service, and such arrangements must be  
30 consistent with the requirements of the utility's tariff.

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1           (8) Each public utility customer who requires  
2 medically essential electric service is solely responsible for  
3 any 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) Each public utility that supplies electric service  
7 to any customers who require medically essential service shall  
8 call, contact, or otherwise advise such customer of scheduled  
9 service interruptions.

10           (10)(a) Each public utility shall provide information  
11 on sources of state or local agency funding that may provide  
12 financial assistance to the public utility's customers who  
13 require medically essential electric service and who notify  
14 the public utility of their need for financial assistance.

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

22           2. Each public utility that operates such a program  
23 shall:

24           a. Maintain a system of accounting for the specific  
25 amounts distributed to each such agency, and the public  
26 utility and such agencies shall maintain a system of  
27 accounting for the specific amounts distributed to persons  
28 under such respective programs.

29           b. Train its customer service representatives to  
30 assist any person who possesses a certification of medically  
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1 essential electric service as provided in this section in  
2 identifying such agencies and programs.

3 Section 2. Nothing in this act shall form the basis  
4 for any cause of action against a public utility. Failure to  
5 comply with any obligation created by this act does not  
6 constitute evidence of negligence on the part of the public  
7 utility.

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

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SENATE SUMMARY

Prescribes procedures under which a customer of a public utility providing electric service may have the medical necessity for uninterrupted service certified, which certification must be renewed annually. Requires such a utility to take additional steps to provide notice before that service is disconnected for nonpayment of bills. Requires such utilities to provide information to customers regarding the certification process and regarding available sources of financial assistance.