

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Perez offered the following:

2  
3 **Substitute Amendment for Amendment (253173) (with title**  
4 **amendment)**

5 Remove lines 93-310 and insert:

6 Section 3. Effective January 1, 2019, subsection (1) of  
7 section 366.11, Florida Statutes, is amended to read:

8 366.11 Certain exemptions.—

9 (1) No provision of this chapter shall apply in any  
10 manner, other than as specified in ss. 366.04, 366.05(7) and  
11 (8), 366.051, 366.055, 366.093, 366.095, 366.14, 366.15, 366.80-  
12 366.83, and 366.91, to utilities owned and operated by  
13 municipalities, whether within or without any municipality, or

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14 by cooperatives organized and existing under the Rural Electric  
15 Cooperative Law of the state, or to the sale of electricity,  
16 manufactured gas, or natural gas at wholesale by any public  
17 utility to, and the purchase by, any municipality or cooperative  
18 under and pursuant to any contracts now in effect or which may  
19 be entered into in the future, when such municipality or  
20 cooperative is engaged in the sale and distribution of  
21 electricity or manufactured or natural gas, or to the rates  
22 provided for in such contracts.

23 Section 4. Effective January 1, 2019, section 366.15,  
24 Florida Statutes, is amended to read:

25 366.15 Medically essential electric ~~public~~ utility  
26 service.-

27 (1) As used in this section, the term:

28 (a) "Health care practitioner" means a physician or  
29 physician assistant licensed under chapter 458 or chapter 459 or  
30 an advanced registered nurse practitioner licensed under chapter  
31 464.

32 (b) "Medically essential" means the medical dependence on  
33 electric-powered equipment that must be operated continuously or  
34 as circumstances require as specified by a health care  
35 practitioner ~~physician~~ to avoid the loss of life or immediate  
36 hospitalization of the customer or another permanent resident at  
37 the residential service address.

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38 (2) Each electric ~~public~~ utility shall designate employees  
39 who are authorized to direct an ordered continuation or  
40 restoration of medically essential electric service. An electric  
41 ~~A public~~ utility shall not impose upon any customer any  
42 additional deposit to continue or restore medically essential  
43 electric service.

44 (3) (a) Each electric ~~public~~ utility shall post on its  
45 website a written explanation of the certification process for  
46 obtaining medically essential electric service. The website must  
47 include the standard certification form adopted by the utility  
48 pursuant to paragraph (b). Each electric utility shall annually  
49 provide a written explanation of the certification process for  
50 ~~medically essential electric service~~ to each residential utility  
51 customer:

52 1. When the customer opens an account for electric service  
53 with the electric utility; and

54 2. At least semiannually, either by means of a written  
55 bill insert or, if the customer has provided contact information  
56 to receive electronic communications from the electric utility,  
57 by electronic means.

58 (b) Each electric utility shall adopt a standard  
59 certification form to be completed and signed by each  
60 residential customer who wishes to have his or her service  
61 certified as medically essential. The certification form must  
62 include: the customer's service address; the customer's name and

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63 the account number for the service address; the name of the  
64 permanent resident at the service address who is medically  
65 dependent on electric-powered equipment and the name of that  
66 person's certifying health care practitioner; and the customer's  
67 contact information for purposes of receiving communications  
68 from the utility by telephone and, if available, by electronic  
69 means. The certification form shall include a separate section  
70 to be completed and signed by a health care practitioner to  
71 certify that electric service is medically essential for the  
72 customer or other permanent resident at that service address.  
73 This section of the certification form must include: the name,  
74 business address, and medical license number of the certifying  
75 health care practitioner; a statement by the health care  
76 practitioner, in medical and nonmedical terms, that specifies  
77 why the electric service is medically essential, as defined in  
78 subsection (1); and a specification of the time period for which  
79 service is expected to remain medically essential.

80 (c) Certification that of a customer's electricity needs  
81 are as medically essential requires the customer to complete  
82 forms supplied by the public utility and to submit to the  
83 utility a completed standard certification form which includes  
84 the health care practitioner's certification a form completed by  
85 a physician licensed in this state pursuant to chapter 458 or  
86 chapter 459 which states in medical and nonmedical terms why the  
87 electric service is medically essential. The certification may

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88 not extend beyond 60 months. Falsification of the ~~False~~  
89 certification of medically essential service by a physician is a  
90 violation of s. 458.331(1)(h), ~~or~~ s. 459.015(1)(i), or s.  
91 464.018(1)(f).

92 (d) ~~(b)~~ Medically essential service must ~~shall~~ be  
93 recertified at the expiration of the time period specified in  
94 the certification or ~~once every~~ 12 months after certification,  
95 whichever is later. The electric public utility shall send the  
96 ~~certified~~ customer by regular mail, or by e-mail if the customer  
97 has provided the utility his or her e-mail address, a package of  
98 recertification materials, including recertification forms, at  
99 least ~~60~~ 30 days prior to the expiration of the customer's  
100 certification. The materials shall advise the ~~certified~~ customer  
101 that he or she must complete and submit the recertification  
102 forms within 30 days after the expiration of the customer's  
103 existing certification. If the recertification forms are not  
104 received within this 30-day period, the electric public utility  
105 may terminate the customer's certification. No more often than  
106 once every 12 months during the term of the certification, the  
107 electric utility may request verification from the customer that  
108 the person for whom electric service is certified continues to  
109 reside at the service address.

110 (4) Each electric public utility must ~~shall~~ certify a  
111 customer's electric service as medically essential if the  
112 customer completes the requirements of subsection (3).

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113 (5) Notwithstanding any other provision of this section,  
114 an electric ~~a public~~ utility may disconnect service to a  
115 residence whenever an emergency may threaten the health or  
116 safety of a person, the surrounding area, or the electric ~~public~~  
117 utility's distribution system. The electric ~~public~~ utility shall  
118 act promptly to restore service as soon as feasible.

119 (6) A customer whose electric service is certified as  
120 medically essential under this section is entitled, at a  
121 minimum, to the same time period for payment of bills that  
122 applies to all other residential customers served by the  
123 electric utility but no fewer than 20 days after the date the  
124 bill is mailed or delivered by the utility. If payment or a  
125 satisfactory payment arrangement has not been made within the  
126 specified time period, the electric utility may schedule  
127 disconnection of service for nonpayment of the bill. Before a  
128 scheduled disconnection of service for nonpayment of a bill, the  
129 electric utility shall provide, in addition to any notice  
130 provided in the utility's normal course of business, the  
131 following notice to a customer whose electric service is  
132 certified as medically essential under this section:

133 (a) No later than 15 days, and again no later than 7 days,  
134 prior 24 hours before any scheduled disconnection of service for  
135 nonpayment of bills to a customer who requires medically  
136 essential service, the electric ~~a public~~ utility shall attempt  
137 to contact the customer by telephone ~~in order~~ to provide notice

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138 of the scheduled disconnection and shall provide such notice in  
139 writing, including by electronic means if the customer has  
140 provided contact information to receive electronic  
141 communications from the utility.

142 (b) ~~If the customer does not have a telephone number~~  
143 ~~listed on the account or if the electric public utility cannot~~  
144 reach the customer or other adult resident of the premises by  
145 telephone by the specified time, the electric public utility  
146 shall send a representative to the customer's residence to  
147 attempt to contact the customer, no later than 2 4 p.m. of the  
148 business days day before the scheduled disconnection. If contact  
149 is not made, however, the electric public utility must ~~may~~ leave  
150 written notification at the residence advising the customer of  
151 the scheduled disconnection and shall provide such notice by  
152 electronic means if the customer has provided contact  
153 information to receive electronic communications from the  
154 utility.

155  
156 Thereafter, the electric public utility may disconnect service  
157 on the scheduled disconnection ~~specified~~ date if payment to the  
158 electric utility or a satisfactory payment arrangement with the  
159 electric utility has not been made.

160 (7) Each electric public utility customer who requires  
161 medically essential service is responsible for making  
162 satisfactory arrangements with the electric public utility to

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163 ensure payment for such service, and such arrangements must be  
164 consistent with the requirements of the utility's tariff.

165 (8) Each electric ~~public~~ utility customer who requires  
166 medically essential service is solely responsible for any backup  
167 equipment or power supply and a planned course of action in the  
168 event of a power outage or interruption of service.

169 (9) Each electric ~~public~~ utility that provides electric  
170 service to any customer whose electric service is certified as  
171 medically essential pursuant to this section ~~who requires~~  
172 ~~medically essential service~~ shall call, contact, or otherwise  
173 advise such customer of scheduled service interruptions.

174 (10) (a) Each electric ~~public~~ utility shall provide  
175 information on sources of state or local agency funding which  
176 may provide financial assistance to the ~~public~~ utility's  
177 customers who require medically essential service and who notify  
178 the ~~public~~ utility of their need for financial assistance.

179 (b)1. Each electric ~~public~~ utility that operates a program  
180 to receive voluntary financial contributions from the ~~public~~  
181 utility's customers to provide assistance to persons who are  
182 unable to pay for the ~~public~~ utility's services shall maintain a  
183 list of all agencies to which the ~~public~~ utility distributes  
184 such funds for such purposes and shall make the list available  
185 to any such person who requests the list.

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

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187 a. Maintain a system of accounting for the specific  
188 amounts distributed to each such agency, and the ~~public~~ utility  
189 and such agencies shall maintain a system of accounting for the  
190 specific amounts distributed to persons under such respective  
191 programs.

192 b. Train its customer service representatives to assist  
193 any person who possesses a medically essential certification as  
194 provided in this section in identifying such agencies and  
195 programs.

196 (11) Nothing in this act shall form the basis for any  
197 cause of action against an electric ~~a public~~ utility. Failure to  
198 comply with any obligation created by this act does not  
199 constitute evidence of negligence on the part of the electric  
200 ~~public~~ utility.

201 Section 5. Effective January 1, 2019, section 456.45,  
202 Florida Statutes, is created to read:

203 456.45 Certification of medically essential electric  
204 service.-

205 (1) As used in this section, the term "health care  
206 practitioner" means a physician or physician assistant licensed  
207 under chapter 458 or chapter 459 or an advanced registered nurse  
208 practitioner licensed under chapter 464.

209 (2) A health care practitioner who determines that a  
210 patient may be at risk of loss of life or immediate  
211 hospitalization if the patient were to lose electric service at

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212 the patient's residential service address shall inform the  
213 patient of the right to obtain certification under the medically  
214 essential electric service program provided by the patient's  
215 electric utility pursuant to s. 366.15, and provide the patient  
216 a written copy of the law.

217 (3) Upon the request of such a patient, the health care  
218 practitioner must provide the patient a completed medical  
219 certification using the standard form adopted by the patient's  
220 electric utility and made available on the utility's website  
221 pursuant to s. 366.15(3) and must document the certification in  
222 the patient's record.

223 Section 6. Except as otherwise expressly provided in this  
224 act, this act shall take effect July 1, 2018.

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227 **T I T L E A M E N D M E N T**

228 Remove line 23 and insert:

229 such certification; providing effective dates.

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