

1 A bill to be entitled
 2 An act relating to essential electric utility service;
 3 amending s. 252.38, F.S.; establishing a required
 4 element for each emergency management plan developed
 5 by a county or counties to identify certain facilities
 6 deemed critical for restoration of electric services;
 7 amending s. 252.373, F.S.; correcting a cross-
 8 reference; amending s. 366.11, F.S.; specifying that
 9 certain utilities are not exempt from providing
 10 medically essential electric service; amending s.
 11 366.15, F.S.; revising and defining terms; providing
 12 notification requirements for electric utilities
 13 relating to the certification process for obtaining
 14 medically essential electric service and service
 15 disconnection; providing certification requirements
 16 for customers; specifying duties for electric
 17 utilities providing such service; revising penalties
 18 for falsification of such certification; creating s.
 19 456.45, F.S.; requiring certain health care
 20 practitioners to inform certain patients of such
 21 certification process; requiring such practitioners to
 22 complete certain medical certifications and document
 23 such certification; providing an effective date.

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 25 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Paragraph (b) of subsection (3) of section 252.38, Florida Statutes, is redesignated as paragraph (c), paragraph (a) of subsection (1) is amended, and a new paragraph (b) is added to subsection (3), to read:

252.38 Emergency management powers of political subdivisions.—Safeguarding the life and property of its citizens is an innate responsibility of the governing body of each political subdivision of the state.

(1) COUNTIES.—

(a) In order to provide effective and orderly governmental control and coordination of emergency operations in emergencies within the scope of ss. 252.31-252.90, each county within this state shall be within the jurisdiction of, and served by, the division. Except as otherwise provided in ss. 252.31-252.90, each local emergency management agency shall have jurisdiction over and serve an entire county. Unless part of an interjurisdictional emergency management agreement entered into pursuant to paragraph (3) (c) ~~(3) (b)~~ which is recognized by the Governor by executive order or rule, each county must establish and maintain such an emergency management agency and shall develop a county emergency management plan and program that is coordinated and consistent with the state comprehensive emergency management plan and program. Counties that are part of an interjurisdictional emergency management agreement entered

51 into pursuant to paragraph (3) (c) ~~(3) (b)~~ which is recognized by
52 the Governor by executive order or rule shall cooperatively
53 develop an emergency management plan and program that is
54 coordinated and consistent with the state comprehensive
55 emergency management plan and program.

56 (3) EMERGENCY MANAGEMENT POWERS; POLITICAL SUBDIVISIONS.—

57 (b) For each emergency management plan or supporting
58 document to the plan developed pursuant to this section by a
59 county or by two or more counties through an interjurisdictional
60 arrangement, the county or counties must identify those
61 facilities for which the restoration of electric services
62 following an interruption of service due to emergency or
63 disaster are deemed to be critical to the public health, safety,
64 welfare, or security. Such facilities may include, but are not
65 limited to: emergency management and law enforcement facilities;
66 health care facilities; public shelters; and critical utility,
67 transportation, communications, government, and military
68 infrastructure. Plan information must be updated on a regular
69 basis and conveyed to each utility that provides retail
70 electricity service within the boundaries of the county. Each
71 such utility, as part of its efforts to restore electric service
72 in the most efficient manner, shall emphasize the expeditious
73 restoration of service to those facilities identified in the
74 plan as critical.

75 Section 2. Paragraph (a) of subsection (2) of section

76 | 252.373, Florida Statutes, is amended to read:

77 | 252.373 Allocation of funds; rules.—

78 | (2) The division shall allocate funds from the Emergency
79 | Management, Preparedness, and Assistance Trust Fund to local
80 | emergency management agencies and programs pursuant to criteria
81 | specified in rule. Such rules shall include, but are not limited
82 | to:

83 | (a) Requiring that, at a minimum, a local emergency
84 | management agency either:

85 | 1. Have a program director who works at least 40 hours a
86 | week in that capacity; or

87 | 2. If the county has fewer than 75,000 population or is
88 | party to an interjurisdictional emergency management agreement
89 | entered into pursuant to s. 252.38(3)(c) ~~s. 252.38(3)(b)~~, that
90 | is recognized by the Governor by executive order or rule, have
91 | an emergency management coordinator who works at least 20 hours
92 | a week in that capacity.

93 | Section 3. Subsection (1) of section 366.11, Florida
94 | Statutes, is amended to read:

95 | 366.11 Certain exemptions.—

96 | (1) No provision of this chapter shall apply in any
97 | manner, other than as specified in ss. 366.04, 366.05(7) and
98 | (8), 366.051, 366.055, 366.093, 366.095, 366.14, 366.15, 366.80-
99 | 366.83, and 366.91, to utilities owned and operated by
100 | municipalities, whether within or without any municipality, or

101 by cooperatives organized and existing under the Rural Electric
 102 Cooperative Law of the state, or to the sale of electricity,
 103 manufactured gas, or natural gas at wholesale by any public
 104 utility to, and the purchase by, any municipality or cooperative
 105 under and pursuant to any contracts now in effect or which may
 106 be entered into in the future, when such municipality or
 107 cooperative is engaged in the sale and distribution of
 108 electricity or manufactured or natural gas, or to the rates
 109 provided for in such contracts.

110 Section 4. Section 366.15, Florida Statutes, is amended to
 111 read:

112 366.15 Medically essential electric ~~public~~ utility
 113 service.-

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

115 (a) "Health care practitioner" means a physician or
 116 physician assistant licensed under chapter 458 or chapter 459 or
 117 an advanced registered nurse practitioner licensed under chapter
 118 464.

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

125 (2) Each electric ~~public~~ utility shall designate employees

126 | who are authorized to direct an ordered continuation or
127 | restoration of medically essential electric service. An electric
128 | ~~A public~~ utility shall not impose upon any customer any
129 | additional deposit to continue or restore medically essential
130 | electric service.

131 | (3) (a) Each electric public utility shall post on its
132 | website a written explanation of the certification process for
133 | obtaining medically essential electric service. The website must
134 | include the standard certification form adopted by the utility
135 | pursuant to paragraph (b). Each electric utility shall annually
136 | provide a written explanation of the certification process ~~for~~
137 | ~~medically essential electric service~~ to each residential utility
138 | customer:

139 | 1. When the customer opens an account for electric service
140 | with the electric utility; and

141 | 2. At least semiannually, either by means of a written
142 | bill insert or, if the customer has provided contact information
143 | to receive electronic communications from the electric utility,
144 | by electronic means.

145 | (b) Each electric utility shall adopt a standard
146 | certification form to be completed and signed by each
147 | residential customer who wishes to have his or her service
148 | certified as medically essential. The certification form must
149 | include: the customer's service address; the customer's name and
150 | the account number for the service address; the name of the

151 permanent resident at the service address who is medically
152 dependent on electric-powered equipment and the name of that
153 person's certifying health care practitioner; and the customer's
154 contact information for purposes of receiving communications
155 from the utility by telephone and, if available, by electronic
156 means. The certification form shall include a separate section
157 to be completed and signed by a health care practitioner to
158 certify that electric service is medically essential for the
159 customer or other permanent resident at that service address.
160 This section of the certification form must include: the name,
161 business address, and medical license number of the certifying
162 health care practitioner; a statement by the health care
163 practitioner, in medical and nonmedical terms, that specifies
164 why the electric service is medically essential, as defined in
165 subsection (1); and a specification of the time period for which
166 service is expected to remain medically essential.

167 (c) Certification ~~that~~ of a customer's electricity needs
168 are ~~as~~ medically essential requires the customer ~~to complete~~
169 ~~forms supplied by the public utility and to submit to the~~
170 ~~utility a completed standard certification form which includes~~
171 ~~the health care practitioner's certification a form completed by~~
172 ~~a physician licensed in this state pursuant to chapter 458 or~~
173 ~~chapter 459 which states in medical and nonmedical terms why the~~
174 ~~electric service is medically essential. The certification may~~
175 ~~not extend beyond 60 months. Falsification of the False~~

176 certification ~~of medically essential service by a physician~~ is a
177 violation of s. 458.331(1)(h), ~~or~~ s. 459.015(1)(i), or s.
178 464.018(1)(f).

179 (d) ~~(b)~~ Medically essential service must ~~shall~~ be
180 recertified at the expiration of the time period specified in
181 the certification or once every 12 months after certification,
182 whichever is later. The electric public utility shall send the
183 ~~certified~~ customer by regular mail, or by e-mail if the customer
184 has provided the utility his or her e-mail address, a package of
185 recertification materials, including recertification forms, at
186 least 60 ~~30~~ days prior to the expiration of the customer's
187 certification. The materials shall advise the ~~certified~~ customer
188 that he or she must complete and submit the recertification
189 forms within 30 days after the expiration of the customer's
190 existing certification. If the recertification forms are not
191 received within this 30-day period, the electric public utility
192 may terminate the customer's certification. No more often than
193 once every 12 months during the term of the certification, the
194 electric utility may request verification from the customer that
195 the person for whom electric service is certified continues to
196 reside at the service address.

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

200 (5) Notwithstanding any other provision of this section,

201 an electric ~~a public~~ utility may disconnect service to a
202 residence whenever an emergency may threaten the health or
203 safety of a person, the surrounding area, or the electric ~~public~~
204 utility's distribution system. The electric ~~public~~ utility shall
205 act promptly to restore service as soon as feasible.

206 (6) A customer whose electric service is certified as
207 medically essential under this section is entitled, at a
208 minimum, to the same time period for payment of bills that
209 applies to all other residential customers served by the
210 electric utility but no fewer than 20 days after the date the
211 bill is mailed or delivered by the utility. If payment or a
212 satisfactory payment arrangement has not been made within the
213 specified time period, the electric utility may schedule
214 disconnection of service for nonpayment of the bill. Before a
215 scheduled disconnection of service for nonpayment of a bill, the
216 electric utility shall provide, in addition to any notice
217 provided in the utility's normal course of business, the
218 following notice to a customer whose electric service is
219 certified as medically essential under this section:

220 (a) No later than 15 days, and again no later than 7 days,
221 prior 24 hours before any scheduled disconnection of service for
222 nonpayment of bills to a customer who requires medically
223 essential service, the electric ~~a public~~ utility shall attempt
224 to contact the customer by telephone ~~in order~~ to provide notice
225 of the scheduled disconnection and shall provide such notice in

226 writing, including by electronic means if the customer has
227 provided contact information to receive electronic
228 communications from the utility.

229 (b) If the customer does not have a telephone number
230 listed on the account or if the electric public utility cannot
231 reach the customer or other adult resident of the premises by
232 telephone by the specified time, the electric public utility
233 shall send a representative to the customer's residence to
234 attempt to contact the customer, no later than 2 4 p.m. of the
235 business days day before the scheduled disconnection. If contact
236 is not made, however, the electric public utility must may leave
237 written notification at the residence advising the customer of
238 the scheduled disconnection and shall provide such notice by
239 electronic means if the customer has provided contact
240 information to receive electronic communications from the
241 utility.

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243 Thereafter, the electric public utility may disconnect service
244 on the scheduled disconnection specified date if payment to the
245 electric utility or a satisfactory payment arrangement with the
246 electric utility has not been made.

247 (7) Each electric public utility customer who requires
248 medically essential service is responsible for making
249 satisfactory arrangements with the electric public utility to
250 ensure payment for such service, and such arrangements must be

251 consistent with the requirements of the utility's tariff.

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

256 (9) Each electric ~~public~~ utility that provides electric
257 service to any customer whose electric service is certified as
258 medically essential pursuant to this section ~~who requires~~
259 ~~medically essential service~~ shall call, contact, or otherwise
260 advise such customer of scheduled service interruptions.

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

266 (b)1. Each electric ~~public~~ utility that operates a program
267 to receive voluntary financial contributions from the ~~public~~
268 utility's customers to provide assistance to persons who are
269 unable to pay for the ~~public~~ utility's services shall maintain a
270 list of all agencies to which the ~~public~~ utility distributes
271 such funds for such purposes and shall make the list available
272 to any such person who requests the list.

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

274 a. Maintain a system of accounting for the specific
275 amounts distributed to each such agency, and the ~~public~~ utility

276 and such agencies shall maintain a system of accounting for the
277 specific amounts distributed to persons under such respective
278 programs.

279 b. Train its customer service representatives to assist
280 any person who possesses a medically essential certification as
281 provided in this section in identifying such agencies and
282 programs.

283 (11) Nothing in this act shall form the basis for any
284 cause of action against an electric ~~a public~~ utility. Failure to
285 comply with any obligation created by this act does not
286 constitute evidence of negligence on the part of the electric
287 ~~public~~ utility.

288 Section 5. Section 456.45, Florida Statutes, is created to
289 read:

290 456.45 Certification of medically essential electric
291 service.—

292 (1) As used in this section, the term "health care
293 practitioner" means a physician or physician assistant licensed
294 under chapter 458 or chapter 459 or an advanced registered nurse
295 practitioner licensed under chapter 464.

296 (2) A health care practitioner who determines that a
297 patient may be at risk of loss of life or immediate
298 hospitalization if the patient were to lose electric service at
299 the patient's residential service address shall inform the
300 patient of the right to obtain certification under the medically

301 essential electric service program provided by the patient's
302 electric utility pursuant to s. 366.15, and provide the patient
303 a written copy of the law.

304 (3) Upon the request of such a patient, the health care
305 practitioner must provide the patient a completed medical
306 certification using the standard form adopted by the patient's
307 electric utility and made available on the utility's website
308 pursuant to s. 366.15(3) and must document the certification in
309 the patient's record.

310 Section 6. This act shall take effect July 1, 2018.