



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 effective dates.

24
25 Be It Enacted by the Legislature of the State of Florida:



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27 Section 1. Paragraph (b) of subsection (3) of section
28 252.38, Florida Statutes, is redesignated as paragraph (c),
29 paragraph (a) of subsection (1) is amended, and a new paragraph
30 (b) is added to subsection (3), to read:

31 252.38 Emergency management powers of political
32 subdivisions.—Safeguarding the life and property of its citizens
33 is an innate responsibility of the governing body of each
34 political subdivision of the state.

35 (1) COUNTIES.—

36 (a) In order to provide effective and orderly governmental
37 control and coordination of emergency operations in emergencies
38 within the scope of ss. 252.31-252.90, each county within this
39 state shall be within the jurisdiction of, and served by, the
40 division. Except as otherwise provided in ss. 252.31-252.90,
41 each local emergency management agency shall have jurisdiction
42 over and serve an entire county. Unless part of an
43 interjurisdictional emergency management agreement entered into
44 pursuant to paragraph (3) (c) ~~(3) (b)~~ which is recognized by the
45 Governor by executive order or rule, each county must establish
46 and maintain such an emergency management agency and shall
47 develop a county emergency management plan and program that is
48 coordinated and consistent with the state comprehensive
49 emergency management plan and program. Counties that are part of
50 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, in consultation with each
61 utility that provides retail electricity service within the
62 boundaries of the county, must identify those facilities for
63 which the restoration of electric services following an
64 interruption of service due to emergency or disaster are deemed
65 to be critical to the public health, safety, welfare, or
66 security. Such facilities may include, but are not limited to:
67 emergency management and law enforcement facilities; health care
68 facilities; public shelters; and critical utility,
69 transportation, communications, government, and military
70 infrastructure. Plan information must be updated on a regular
71 basis and conveyed to each utility that provides retail
72 electricity service within the boundaries of the county. Each
73 such utility, as part of its efforts to restore electric service
74 in the most efficient manner, shall emphasize the expeditious
75 restoration of service to those facilities identified in the



76 plan as critical.

77 Section 2. Paragraph (a) of subsection (2) of section
78 252.373, Florida Statutes, is amended to read:

79 252.373 Allocation of funds; rules.—

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

85 (a) Requiring that, at a minimum, a local emergency
86 management agency either:

87 1. Have a program director who works at least 40 hours a
88 week in that capacity; or

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

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

97 366.11 Certain exemptions.—

98 (1) No provision of this chapter shall apply in any
99 manner, other than as specified in ss. 366.04, 366.05(7) and
100 (8), 366.051, 366.055, 366.093, 366.095, 366.14, 366.15, 366.80-



101 366.83, and 366.91, to utilities owned and operated by
102 municipalities, whether within or without any municipality, or
103 by cooperatives organized and existing under the Rural Electric
104 Cooperative Law of the state, or to the sale of electricity,
105 manufactured gas, or natural gas at wholesale by any public
106 utility to, and the purchase by, any municipality or cooperative
107 under and pursuant to any contracts now in effect or which may
108 be entered into in the future, when such municipality or
109 cooperative is engaged in the sale and distribution of
110 electricity or manufactured or natural gas, or to the rates
111 provided for in such contracts.

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

114 366.15 Medically essential electric ~~public~~ utility
115 service.-

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

117 (a) "Health care practitioner" means a physician or
118 physician assistant licensed under chapter 458 or chapter 459 or
119 an advanced registered nurse practitioner licensed under chapter
120 464.

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



126 the residential service address.

127 (2) Each electric ~~public~~ utility shall designate employees
128 who are authorized to direct an ordered continuation or
129 restoration of medically essential electric service. An electric
130 ~~A public~~ utility shall not impose upon any customer any
131 additional deposit to continue or restore medically essential
132 electric service.

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

141 1. When the customer opens an account for electric service
142 with the electric utility; and

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

147 (b) Each electric utility shall adopt a standard
148 certification form to be completed and signed by each
149 residential customer who wishes to have his or her service
150 certified as medically essential. The certification form must



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

169 (c) Certification ~~that~~ of a customer's electricity needs
170 are ~~as~~ medically essential requires the customer to ~~complete~~
171 ~~forms supplied by the public utility and to submit to the~~
172 utility a completed standard certification form which includes
173 the health care practitioner's certification ~~a form completed by~~
174 a physician licensed in this state pursuant to chapter 458 or
175 chapter 459 which states in medical and nonmedical terms why the



176 ~~electric service is medically essential.~~ The certification may
177 not extend beyond 60 months. Falsification of the False
178 certification of medically essential service by a physician is a
179 violation of s. 458.331(1)(h), ~~or~~ s. 459.015(1)(i), or s.
180 464.018(1)(f).

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

199 (4) Each electric ~~public~~ utility must ~~shall~~ certify a
200 customer's electric service as medically essential if the



201 customer completes the requirements of subsection (3).

202 (5) Notwithstanding any other provision of this section,
203 an electric ~~a public~~ utility may disconnect service to a
204 residence whenever an emergency may threaten the health or
205 safety of a person, the surrounding area, or the electric ~~public~~
206 utility's distribution system. The electric ~~public~~ utility shall
207 act promptly to restore service as soon as feasible.

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

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



226 to contact the customer by telephone ~~in order~~ to provide notice
227 of the scheduled disconnection and shall provide such notice in
228 writing, including by electronic means if the customer has
229 provided contact information to receive electronic
230 communications from the utility.

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

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

249 (7) Each electric public utility customer who requires
250 medically essential service is responsible for making



251 satisfactory arrangements with the electric ~~public~~ utility to
252 ensure payment for such service, and such arrangements must be
253 consistent with the requirements of the utility's tariff.

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

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

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

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

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



276 a. Maintain a system of accounting for the specific
277 amounts distributed to each such agency, and the ~~public~~ utility
278 and such agencies shall maintain a system of accounting for the
279 specific amounts distributed to persons under such respective
280 programs.

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

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

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

292 456.45 Certification of medically essential electric
293 service.-

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

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



301 the patient's residential service address shall inform the
302 patient of the right to obtain certification under the medically
303 essential electric service program provided by the patient's
304 electric utility pursuant to s. 366.15, and provide the patient
305 a written copy of the law.

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

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