

By Senator Farmer

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1 A bill to be entitled
2 An act relating to medically essential electric
3 utility service; amending s. 366.11, F.S.; specifying
4 that certain utilities are not exempt from providing
5 medically essential electric service; amending s.
6 366.15, F.S.; revising and defining terms; providing
7 notification requirements for electric utilities
8 relating to the certification process for obtaining
9 medically essential electric service and service
10 disconnection; providing certification requirements
11 for customers; specifying duties of electric
12 utilities; revising penalties for falsification of
13 such certification; creating s. 456.45, F.S.;
14 requiring certain health care practitioners to inform
15 certain patients of such certification process;
16 requiring such practitioners to provide patients with
17 completed medical certifications and document the
18 certification; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Subsection (1) of section 366.11, Florida
23 Statutes, is amended to read:

24 366.11 Certain exemptions.—

25 (1) No provision of this chapter shall apply in any manner,
26 other than as specified in ss. 366.04, 366.05(7) and (8),
27 366.051, 366.055, 366.093, 366.095, 366.14, 366.15, 366.80-
28 366.83, and 366.91, to utilities owned and operated by
29 municipalities, whether within or without any municipality, or

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30 by cooperatives organized and existing under the Rural Electric
31 Cooperative Law of the state, or to the sale of electricity,
32 manufactured gas, or natural gas at wholesale by any public
33 utility to, and the purchase by, any municipality or cooperative
34 under and pursuant to any contracts now in effect or which may
35 be entered into in the future, when such municipality or
36 cooperative is engaged in the sale and distribution of
37 electricity or manufactured or natural gas, or to the rates
38 provided for in such contracts.

39 Section 2. Section 366.15, Florida Statutes, is amended to
40 read:

41 366.15 Medically essential electric ~~public~~ utility
42 service.—

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

44 (a) "Health care practitioner" means a physician or
45 physician assistant licensed under chapter 458 or chapter 459 or
46 an advanced registered nurse practitioner licensed under chapter
47 464.

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

54 (2) Each electric ~~public~~ utility shall designate employees
55 who are authorized to direct an ordered continuation or
56 restoration of medically essential electric service. An electric
57 ~~A public~~ utility shall not impose upon any customer any
58 additional deposit to continue or restore medically essential

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59 electric service.

60 (3) (a) Each electric ~~public~~ utility shall post on its
61 website a written explanation of the certification process for
62 obtaining medically essential electric service. The website must
63 include the standard certification form adopted by the utility
64 pursuant to paragraph (b). Each electric utility shall annually
65 provide a written explanation of the certification process for
66 medically essential electric service to each residential utility
67 customer:

68 1. When the customer opens an account for electric service
69 with the electric utility; and

70 2. At least semiannually, either by means of a written bill
71 insert or, if the customer has provided contact information to
72 receive electronic communications from the electric utility, by
73 electronic means.

74 (b) Each electric utility shall adopt a standard
75 certification form to be completed and signed by each
76 residential customer who wishes to have his or her service
77 certified as medically essential. The certification form must
78 include the customer's service address, the customer's name and
79 the account number for the service address, the name of the
80 permanent resident at the service address who is medically
81 dependent on electric-powered equipment and the name of that
82 person's certifying health care practitioner, and the customer's
83 contact information for purposes of receiving communications
84 from the utility by telephone and, if the customer has provided
85 authorization to receive electronic communications by electronic
86 means. The certification form shall include a separate section
87 to be completed and signed by a health care practitioner to

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88 certify that electric service is medically essential for the
89 customer or other permanent resident at the service address.
90 This section of the certification form must include the name,
91 business address, and medical license number of the certifying
92 health care practitioner; a statement by the certifying health
93 care practitioner, in medical and nonmedical terms, that
94 specifies why the electric service is medically essential, as
95 defined in subsection (1); and a specification of the time
96 period for which the electric service is expected to remain
97 medically essential.

98 (c) Certification that of a customer's electricity needs
99 are as medically essential requires the customer to complete
100 forms supplied by the public utility and to submit to the
101 utility a completed standard certification form which includes
102 the health care practitioner's certification a form completed by
103 a physician licensed in this state pursuant to chapter 458 or
104 chapter 459 which states in medical and nonmedical terms why the
105 electric service is medically essential. The certification may
106 not extend beyond 60 months. Falsification of the False
107 certification of medically essential service by a physician is a
108 violation of s. 458.331(1)(h), or s. 459.015(1)(i), or s.
109 464.018(1)(f).

110 (d) ~~(b)~~ Medically essential service must shall be
111 recertified at the expiration of the time period specified in
112 the certification or once every 12 months after certification,
113 whichever is later. The electric public utility shall send the
114 certified customer by regular mail, or by e-mail if the customer
115 has provided the utility with his or her e-mail address, a
116 package of recertification materials, including recertification

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117 forms, at least 60 ~~30~~ days before ~~prior to~~ the expiration of the
118 customer's certification. The materials shall advise the
119 ~~certified~~ customer that he or she must complete and submit the
120 recertification forms within 30 days after the expiration of the
121 customer's existing certification. If the recertification forms
122 are not received within this 30-day period, the electric ~~public~~
123 utility may terminate the customer's certification. No more than
124 once every 12 months during the term of the certification, the
125 electric utility may request verification from the customer that
126 the person for whom electric service is certified continues to
127 reside at the service address.

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

131 (5) Notwithstanding any other provision of this section, an
132 electric ~~a public~~ utility may disconnect service to a residence
133 whenever an emergency may threaten the health or safety of a
134 person, the surrounding area, or the electric ~~public~~ utility's
135 distribution system. The electric ~~public~~ utility shall act
136 promptly to restore service as soon as feasible.

137 (6) A customer whose electric service is certified as
138 medically essential under this section is entitled, at a
139 minimum, to the same time period for payment of bills that
140 applies to all other residential customers served by the
141 electric utility. However, the time period may not be fewer than
142 20 days after the date the bill is mailed or delivered by the
143 utility. If payment or a satisfactory payment arrangement has
144 not been made within the specified time period, the electric
145 utility may schedule disconnection of service for nonpayment of

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146 the bill. In addition to any other notice provided in the
 147 utility's normal course of business, before the electric utility
 148 disconnects service, it shall provide the following notice to
 149 each customer whose electric service is certified as medically
 150 essential under this section:

151 (a) No later than 15 days, and again no later than 7 days,
 152 before a scheduled disconnection 24 hours before any scheduled
 153 disconnection of service for nonpayment of bills to a customer
 154 who requires medically essential service, the electric a public
 155 utility shall attempt to contact the customer by telephone in
 156 order to provide notice of the scheduled disconnection and shall
 157 provide the notice in writing, including by electronic means if
 158 the customer has provided contact information to receive
 159 electronic communications from the electric utility.

160 (b) If the customer does not have a telephone number listed
 161 on the account or if the electric public utility cannot reach
 162 the customer or other adult resident of the premises by
 163 telephone by the specified time, the electric public utility
 164 shall send a representative to the customer's residence to
 165 attempt to contact the customer, no later than 2 business days 4
 166 p.m. of the day before the scheduled disconnection. If contact
 167 is not made, however, the electric public utility must may leave
 168 written notification at the residence advising the customer of
 169 the scheduled disconnection and shall provide such notice by
 170 electronic means if the customer has provided contact
 171 information to receive electronic communications from the
 172 electric utility.

173
 174 Thereafter, the electric public utility may disconnect service

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175 on the scheduled disconnection ~~specified~~ date if payment to the
176 electric utility or a satisfactory payment arrangement with the
177 electric utility has not been made.

178 (7) Each electric ~~public~~ utility customer who requires
179 medically essential service is responsible for making
180 satisfactory arrangements with the electric ~~public~~ utility to
181 ensure payment for such service, and such arrangements must be
182 consistent with the requirements of the utility's tariff.

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

187 (9) Each electric ~~public~~ utility that provides electric
188 service to any customer whose electric service is certified as
189 medically essential pursuant to this section ~~who requires~~
190 ~~medically essential service~~ shall call, contact, or otherwise
191 advise such customer of scheduled service interruptions.

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

197 (b)1. Each electric ~~public~~ utility that operates a program
198 to receive voluntary financial contributions from the ~~public~~
199 utility's customers to provide assistance to persons who are
200 unable to pay for the ~~public~~ utility's services shall maintain a
201 list of all agencies to which the ~~public~~ utility distributes
202 such funds for such purposes and shall make the list available
203 to any such person who requests the list.

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204 2. Each public utility that operates such a program shall:
 205 a. Maintain a system of accounting for the specific amounts
 206 distributed to each such agency, and the public utility and such
 207 agencies shall maintain a system of accounting for the specific
 208 amounts distributed to persons under such respective programs.
 209 b. Train its customer service representatives to assist any
 210 person who possesses a medically essential certification as
 211 provided in this section in identifying such agencies and
 212 programs.

213 (11) Nothing in this act shall form the basis for any cause
 214 of action against an electric ~~a public~~ utility. Failure to
 215 comply with any obligation created by this act does not
 216 constitute evidence of negligence on the part of the electric
 217 ~~public~~ utility.

218 Section 3. Section 456.45, Florida Statutes, is created to
 219 read:

220 456.45 Certification of medically essential electric
 221 service.—

222 (1) As used in this section, the term "health care
 223 practitioner" means a physician or physician assistant licensed
 224 under chapter 458 or chapter 459 or an advanced registered nurse
 225 practitioner licensed under chapter 464.

226 (2) A health care practitioner who determines that a
 227 patient may be at risk of loss of life or immediate
 228 hospitalization if the patient were to lose electric service at
 229 the patient's residential service address shall inform the
 230 patient of his or her right to obtain certification under the
 231 medically essential electric service program provided by the
 232 patient's electric utility pursuant to s. 366.15, and provide

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233 the patient with a written copy of the law.

234 (3) Upon the request of such a patient, the health care
235 practitioner must provide the patient with a completed medical
236 certification using the standard certification form adopted by
237 the patient's electric utility and made available on the
238 utility's website pursuant to s. 366.15(3) and must document the
239 certification in the patient's medical record.

240 Section 4. This act shall take effect January 1, 2020.