

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; providing construction; creating
 14 s. 456.45, F.S.; requiring certain health care
 15 practitioners to inform certain patients of such
 16 certification process; requiring such practitioners to
 17 provide patients with completed medical certifications
 18 and document the certification; providing an effective
 19 date.

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

22
 23 Section 1. Subsection (1) of section 366.11, Florida
 24 Statutes, is amended to read:
 25 366.11 Certain exemptions.—

26 (1) No provision of this chapter shall apply in any
 27 manner, other than as specified in ss. 366.04, 366.05(7) and
 28 (8), 366.051, 366.055, 366.093, 366.095, 366.14, 366.15, 366.80-
 29 366.83, and 366.91, to utilities owned and operated by
 30 municipalities, whether within or without any municipality, or
 31 by cooperatives organized and existing under the Rural Electric
 32 Cooperative Law of the state, or to the sale of electricity,
 33 manufactured gas, or natural gas at wholesale by any public
 34 utility to, and the purchase by, any municipality or cooperative
 35 under and pursuant to any contracts now in effect or which may
 36 be entered into in the future, when such municipality or
 37 cooperative is engaged in the sale and distribution of
 38 electricity or manufactured or natural gas, or to the rates
 39 provided for in such contracts.

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

42 366.15 Medically essential electric ~~public~~ utility
 43 service.-

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

45 (a) "Health care practitioner" means a physician or
 46 physician assistant licensed under chapter 458 or chapter 459 or
 47 an advanced registered nurse practitioner licensed under chapter
 48 464.

49 (b) "Medically essential" means the medical dependence on
 50 electric-powered equipment that must be operated continuously or

51 as circumstances require as specified by a health care
 52 practitioner ~~physician~~ to avoid the loss of life or immediate
 53 hospitalization of the customer or another permanent resident at
 54 the residential service address.

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

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

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

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

75 (b) Each electric utility shall adopt a standard

76 certification form to be completed and signed by each
77 residential customer who wishes to have his or her service
78 certified as medically essential. The certification form must
79 include the customer's service address, the customer's name and
80 the account number for the service address, the name of the
81 permanent resident at the service address who is medically
82 dependent on electric-powered equipment and the name of that
83 person's certifying health care practitioner, and the customer's
84 contact information for purposes of receiving communications
85 from the utility by telephone and, if the customer has provided
86 authorization to receive electronic communications by electronic
87 means. The certification form shall include a separate section
88 to be completed and signed by a health care practitioner to
89 certify that electric service is medically essential for the
90 customer or other permanent resident at the service address.
91 This section of the certification form must include the name,
92 business address, and medical license number of the certifying
93 health care practitioner; a statement by the certifying health
94 care practitioner, in medical and nonmedical terms, that
95 specifies why the electric service is medically essential, as
96 defined in subsection (1); and a specification of the time
97 period for which the electric service is expected to remain
98 medically essential.

99 (c) Certification that ~~of~~ a customer's electricity needs
100 are ~~as~~ medically essential requires the customer to complete

101 ~~forms supplied by the public utility and to submit to the~~
102 ~~utility a completed standard certification form which includes~~
103 ~~the health care practitioner's certification a form completed by~~
104 ~~a physician licensed in this state pursuant to chapter 458 or~~
105 ~~chapter 459 which states in medical and nonmedical terms why the~~
106 ~~electric service is medically essential. The certification may~~
107 ~~not extend beyond 60 months. Falsification of the False~~
108 ~~certification of medically essential service by a physician is a~~
109 ~~violation of s. 458.331(1)(h), or s. 459.015(1)(i), or s.~~
110 ~~464.018(1)(f).~~

111 (d) ~~(b)~~ Medically essential service must ~~shall~~ be
112 recertified at the expiration of the time period specified in
113 the certification or once every 12 months after certification,
114 whichever is later. The electric public utility shall send the
115 ~~certified~~ customer by regular mail, or by e-mail if the customer
116 has provided the utility with his or her e-mail address, a
117 package of recertification materials, including recertification
118 forms, at least 60 ~~30~~ days before ~~prior to~~ the expiration of the
119 customer's certification. The materials shall advise the
120 ~~certified~~ customer that he or she must complete and submit the
121 recertification forms within 30 days after the expiration of the
122 customer's existing certification. If the recertification forms
123 are not received within this 30-day period, the electric public
124 utility may terminate the customer's certification. No more than
125 once every 12 months during the term of the certification, the

126 electric utility may request verification from the customer that
127 the person for whom electric service is certified continues to
128 reside at the service address.

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

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

138 (6) A customer whose electric service is certified as
139 medically essential under this section is entitled, at a
140 minimum, to the same time period for payment of bills that
141 applies to all other residential customers served by the
142 electric utility. However, the time period may not be fewer than
143 20 days after the date the bill is mailed or delivered by the
144 utility. If payment or a satisfactory payment arrangement has
145 not been made within the specified time period, the electric
146 utility may schedule disconnection of service for nonpayment of
147 the bill. In addition to any other notice provided in the
148 utility's normal course of business, before the electric utility
149 disconnects service, it shall provide the following notice to
150 each customer whose electric service is certified as medically

151 essential under this section:

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

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

174
175 Thereafter, the electric public utility may disconnect service

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

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

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

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

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

198 (b)1. Each electric ~~public~~ utility that operates a program
199 to receive voluntary financial contributions from the ~~public~~
200 utility's customers to provide assistance to persons who are

201 unable to pay for the ~~public~~ utility's services shall maintain a
202 list of all agencies to which the ~~public~~ utility distributes
203 such funds for such purposes and shall make the list available
204 to any such person who requests the list.

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

206 a. Maintain a system of accounting for the specific
207 amounts distributed to each such agency, and the public utility
208 and such agencies shall maintain a system of accounting for the
209 specific amounts distributed to persons under such respective
210 programs.

211 b. Train its customer service representatives to assist
212 any person who possesses a medically essential certification as
213 provided in this section in identifying such agencies and
214 programs.

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

220 (12) Nothing in this section shall be construed to
221 authorize the commission to regulate or supervise the provision
222 of medically essential electric service pursuant to this section
223 by:

224 (a) Any electric utility owned and operated by a
225 municipality; or

226 (b) Any rural electric cooperative organized under chapter
227 425.

228 Section 3. Section 456.45, Florida Statutes, is created to
229 read:

230 456.45 Certification of medically essential electric
231 service.—

232 (1) As used in this section, the term "health care
233 practitioner" means a physician or physician assistant licensed
234 under chapter 458 or chapter 459 or an advanced registered nurse
235 practitioner licensed under chapter 464.

236 (2) A health care practitioner who determines that a
237 patient may be at risk of loss of life or immediate
238 hospitalization if the patient were to lose electric service at
239 the patient's residential service address shall inform the
240 patient of his or her right to obtain certification under the
241 medically essential electric service program provided by the
242 patient's electric utility pursuant to s. 366.15, and provide
243 the patient with a written copy of the law.

244 (3) Upon the request of such a patient, the health care
245 practitioner must provide the patient with a completed medical
246 certification using the standard certification form adopted by
247 the patient's electric utility and made available on the
248 utility's website pursuant to s. 366.15(3) and must document the
249 certification in the patient's medical record.

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