

HB 773

2020

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 the fact that certain electric utilities must  
5 provide medically essential electric service does not  
6 require them to otherwise be regulated by the Public  
7 Service Commission; amending s. 366.15, F.S.; revising  
8 and defining terms; providing notification  
9 requirements for electric utilities relating to the  
10 certification process for obtaining medically  
11 essential electric service and service disconnection;  
12 providing certification requirements for customers;  
13 specifying duties of electric utilities; revising  
14 penalties for falsification of such certification;  
15 providing construction; creating s. 456.45, F.S.;  
16 requiring certain health care practitioners to inform  
17 certain patients of such certification process;  
18 requiring such practitioners to provide patients with  
19 completed medical certifications and document the  
20 certification; providing an effective date.

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

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

26 | 366.11 Certain exemptions.—

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

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

43 | 366.15 Medically essential electric ~~public~~ utility  
 44 | service.—

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

46 | (a) "Health care practitioner" means a physician or  
 47 | physician assistant licensed under chapter 458 or chapter 459 or  
 48 | an advanced registered nurse practitioner licensed under chapter  
 49 | 464.

50 | (b) "Medically essential" means the medical dependence on

51 electric-powered equipment that must be operated continuously or  
52 as circumstances require as specified by a health care  
53 practitioner ~~physician~~ to avoid the loss of life or immediate  
54 hospitalization of the customer or another permanent resident at  
55 the residential service address.

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

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

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

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

75 (b)1. Each electric utility must 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 by electronic means if the  
86 customer has provided authorization to receive electronic  
87 communications.

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

100        (c) Certification ~~that~~ ~~of~~ a customer's electricity needs  
 101 ~~are~~ ~~as~~ medically essential requires the customer ~~to complete~~  
 102 ~~forms supplied by the public utility and~~ to submit to the  
 103 utility a completed standard certification form which includes  
 104 the health care practitioner's certification ~~a form completed by~~  
 105 ~~a physician licensed in this state pursuant to chapter 458 or~~  
 106 ~~chapter 459 which states in medical and nonmedical terms why the~~  
 107 ~~electric service is medically essential.~~ The certification may  
 108 not extend beyond 60 months. Falsification of the False  
 109 ~~certification of medically essential service by a physician is a~~  
 110 ~~violation of s. 458.331(1)(h), or s. 459.015(1)(i), or s.~~  
 111 464.018(1)(f).

112        (d) ~~(b)~~ Medically essential service must ~~shall~~ be  
 113 recertified at the expiration of the time period specified in  
 114 the certification or once every 12 months after certification,  
 115 whichever is later. The electric public utility shall send the  
 116 ~~certified~~ customer by regular mail, or by e-mail if the customer  
 117 has provided the utility with his or her e-mail address, a  
 118 package of recertification materials, including recertification  
 119 forms, at least 60 ~~30~~ days before ~~prior to~~ the expiration of the  
 120 customer's certification. The materials shall advise the  
 121 ~~certified~~ customer that he or she must complete and submit the  
 122 recertification forms within 30 days after the expiration of the  
 123 customer's existing certification. If the recertification form  
 124 is ~~forms~~ are not received within this 30-day period, the

125 electric ~~public~~ utility may terminate the customer's  
126 certification. No more than once every 12 months during the term  
127 of the certification, the electric utility may request  
128 verification from the customer that the person for whom electric  
129 service is certified continues to reside at the service address.

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

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

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

150 disconnects service it must provide the following notice to each  
151 customer whose electric service is certified as medically  
152 essential under this section:

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

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

175  
176 Thereafter, the electric ~~public~~ utility may disconnect service  
177 on the scheduled disconnection ~~specified~~ date if payment or a  
178 satisfactory payment arrangement 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 forms ~~shall form~~ the basis for  
 216 any cause of action against an electric ~~a public~~ utility.  
 217 Failure to comply with any obligation created by this act does  
 218 not constitute evidence of negligence on the part of the  
 219 electric ~~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.

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Section 4. This act shall take effect July 1, 2020.