

By Senator Berman

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1                                   A bill to be entitled  
2           An act relating to residential utility disconnections;  
3           creating s. 366.043, F.S.; defining terms; prohibiting  
4           an electric utility, a public utility, or a water  
5           utility from disconnecting service to residential  
6           customers for nonpayment of bills or fees under  
7           specified circumstances; requiring such utilities to  
8           waive reconnection fees and late fees in certain  
9           circumstances; requiring such utilities to refer to  
10          the National Weather Service for the forecasted heat  
11          index and forecasted temperatures; prohibiting such  
12          utilities from disconnecting service to residential  
13          customers for nonpayment of bills or fees on specified  
14          days; prohibiting such utilities from recovering from  
15          customers any fee or expense incurred in complying  
16          with the act; requiring such utilities to provide, in  
17          a specified manner, their policy for disconnection for  
18          nonpayment to residential customers; requiring an  
19          electric utility to publish alerts informing  
20          residential customers of certain disconnection  
21          suspensions; specifying language requirements for such  
22          notice; requiring such utilities to deliver notice of  
23          nonpayment of bills or fees to residential customers  
24          within a specified timeframe using specified methods  
25          of notice and including certain information;  
26          prohibiting such utilities from disconnecting service  
27          for nonpayment of bills and fees until an account is  
28          past due by at least a specified number of days;  
29          providing construction; authorizing such utilities to

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30 voluntarily suspend disconnections in order to protect  
31 the health and safety of customers and the reliability  
32 of services; providing penalties and remedies;  
33 providing an effective date.  
34

35 Be It Enacted by the Legislature of the State of Florida:  
36

37 Section 1. Section 366.043, Florida Statutes, is created to  
38 read:

39 366.043 Disconnection of utilities.—

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

41 (a) "Extreme weather event" means any event in which  
42 weather, climate, or environmental conditions present a danger  
43 to life or property, including, but not limited to, heavy  
44 rainfall, flooding, storm surge, strong winds, a tropical storm  
45 or depression, a hurricane, or a tornado.

46 (b) "Forecasted heat index" means the predicted measure of  
47 how hot it feels to the human body when the effects of humidity  
48 are added to high temperatures.

49 (c) "Water utility" means a water or wastewater utility  
50 including every person, lessee, trustee, or receiver owning,  
51 operating, managing, controlling, or proposing the construction  
52 of a system, which provides, or proposes to provide, water or  
53 wastewater service to the public for compensation.

54 (2) An electric utility, a public utility, or a water  
55 utility may not disconnect service to any residential customer  
56 for the nonpayment of bills or fees if:

57 (a) The forecasted heat index is at or above 90 degrees  
58 Fahrenheit within 48 hours after the scheduled disconnection;

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59       (b) The forecasted temperature is at or below 32 degrees  
60 Fahrenheit within 48 hours after the scheduled disconnection; or

61       (c) A state of emergency is declared for an extreme weather  
62 event or public health emergency 24 hours before or after the  
63 scheduled disconnection, until 24 hours after the state of  
64 emergency is lifted.

65       (3) An electric utility, a public utility, or a water  
66 utility must waive reconnection fees and late fees for any  
67 residential customer attempting to reestablish utility service  
68 after being disconnected for nonpayment if:

69       (a) The heat index is at or above 90 degrees Fahrenheit on  
70 the day of disconnection; or

71       (b) The temperature is at or below 32 degrees Fahrenheit on  
72 the day of disconnection.

73       (4) To ascertain the forecasted heat index and forecasted  
74 temperature as provided in this section, each respective  
75 electric utility, public utility, or water utility shall refer  
76 to the weather forecast provided by the National Weather Service  
77 for the zip code area where the customer scheduled for  
78 disconnection is located.

79       (5) An electric utility, a public utility, or a water  
80 utility may not disconnect service to any residential customer  
81 for nonpayment of bills or fees on a Friday, Saturday, Sunday,  
82 state holiday, or day immediately preceding a state holiday.

83       (6) An electric utility, a public utility, or a water  
84 utility may not recover from its customers any fee or expense it  
85 incurs in complying with this section.

86       (7) (a) An electric utility, a public utility, or a water  
87 utility must provide its residential customers with a copy of

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88 its disconnection for nonpayment policy:

89 1. When a new residential account is established;

90 2. When any disconnection for nonpayment of bills or fees  
91 is scheduled. The utility's notice of disconnection must include  
92 a copy of the policy with the notice; and

93 3. By publishing the disconnection for nonpayment policy on  
94 the utility's website.

95 (b) An electric utility must publish alerts informing its  
96 residential customers of the suspension of the disconnection of  
97 services due to a forecasted heat index above 90 degrees  
98 Fahrenheit, forecasted temperatures below 32 degrees Fahrenheit,  
99 or an extreme weather event.

100 (c) An electric utility, a public utility, or a water  
101 utility must provide all notices required by this section in  
102 English and Spanish. If 2 percent or more of the population of  
103 the county in which the utility provides service speaks a  
104 language other than English or Spanish, the utility must provide  
105 notice in such language. Such required notice must include  
106 information regarding payment plans and any state or federal  
107 energy assistance programs.

108 (d) An electric utility, a public utility, or a water  
109 utility must deliver notice of nonpayment of bills or fees to  
110 its residential customers after each missed payment and 10 days  
111 before the scheduled disconnection by using at least two of the  
112 following methods:

113 1. Mail.

114 2. E-mail.

115 3. Text message.

116 4. Telephone call.

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117 5. Door hanger.

118 (8) All notices of nonpayment of bills or fees must offer  
119 bill payment assistance and instruction on how to arrange a  
120 payment plan or provide information to the customer on other  
121 available bill payment assistance or energy assistance programs.

122 (9) An electric utility, a public utility, or a water  
123 utility may not disconnect service for nonpayment of bills or  
124 fees for residential customers until a customer account is at  
125 least 60 days past due.

126 (10) This section may not be construed to limit an electric  
127 utility, a public utility, or a water utility from voluntarily  
128 suspending scheduled disconnections during other extreme weather  
129 events, emergency conditions, incidents pursuant to s. 366.15(5)  
130 or (6), or circumstances in which it determines that such  
131 suspension is necessary to protect the health and safety of its  
132 customers and the reliability of its service in this state.  
133 Further, this section may not be construed to prohibit emergency  
134 disconnections for health and safety purposes or the occurrence  
135 of an automatic service suspension associated with prepaid  
136 utility service.

137 (11) (a) An electric utility, a public utility, or a water  
138 utility that violates this section is liable to the unlawfully  
139 disconnected residential customer for actual and consequential  
140 damages or \$1,000, whichever is greater, and court costs,  
141 including attorney fees, in addition to any penalties imposed  
142 pursuant to s. 366.095. Subsequent or repeated violations  
143 unrelated to the initial violation are subject to separate  
144 awards of damages. Any applicable sovereign immunity is hereby  
145 waived for the purposes of this section.

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146       (b) A violation of this section constitutes irreparable  
147 harm for the purposes of injunctive relief.

148       (c) The remedies provided by this section are not exclusive  
149 and do not preclude a disconnected residential customer from  
150 pursuing any other remedy at law or equity which may be  
151 available to the customer.

152       Section 2. This act shall take effect July 1, 2025.