

By Senator Smith

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A bill to be entitled

An act relating to residential utility disconnections; creating s. 366.043, F.S.; defining terms; prohibiting an electric utility, a public utility, or a water utility from disconnecting service to residential customers for nonpayment of bills or fees under specified circumstances; requiring such utilities to waive reconnection fees and late fees in certain circumstances; requiring such utilities to refer to the National Weather Service for the forecasted heat index and forecasted temperatures; prohibiting such utilities from disconnecting service to residential customers for nonpayment of bills or fees on specified days; prohibiting such utilities from recovering from customers any fee or expense incurred in complying with the act; requiring such utilities to provide, in a specified manner, their policy for disconnection for nonpayment to residential customers; requiring an electric utility to publish alerts informing residential customers of certain disconnection suspensions; requiring that all notices of nonpayment of bills and fees provide an offer of bill payment assistance or provide certain information; prohibiting such utilities from disconnecting service for nonpayment of bills and fees until an account is past due by at least a specified number of days; providing construction; authorizing such utilities to suspend disconnections voluntarily in order to protect the health and safety of customers and the reliability of

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services; providing penalties and remedies; providing
an effective date.

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

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

366.043 Disconnection of utilities.—

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

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

(b) "Forecasted heat index" means the measure of how hot
the outdoor weather will feel to the human body when the effects
of humidity are added to high temperatures predicted by the
National Weather Service.

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

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

(a) The forecasted heat index is at or above 90 degrees
Fahrenheit for more than 3 consecutive hours within the 24 hours
before or after the scheduled disconnection;

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59 (b) The forecasted temperature is at or below 32 degrees
60 Fahrenheit for more than 3 consecutive hours within 48 hours
61 before the scheduled disconnection; or

62 (c) A state of emergency is declared for an extreme weather
63 event or public health emergency within 24 hours before or after
64 the scheduled disconnection. Scheduled service disconnections
65 may resume upon the shorter of either 24 hours after the state
66 of emergency is lifted or 60 days after the declaration of the
67 state of emergency.

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

72 (a) The heat index is at or above 90 degrees Fahrenheit for
73 more than 3 consecutive hours on the day of disconnection; or

74 (b) The temperature is at or below 32 degrees Fahrenheit
75 for more than 3 consecutive hours on the day of disconnection.

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

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

86 (6) An electric utility, a public utility, or a water
87 utility may not recover from its customers any fee or expense it

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incurs in complying with this section.

(7)(a) An electric utility, a public utility, or a water utility shall provide its residential customers with a copy of its disconnection for nonpayment policy:

1. When a new residential account is established;

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

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

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

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

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

(10) This section may not be construed to limit an electric utility, a public utility, or a water utility from voluntarily suspending scheduled disconnections during other extreme weather events, emergency conditions, incidents pursuant to s. 366.15(5) or (6), or circumstances in which it determines that such

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suspension is necessary to protect the health and safety of its customers and the reliability of its service in this state. Further, this section may not be construed to prohibit emergency disconnections for health and safety purposes or the occurrence of an automatic service suspension associated with prepaid utility service.

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

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

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

Section 2. This act shall take effect July 1, 2026.