

**By Senator Smith**

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

32  
33        Be It Enacted by the Legislature of the State of Florida:

34  
35        Section 1. Section 366.043, Florida Statutes, is created to  
36        read:

37        366.043 Disconnection of utilities.—

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

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

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

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

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

56        (a) The forecasted heat index is at or above 90 degrees  
57 Fahrenheit for more than 3 consecutive hours within the 24 hours  
58 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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88 incurs in complying with this section.

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

92 1. When a new residential account is established;  
93 2. When any disconnection for nonpayment of bills or fees  
94 is scheduled. The utility's notice of disconnection must include  
95 a copy of the policy with the notice; and  
96 3. By publishing the disconnection for nonpayment policy on  
97 the utility's website.

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

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

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

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

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

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

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

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

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