

By Senator Gelber

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1 A bill to be entitled
2 An act relating to access to telecommunications
3 service; amending s. 427.704, F.S.; directing the
4 Public Service Commission to establish a statewide
5 telecommunication system capable of providing audible
6 universal information access service to persons who
7 are visually impaired or unable to communicate using a
8 print medium; authorizing the commission to contract
9 for the administration and operation of the system;
10 providing for funding of the system; providing an
11 effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 427.704, Florida Statutes, is amended to
16 read:

17 427.704 Powers and duties of the commission.—

18 (1) (a) The commission shall establish, implement, promote,
19 and oversee the administration of a statewide telecommunications
20 access system to provide access to telecommunications relay
21 services by persons who are hearing impaired or speech impaired,
22 or others who communicate with them. The telecommunications
23 access system shall provide for the purchase and distribution of
24 specialized telecommunications devices and the establishment of
25 statewide single provider telecommunications relay service
26 system which operates continuously. To provide
27 telecommunications relay services and distribute specialized
28 telecommunication devices to persons who are hearing impaired or
29 speech impaired, at a reasonable cost the commission shall:

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30 1.~~(a)~~ Investigate, conduct public hearings, and solicit the
31 advice and counsel of the advisory committee established
32 pursuant to s. 427.706 to determine the most cost-effective
33 method for providing telecommunications relay service and
34 distributing specialized telecommunications devices.

35 2.~~(b)~~ Ensure that users of the telecommunications relay
36 service system pay rates no greater than the rates paid for
37 functionally equivalent voice communication services with
38 respect to such factors as duration of the call, time of day,
39 and distance from the point of origination to the point of
40 termination.

41 3.~~(c)~~ Ensure that the telecommunications access system
42 protects the privacy of persons to whom services are provided
43 and that all operators maintain the confidentiality of all relay
44 service messages.

45 4.~~(d)~~ Ensure that the telecommunications relay service
46 system complies with regulations adopted by the Federal
47 Communications Commission to implement Title IV of the Americans
48 with Disabilities Act.

49 (b) The commission shall provide for the establishment of a
50 statewide telecommunication system capable of providing audible
51 universal information access service to persons who are visually
52 impaired or unable to communicate using print media and those
53 who communicate with them.

54 1. The commission may contract for the administration and
55 operation of the system.

56 2. One-fourth of one percent of the current monthly
57 maintenance surcharge shall be used to fund the system.

58 (2) The commission shall designate as the administrator of

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59 the telecommunications access system a corporation not for
60 profit organized for such purposes and incorporated pursuant to
61 chapter 617. For the purposes of this part, the commission may
62 order telecommunications companies to form such a corporation
63 not for profit.

64 (3) (a) The commission shall select the provider of the
65 telecommunications relay service pursuant to procedures
66 established by the commission. In selecting the service
67 provider, the commission shall take into consideration the cost
68 of providing the relay service and the interests of the hearing
69 impaired and speech impaired community in having access to a
70 high-quality and technologically advanced telecommunications
71 system. The commission shall award the contract to the bidder
72 whose proposal is the most advantageous to the state, taking
73 into consideration the following:

74 1. The appropriateness and accessibility of the proposed
75 telecommunications relay service for the citizens of the state,
76 including persons who are hearing impaired or speech impaired.

77 2. The overall quality of the proposed telecommunications
78 relay service.

79 3. The charges for the proposed telecommunications relay
80 service system.

81 4. The ability and qualifications of the bidder to provide
82 the proposed telecommunications relay service as outlined in the
83 request for proposals.

84 5. Any proposed service enhancements and technological
85 enhancements which improve service without significantly
86 increasing cost.

87 6. Any proposed inclusion of provision of assistance to

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88 deaf persons with special needs to access the basic
89 telecommunications system.

90 7. The ability to meet the proposed commencement date for
91 the telecommunications relay service.

92 8. All other factors listed in the request for proposals.

93 (b) The commission shall consider the advice and counsel of
94 the advisory committee in the development of the request for
95 proposals. The request for proposals shall include, but not be
96 limited to:

97 1. A description of the scope and general requirements of
98 the telecommunications relay service, including the required
99 compliance with regulations adopted by the Federal
100 Communications Commission to implement Title IV of the Americans
101 with Disabilities Act, the required service provisions and
102 service limitations, system design, service provider
103 qualifications, and service description, type of calls to be
104 provided, and charges to the users.

105 2. A description of the telecommunications relay service
106 system standards.

107 3. A description of information to be provided by the
108 bidder, including service provider qualifications, cost
109 information, including cost per call and startup costs, a
110 description of the system design, including network access and
111 facilities to be provided, and relay operator standards.

112 4. A description of service provider reporting
113 requirements.

114 (c) The commission shall establish a request for a
115 proposals review committee, which shall include commission staff
116 and designated members of the advisory committee, to review the

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117 proposals received by the commission and recommend a
118 telecommunications relay service provider to the commission for
119 final selection. By agreeing to serve on the review committee,
120 each member of the review committee shall agree that he or she
121 currently does not have and will not have any interest or
122 employment, either directly or indirectly, with potential
123 bidders that would conflict in any manner or degree with his or
124 her performance on the committee.

125 (d) To the extent a bidder desires any portion of its
126 proposal to be considered proprietary, confidential business
127 information, the bidder shall make such request concurrent with
128 filing its proposal and justify its request as provided in s.
129 364.183.

130 (4) (a) The commission shall establish a mechanism to
131 recover the costs of implementing and maintaining the services
132 required pursuant to this part which shall be applied to each
133 basic telecommunications access line. In establishing the
134 recovery mechanism, the commission shall:

135 1. Require all local exchange telecommunications companies
136 to impose a monthly surcharge on all local exchange
137 telecommunications company subscribers on an individual access
138 line basis, except that such surcharge shall not be imposed upon
139 more than 25 basic telecommunications access lines per account
140 bill rendered.

141 2. Require all local exchange telecommunications companies
142 to include the surcharge as a part of the local service charge
143 that appears on the customer's bill, except that the local
144 exchange telecommunications company shall specify the surcharge
145 on the initial bill to the subscriber and itemize it at least

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146 once annually.

147 3. Allow the local exchange telecommunications company to
148 deduct and retain 1 percent of the total surcharge amount
149 collected each month to recover the billing, collecting,
150 remitting, and administrative costs attributed to the surcharge.

151 (b) The commission shall determine the amount of the
152 surcharge based upon the amount of funding necessary to
153 accomplish the purposes of this act and provide the services on
154 an ongoing basis; however, in no case shall the amount exceed 25
155 cents per line per month.

156 (c) All moneys received by the local exchange
157 telecommunications company, less the amount retained as
158 authorized by subparagraph (4) (a)3., shall be remitted to the
159 administrator for deposit in appropriate financial institutions
160 regulated under state or federal law and used exclusively to
161 fund the telecommunications access systems ~~system~~ provided for
162 in this section herein.

163 (d) The surcharge collected by the local exchange
164 telecommunications companies is not subject to any sales, use,
165 franchise, income, municipal utility, gross receipts, or any
166 other tax, fee, or assessment, nor shall it be considered
167 revenue of the local exchange telecommunications companies for
168 any purpose.

169 (e) From the date of implementing the surcharge, the
170 commission shall review the amount of the surcharge at least
171 annually and shall order changes in the amount of the surcharge
172 as necessary to assure available funds for the provision of the
173 telecommunications access system established herein. If ~~Where~~
174 the review of the surcharge determines that excess funds are

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175 available, the commission may order the suspension of the
176 surcharge for a period which the commission deems appropriate.

177 (5) The commission shall require each local exchange
178 telecommunications company to begin assessing and collecting the
179 surcharge in the amount of 5 cents per access line per month on
180 bills rendered on or after July 1, 1991, for remission to the
181 administrator for deposit in the operational fund. Each local
182 exchange telecommunications company shall remit moneys collected
183 to the administrator. ~~On August 15, 1991,~~ Each local exchange
184 telecommunications company shall remit ~~begin remitting~~ the
185 moneys collected to the administrator on a monthly basis and in
186 a manner as prescribed by the commission. The administrator
187 shall use such moneys to cover costs incurred during the
188 development of the telecommunications relay services and to
189 establish and administer the specialized telecommunications
190 devices systems ~~system~~.

191 (6) The commission shall establish a schedule for
192 completion of specific stages of the telecommunications relay
193 service development and implementation ~~except that the statewide~~
194 ~~telecommunications relay service shall commence on or before~~
195 ~~June 1, 1992.~~

196 (7) The commission shall require the administrator to
197 submit financial statements for the distribution of specialized
198 telecommunications devices and the telecommunications relay
199 service to the commission quarterly, in the manner prescribed by
200 the commission.

201 (8) The commission shall adopt rules and may take any other
202 action necessary to implement the provisions of this act.

203 (9) The commission shall provide to the President of the

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204 Senate and to the Speaker of the House of Representatives an
205 annual report on the operation of the telecommunications access
206 system. ~~The first report shall be provided no later than January~~
207 ~~1, 1992, and successive~~ Reports shall be provided by January 1
208 of each year ~~thereafter~~. Reports shall be prepared in
209 consultation with the administrator and the advisory committee.
210 The reports shall, at a minimum, briefly outline the status of
211 developments of the telecommunications access system, the number
212 of persons served, the call volume, revenues and expenditures,
213 the allocation of the revenues and expenditures between
214 provision of specialized telecommunications devices to
215 individuals and operation of statewide relay service, other
216 major policy or operational issues, and proposals for
217 improvements or changes to the telecommunications access system.

218 Section 2. This act shall take effect July 1, 2010.