

HB 879

2010

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

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Section 427.704, Florida Statutes, is amended  
15 to read:

16 427.704 Powers and duties of the commission.—

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

HB 879

2010

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

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

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

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

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

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

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

HB 879

2010

57 (2) The commission shall designate as the administrator of  
58 the telecommunications access system a corporation not for  
59 profit organized for such purposes and incorporated pursuant to  
60 chapter 617. For the purposes of this part, the commission may  
61 order telecommunications companies to form such a corporation  
62 not for profit.

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

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

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

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

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

HB 879

2010

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

86 6. Any proposed inclusion of provision of assistance to  
87 deaf persons with special needs to access the basic  
88 telecommunications system.

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

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

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

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

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

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

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

113 (c) The commission shall establish a request for a  
 114 proposals review committee, which shall include commission staff  
 115 and designated members of the advisory committee, to review the  
 116 proposals received by the commission and recommend a  
 117 telecommunications relay service provider to the commission for  
 118 final selection. By agreeing to serve on the review committee,  
 119 each member of the review committee shall agree that he or she  
 120 currently does not have and will not have any interest or  
 121 employment, either directly or indirectly, with potential  
 122 bidders that would conflict in any manner or degree with his or  
 123 her performance on the committee.

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

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

134 1. Require all local exchange telecommunications companies  
 135 to impose a monthly surcharge on all local exchange  
 136 telecommunications company subscribers on an individual access  
 137 line basis, except that such surcharge shall not be imposed upon

HB 879

2010

138 more than 25 basic telecommunications access lines per account  
139 bill rendered.

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

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

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

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

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

166 revenue of the local exchange telecommunications companies for  
 167 any purpose.

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

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

190 (6) The commission shall establish a schedule for  
 191 completion of specific stages of the telecommunications relay  
 192 service development and implementation ~~except that the statewide~~

HB 879

2010

193 ~~telecommunications relay service shall commence on or before~~  
194 ~~June 1, 1992.~~

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

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

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

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