

By Senator Altman

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1                                   A bill to be entitled  
2           An act relating to the telecommunications access  
3           system; amending s. 427.702, F.S.; revising  
4           legislative findings, purpose, and intent relating to  
5           the telecommunications access system; recognizing that  
6           the 21st Century Communications and Video  
7           Accessibility Act mandates additional safeguards  
8           ensuring that persons who have a hearing loss are able  
9           to access Internet-based and digital communications;  
10          amending s. 427.703, F.S.; revising definitions to  
11          conform to changes made by the act; amending s.  
12          427.704, F.S.; revising the powers and duties of the  
13          Public Service Commission; requiring that the  
14          commission establish a recovery mechanism that  
15          requires commercial mobile radio service providers to  
16          impose a monthly surcharge on their subscribers;  
17          amending s. 427.705, F.S.; revising provisions  
18          relating to the administration of the  
19          telecommunications access system; providing for the  
20          distribution of wireless mobile devices to qualified  
21          persons; amending s. 427.706, F.S.; revising the  
22          membership of the advisory committee that assists the  
23          commission with the administration and operation of  
24          the telecommunications access system; amending s.  
25          427.708, F.S.; requiring that the commission annually  
26          ensure that public safety and health care providers  
27          are complying with the requirement to purchase and  
28          operate telecommunications devices for the deaf or any  
29          other appropriate telecommunications devices and

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30 submit a report of its findings to the advisory  
31 committee; providing an effective date.

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

34  
35 Section 1. Section 427.702, Florida Statutes, is amended to  
36 read:

37 427.702 Findings, purpose, and legislative intent.—

38 (1) The Legislature finds and declares that:

39 (a) Telecommunications services provide a rapid and  
40 essential communications link among the general public and with  
41 essential offices and organizations such as police, fire, and  
42 medical facilities.

43 (b) All persons should have basic telecommunications  
44 services available to them at reasonable and affordable costs.

45 (c) A significant portion of Florida's deaf, hard-of-  
46 hearing, hearing-impaired and speech-impaired ~~speech-impaired~~  
47 populations has profound disabilities, including dual sensory  
48 impairments, which render normal telephone or mobile wireless  
49 equipment useless without additional specialized  
50 telecommunications devices, many of which cost several hundred  
51 dollars.

52 (d) The telecommunications system is intended to provide  
53 access to a basic communications network between all persons,  
54 and that many persons who have a hearing loss ~~impairment~~ or  
55 speech impairment do not currently have ~~no~~ access to the basic  
56 telecommunications system.

57 (e) Persons who do not have a hearing loss ~~impairment~~ or  
58 speech impairment are generally excluded from access to the

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59 basic telecommunications system to communicate with persons who  
60 have a hearing loss ~~impairment~~ or speech impairment without the  
61 use of specialized telecommunications devices.

62 (f) There exists a need for a telecommunications relay  
63 system whereby the cost for access to basic telecommunications  
64 services for persons who have a hearing loss ~~impairment~~ or  
65 speech impairment is no greater than the amount paid by other  
66 telecommunications customers.

67 (g) The Federal Government, in order to carry out the  
68 purposes established by Title II of the Communications Act of  
69 1934, as amended, by the enactment of the Americans with  
70 Disabilities Act, endeavored to ensure that interstate and  
71 intrastate telecommunications relay services are available, to  
72 the extent possible and in the most efficient manner, to deaf,  
73 hard-of-hearing, ~~hearing-impaired~~ and speech-impaired ~~speech~~  
74 ~~impaired~~ persons in the United States.

75 (h) Title IV of the Americans with Disabilities Act  
76 mandates that the telecommunications companies providing  
77 telephone services within the state shall provide  
78 telecommunications relay services on or before July 25, 1993, to  
79 persons who are deaf, hard of hearing, ~~impaired~~ or speech  
80 impaired within their certificated territories in a manner that  
81 meets or exceeds the requirements of regulations to be  
82 prescribed by the Federal Communications Commission.

83 (i) The 21st Century Communications and Video Accessibility  
84 Act of 2010 mandates additional safeguards ensuring that persons  
85 who have a hearing loss are able to access Internet-based and  
86 digital communications.

87 (2) It is the declared purpose of this part to establish a

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88 system whereby the residents ~~citizens~~ of Florida who are deaf,  
89 hard of hearing ~~impaired~~, speech impaired, or dual sensory  
90 impaired have access to basic telecommunications services at a  
91 cost no greater than that paid by other telecommunications  
92 services customers, and whereby the cost of specialized  
93 telecommunications equipment necessary to ensure that residents  
94 ~~citizens~~ who are deaf, hard of hearing ~~impaired~~, speech  
95 impaired, or dual sensory impaired have access to basic  
96 telecommunications services and the provision of  
97 telecommunications relay service is borne by all the  
98 telecommunications customers of the state.

99 (3) It is the intent of the Legislature:

100 (a) That a telecommunications access system be established  
101 to provide equitable basic access to the telecommunications  
102 network for persons who are deaf, hard of hearing ~~impaired~~,  
103 speech impaired, or dual sensory impaired.

104 (b) That the telecommunications access system includes a  
105 telecommunications relay service system that meets or exceeds  
106 the certification requirements of the Federal Communications  
107 Commission.

108 (c) That the telecommunications access system includes the  
109 distribution of telecommunications devices for the deaf which  
110 ~~that~~ are compatible with the telecommunications relay service  
111 system and has the capability of incorporating new technologies  
112 as they develop.

113 (d) That the telecommunications access system includes the  
114 distribution of specialized telecommunications devices necessary  
115 for deaf, hard-of-hearing ~~hearing-impaired~~, speech-impaired  
116 ~~speech-impaired~~, or dual sensory-impaired ~~sensory-impaired~~

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117 persons to access basic telecommunications services.

118 (e) That the telecommunications access system ensures that  
119 users of the telecommunications relay service system pay rates  
120 no greater than the rates paid for functionally equivalent voice  
121 communications services.

122 (f) That the telecommunications access system be as cost  
123 efficient as possible without diminishing the effectiveness or  
124 the quality of the system.

125 (g) That the telecommunications access system uses state-  
126 of-the-art technology for specialized telecommunications devices  
127 and the telecommunications relay service and encourages the  
128 incorporation of new developments in technology, to the extent  
129 that it has demonstrated benefits consistent with the intent of  
130 this act and is in the best interest of the residents ~~citizens~~  
131 of this state.

132 (h) That the value of the involvement of persons who are  
133 deaf, hard of ~~have~~ hearing, or speech impaired ~~impairments~~, and  
134 organizations representing or serving those persons, be  
135 recognized and such persons and organizations be involved  
136 throughout the development, establishment, and implementation of  
137 the telecommunications access system through participation on  
138 the advisory committee as provided in s. 427.706.

139 (i) That the total cost of providing telecommunications  
140 relay services and distributing specialized telecommunications  
141 devices be spread equitably among and collected from customers  
142 of all local exchange telecommunications companies and  
143 commercial mobile radio service providers.

144 Section 2. Subsections (3), (5), (6), (11), (12), (13), and  
145 (16) of section 427.703, Florida Statutes, are amended to read:

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146 427.703 Definitions.—As used in this part:

147 (3) "Deaf" means having a severe ~~permanent~~ hearing loss  
 148 that makes it difficult to understand speech through listening  
 149 with or without an auditory device. Some deaf individuals may  
 150 depend on visual or tactile methods, or both, to communicate  
 151 ~~impairment and being unable to discriminate speech sounds in~~  
 152 ~~verbal communication, with or without the assistance of~~  
 153 ~~amplification devices.~~

154 (5) "Hard of hearing" means having a severe ~~permanent~~  
 155 hearing loss that interferes with the ability to process  
 156 linguistic information through audition with or without an  
 157 auditory device. A hard-of-hearing individual may depend on  
 158 hearing and assistive devices or visual methods, or both, to  
 159 communicate ~~impairment which is severe enough to necessitate the~~  
 160 ~~use of amplification devices to discriminate speech sounds in~~  
 161 ~~verbal communication.~~

162 (6) "Hearing loss impaired" or "having a hearing loss  
 163 impairment" means deaf or hard of hearing and, for purposes of  
 164 this part, includes being dual sensory impaired.

165 (11) "Specialized telecommunications device" means a  
 166 telecommunications device for the deaf (TDD) ~~TDD~~, an amplified  
 167 telephone, a captioned telephone a volume control handset, a  
 168 ring signaling device, a mobile wireless device such as a  
 169 cellular telephone designed for deaf or hard-of-hearing persons,  
 170 or any other customer premises telecommunications equipment  
 171 specifically designed or used to provide basic access to  
 172 telecommunications services for a deaf, hard-of-hearing ~~hearing~~  
 173 ~~impaired, speech-impaired~~ speech-impaired, or dual sensory-  
 174 impaired ~~sensory impaired~~ person.

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175 (12) "Surcharge" means an additional charge that ~~which~~ is  
176 ~~to be~~ paid by the subscribers of a local exchange  
177 telecommunications company or a commercial mobile radio service  
178 provider subscribers pursuant to the cost-recovery ~~cost recovery~~  
179 mechanism established under s. 427.704(4) in order to implement  
180 the system described in this part ~~herein~~.

181 (13) "Telecommunications company" includes every  
182 corporation, partnership, and person and their lessees,  
183 trustees, or receivers appointed by any court whatsoever, and  
184 every political subdivision of the state, offering two-way  
185 telecommunications service to the public for hire within this  
186 state by the use of a telecommunications facility. The term  
187 ~~"telecommunications company"~~ does not include an entity that  
188 ~~which~~ provides a telecommunications facility exclusively to a  
189 certificated telecommunications company, but may include ~~or~~ a  
190 specialized mobile radio service operator, a private radio  
191 carrier, a radio common carrier, a cellular radio  
192 telecommunications carrier, or a cable television company  
193 providing cable service as defined in 47 U.S.C. s. 522.

194 (16) "Telecommunications relay service" means any  
195 telecommunications transmission service that allows a person who  
196 is deaf, hard of hearing, ~~impaired~~ or speech impaired to  
197 communicate by wire, wireless, or radio in a manner that is  
198 functionally equivalent to the ability of a person who is not  
199 deaf, hard of hearing, ~~impaired~~ or speech impaired. The ~~Such~~  
200 term includes any service that enables two-way communication  
201 between a person who uses a telecommunications device or other  
202 nonaudio nonvoice terminal device and a person who does not use  
203 such a device.

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204 Section 3. Subsection (1), paragraph (a) of subsection (3),  
205 and subsections (4) and (5) of section 427.704, Florida  
206 Statutes, are amended to read:

207 427.704 Powers and duties of the commission.—

208 (1) The commission shall establish, implement, promote, and  
209 oversee the administration of a statewide telecommunications  
210 access system to provide access to telecommunications relay  
211 services by persons who are deaf, hard of hearing, ~~impaired~~ or  
212 speech impaired, or others who communicate with them. The  
213 telecommunications access system must ~~shall~~ provide for the  
214 purchase and distribution of specialized telecommunications  
215 devices and the establishment of statewide single provider  
216 telecommunications relay service system that ~~which~~ operates  
217 continuously. In order to provide telecommunications relay  
218 services and distribute specialized telecommunication devices to  
219 persons who are deaf, hard of hearing, ~~impaired~~ or speech  
220 impaired, at a reasonable cost, the commission shall:

221 (a) Investigate, conduct public hearings, and solicit the  
222 advice and counsel of the advisory committee established  
223 pursuant to s. 427.706 to determine the most cost-effective  
224 method for providing telecommunications relay service and  
225 distributing specialized telecommunications devices.

226 (b) Ensure that users of the telecommunications relay  
227 service system pay rates no greater than the rates paid for  
228 functionally equivalent voice communication services with  
229 respect to such factors as duration of the call, time of day,  
230 and distance from the point of origination to the point of  
231 termination.

232 (c) Ensure that the telecommunications access system



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233 protects the privacy of persons to whom services are provided  
234 and that all operators maintain the confidentiality of all relay  
235 service messages.

236 (d) Ensure that the telecommunications relay service system  
237 complies with regulations adopted by the Federal Communications  
238 Commission to implement Title IV of the Americans with  
239 Disabilities Act.

240 (3) (a) The commission shall select the provider of the  
241 telecommunications relay service pursuant to procedures  
242 established by the commission. In selecting the service  
243 provider, the commission shall take into consideration the cost  
244 of providing the relay service and the interests of the deaf,  
245 hard-of-hearing, ~~hearing-impaired~~ and speech-impaired ~~speech~~  
246 ~~impaired~~ community in having access to a high-quality and  
247 technologically advanced telecommunications system. The  
248 commission shall award the contract to the bidder whose proposal  
249 is the most advantageous to the state, taking into consideration  
250 the following:

251 1. The appropriateness and accessibility of the proposed  
252 telecommunications relay service for the residents ~~citizens~~ of  
253 the state, including persons who are deaf, hard of hearing,  
254 ~~impaired~~ or speech impaired.

255 2. The overall quality of the proposed telecommunications  
256 relay service.

257 3. The charges for the proposed telecommunications relay  
258 service system.

259 4. The ability and qualifications of the bidder to provide  
260 the proposed telecommunications relay service as outlined in the  
261 request for proposals.

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262 5. Any proposed service enhancements and technological  
263 enhancements that ~~which~~ improve service without significantly  
264 increasing cost.

265 6. Any proposed inclusion of provision of assistance to  
266 deaf persons with special needs to access the basic  
267 telecommunications system.

268 7. The ability to meet the proposed commencement date for  
269 the telecommunications relay service.

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

271 (4) (a) The commission shall establish a mechanism to  
272 recover the costs of implementing and maintaining the services  
273 required pursuant to this part, which shall be applied to each  
274 basic telecommunications access line. In establishing the  
275 recovery mechanism, the commission shall:

276 1. Require all local exchange telecommunications companies  
277 and commercial mobile radio service providers to impose a  
278 monthly surcharge on their ~~all local exchange telecommunications~~  
279 ~~company~~ subscribers on an individual access line basis, except  
280 that such surcharge may ~~shall~~ not be imposed upon more than 25  
281 basic telecommunications access lines per account bill rendered.

282 2. Require all local exchange telecommunications companies  
283 and commercial mobile radio service providers to include the  
284 surcharge as a part of the local service charge that appears on  
285 the customer's bill, except that the local exchange  
286 telecommunications company or commercial mobile radio service  
287 provider shall specify the surcharge on the initial bill to the  
288 subscriber and itemize it at least once annually.

289 3. Allow the local exchange telecommunications company or  
290 commercial mobile radio service provider to deduct and retain 1

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291 percent of the total surcharge amount collected each month to  
292 recover the billing, collecting, remitting, and administrative  
293 costs attributed to the surcharge.

294 (b) The commission shall determine the amount of the  
295 surcharge based upon the amount of funding necessary to  
296 accomplish the purposes of this act and provide the services on  
297 an ongoing basis; however, ~~in no case shall~~ the amount may not  
298 exceed 25 cents per line per month.

299 (c) All moneys received by the local exchange  
300 telecommunications company or commercial mobile radio service  
301 provider, less the amount retained as authorized by subparagraph  
302 (4) (a) 3., shall be remitted to the administrator for deposit in  
303 appropriate financial institutions regulated under state or  
304 federal law and used exclusively to fund the telecommunications  
305 access system provided for in this part ~~herein~~.

306 (d) The surcharge collected by the local exchange  
307 telecommunications companies and commercial mobile radio service  
308 providers is not subject to any sales, use, franchise, income,  
309 municipal utility, gross receipts, or any other tax, fee, or  
310 assessment, and ~~nor shall~~ it is not ~~be~~ considered revenue of the  
311 local exchange telecommunications companies or commercial mobile  
312 radio service providers for any purpose.

313 (e) From the date of implementing the surcharge, the  
314 commission shall review the amount of the surcharge at least  
315 annually and shall order changes in the amount of the surcharge  
316 as necessary to ensure ~~assure~~ available funds for the provision  
317 of the telecommunications access system established in this part  
318 ~~herein~~. If ~~Where~~ the review of the surcharge determines that  
319 excess funds are available, the commission may order the

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320 suspension of the surcharge for a period that ~~which~~ the  
321 commission deems appropriate.

322 (5) The commission shall require each local exchange  
323 telecommunications company and commercial mobile radio service  
324 provider to begin assessing and collecting the surcharge in the  
325 amount of 5 cents per access line per month on bills rendered on  
326 or after July 1, 2013 ~~1991~~, for remission to the administrator  
327 for deposit in the operational fund. Each local exchange  
328 telecommunications company and commercial mobile radio service  
329 provider shall remit moneys collected to the administrator. On  
330 August 15, 2013 ~~1991~~, each local exchange telecommunications  
331 company and commercial mobile radio service provider shall begin  
332 remitting the moneys collected to the administrator on a monthly  
333 basis and in a manner as prescribed by the commission. The  
334 administrator shall use such moneys to cover costs incurred  
335 during the development of the telecommunications relay services  
336 and to establish and administer the specialized  
337 telecommunications devices system.

338 Section 4. Paragraph (d) of subsection (1), subsections (3)  
339 and (4), paragraph (a) of subsection (5), and subsections (6)  
340 and (7) of section 427.705, Florida Statutes, are amended to  
341 read:

342 427.705 Administration of the telecommunications access  
343 system.—

344 (1) Consistent with the provisions of this act and rules  
345 and regulations established by the commission, the administrator  
346 shall:

347 (d) Establish and maintain an operational fund with  
348 appropriate financial institutions regulated under state or

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349 federal law, and receive moneys from the local exchange  
350 telecommunications companies and commercial mobile radio service  
351 providers and deposit such moneys in the operational fund.

352 (3) The administrator may apply to the commission for an  
353 adjustment in the amount of the monthly surcharge that a local  
354 exchange telecommunications company or commercial mobile radio  
355 service provider must impose on its customers. Before ~~Prior to~~  
356 applying to the commission for such an adjustment, the  
357 commission may require the administrator to employ an  
358 independent accounting firm to perform an audit of the accounts  
359 of the administrator and the service providers relevant to the  
360 surcharge and file a report with the commission.

361 (4) In contracting for the provision of distribution of  
362 specialized telecommunications devices, outreach services, and  
363 training of recipients, the administrator shall consider  
364 contracting with organizations that provide services to persons  
365 who are deaf, hard of hearing, ~~impaired~~ or speech impaired.

366 (5) The administrator shall provide for the distribution of  
367 specialized telecommunications devices to persons qualified to  
368 receive such equipment in accordance with the provisions of this  
369 act. The administrator shall establish procedures for the  
370 distribution of specialized telecommunications devices and shall  
371 solicit the advice and counsel and consider the recommendations  
372 of the advisory committee in establishing such procedures. The  
373 procedures must ~~shall~~:

374 (a) Provide for certification of persons as deaf, hard of  
375 hearing ~~impaired~~, speech impaired, or dual sensory impaired.  
376 Such certification process must ~~shall~~ include a statement  
377 attesting to such impairment by a licensed physician,

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378 audiologist, speech-language pathologist, hearing aid  
379 specialist, or deaf and hard-of-hearing service center director;  
380 by a state-certified teacher of the deaf and hard of hearing  
381 ~~impaired~~; by a state-certified teacher of the visually impaired;  
382 or by an appropriate state or federal agency. The licensed  
383 physician, audiologist, speech-language pathologist, hearing aid  
384 specialist, state-certified teacher of the deaf and hard of  
385 hearing ~~impaired~~, or state-certified teacher of the visually  
386 impaired providing statements that ~~which~~ attest to such  
387 impairments shall work within their individual scopes of  
388 practice according to their education and training. The deaf and  
389 hard-of-hearing service center directors and appropriate state  
390 and federal agencies shall attest to such impairments as  
391 provided for in the procedures developed by the administrator.

392 (6) All names, addresses, and telephone numbers provided to  
393 the ~~Florida Public Service~~ commission or administrator by  
394 applicants for specialized telecommunications devices are  
395 confidential and exempt from the provisions of s. 119.07(1). The  
396 information shall be released to contractors only to the extent  
397 necessary for assignment and shipment of equipment, for  
398 provision of training in the use of equipment, and for inventory  
399 reconciliation purposes. ~~Neither~~ The administrator or any  
400 contractor may not ~~shall~~ release this information or ~~nor~~ use it  
401 for any other purpose.

402 (7) The administrator shall assume responsibility for  
403 distribution of specialized telecommunications devices,  
404 including wireless mobile devices.

405 Section 5. Subsections (1) and (2) of section 427.706,  
406 Florida Statutes, are amended to read:

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407 427.706 Advisory committee.—

408 (1) The commission shall appoint an advisory committee to  
409 assist the commission with the administration ~~implementation~~ of  
410 ~~the provisions of~~ this part. The committee shall be composed of  
411 no more than 11 ~~10~~ persons and shall include, to the extent  
412 practicable, the following:

413 (a) Two deaf persons recommended by the Florida Association  
414 of the Deaf.

415 (b) Two hard-of-hearing persons ~~One hearing-impaired person~~  
416 recommended by the Hearing Loss Association of Florida ~~Self-Help~~  
417 ~~for the Hard of Hearing~~.

418 (c) One deaf and blind person recommended by the Florida  
419 Deaf-Blind Association ~~Coalition for Persons with Dual Sensory~~  
420 ~~Disabilities~~.

421 (d) One speech impaired person recommended by the Florida  
422 Language Speech and Hearing Association.

423 (e) Three ~~Two~~ representatives of telecommunications  
424 companies.

425 (f) One person who has ~~with~~ experience in providing relay  
426 services recommended by the Deaf Service Center Association.

427 (g) One person recommended by Disability Rights Florida ~~the~~  
428 ~~Advocacy Center for Persons with Disabilities, Inc.~~

429 ~~(h) One person recommended by the Florida League of~~  
430 ~~Seniors.~~

431 (2) The advisory committee shall provide the expertise,  
432 experience, and perspective of persons who are deaf, hard of  
433 hearing, ~~impaired~~ or speech impaired to the commission and to  
434 the administrator during all phases of the development and  
435 operation of the telecommunications access system. The advisory

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436 committee shall advise the commission and the administrator on  
437 the quality and cost-effectiveness of the telecommunications  
438 relay service and the specialized telecommunications devices  
439 distribution system. The advisory committee may submit material  
440 for inclusion in the annual report prepared pursuant to s.  
441 427.704.

442 Section 6. Section 427.708, Florida Statutes, is amended to  
443 read:

444 427.708 Certain public safety and health care providers  
445 required to purchase and operate TDD's or other appropriate  
446 telecommunications devices.—

447 (1) The central communications office of each county  
448 sheriff's department shall purchase and continually operate at  
449 least one TDD or other appropriate telecommunications device.

450 (2) (a) The central communications office of each police  
451 department and each firefighting agency in a municipality with a  
452 population of 25,000 to 250,000 shall purchase and continually  
453 operate at least one TDD or other appropriate telecommunications  
454 device.

455 (b) The central communications office of each police  
456 department and each firefighting agency in a municipality with a  
457 population exceeding 250,000 persons shall purchase and  
458 continually operate at least two TDD's or other appropriate  
459 telecommunications devices.

460 (3) Each hospital as defined in s. 395.002 shall purchase  
461 and continually operate at least one TDD or other appropriate  
462 telecommunications device.

463 (4) Each emergency telephone number "911" system, as  
464 provided in s. 365.171, and each agency receiving automatically



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465 routed calls through such a system shall purchase and  
466 continually operate at least one TDD or other appropriate  
467 telecommunications device.

468 (5) Each public safety office, health care provider, and  
469 emergency telephone number "911" system required to obtain a TDD  
470 or other appropriate telecommunications device pursuant to this  
471 section shall continuously operate and staff such equipment on a  
472 24-hour basis.

473 (6) Each office or organization required to purchase TDD's  
474 or other appropriate telecommunications devices pursuant to this  
475 section shall buy ~~such~~ equipment that ~~which~~ meets the same  
476 specifications as those selected by the commission.

477 (7) Each office or organization required to operate TDD's  
478 or other appropriate telecommunications devices pursuant to this  
479 section shall utilize equipment in accordance with standards  
480 established by the commission.

481 (8) The Public Service Commission shall ensure on an annual  
482 basis that public safety and health care providers are in  
483 compliance with this section and shall submit a report that  
484 includes its findings to the advisory committee established  
485 under s. 427.706.

486 Section 7. This act shall take effect July 1, 2013.