

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: CS/SB 344

INTRODUCER: Regulated Industries Committee and Senator Rodriguez

SUBJECT: Telecommunications Access System Act of 1991

DATE: March 17, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Shrader</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Sanders</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 344 revises Florida’s Telecommunications Access System Act of 1991 (TASA), which provides for services to enable individuals with hearing or speech disabilities to connect them to standard (i.e. voice) telephone users. Specifically, the bill:

- Authorizes the use of advanced technologies beyond the landline telephone communications system authorized in TASA;
- Allows for the adoption of new, emerging, and not yet contemplated communications technologies as they come into the marketplace; and
- Revises the membership of TASA’s advisory committee.

The bill does not impact state revenues or expenditures; however, it may have a slight impact on the private sector. **See Section V. Fiscal Impact Statement.**

The bill has an effective date of July 1, 2025.

II. Present Situation:

Florida Public Service Commission

The Florida Public Service Commission (PSC) is an arm of the legislative branch of government.¹ The role of the PSC is to ensure Florida’s consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe and reliable manner and at fair prices.² In order to do so, the PSC exercises authority over utilities in one or more of the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.³

Under ch. 364, F.S., telecommunications carriers in Florida are subject to only limited PSC regulation. During the 2011 legislative session, the “Regulatory Reform Act” (act) was passed and signed into law by the Governor, effective July 1, 2011.⁴ Under the act, the Legislature eliminated most of the PSC’s jurisdiction over telecommunications. However, the PSC still:

- Maintains authority to ensure that incumbent local exchange carriers meet their obligation to provide unbundled access, interconnection, and resale to competitive local exchange companies in a nondiscriminatory manner;
- Administers the system to provide Telecommunications Relay Services pursuant to Florida’s Telecommunications Access Systems Act of 1991 (TASA); and
- Oversees the Federal Lifeline Assistance program for Florida.⁵

Telecommunications Access System Act of 1991

Sections 427.701 through 427.708, F.S., provide the statutory authorization for TASA. The purpose of TASA is to create a system for Floridians who “are hearing impaired, speech impaired, or dual sensory impaired [to] have access to basic telecommunications services at a cost no greater than that paid by other telecommunications services customers, and whereby the cost of specialized telecommunications equipment necessary to ensure that citizens who are hearing impaired, speech impaired, or dual sensory impaired have access to basic telecommunications services.” The provision of this telecommunications relay service “is borne by all the telecommunications customers of the state.”⁶

Section 427.704(1), F.S., requires the PSC to oversee the administration of the statewide telecommunications access system to provide access to telecommunications relay service (relay service). The system purchases and distributes specialized telecommunication devices as established by TASA. The telecommunications access system must also meet or exceed the certification requirements of the Federal Communications Commission’s regulations implementing Title IV of the Americans with Disability Act.

¹ Section 350.001, F.S.

² See Florida Public Service Commission, *Florida Public Service Commission Homepage*, <http://www.psc.state.fl.us> (last visited March 11, 2025).

³ Florida Public Service Commission, *About the PSC*, <https://www.psc.state.fl.us/about> (last visited March 11, 2025).

⁴ Ch. 2011-36, Laws of Florida.

⁵ Florida Public Service Commission, *About the PSC*, supra note 3.

⁶ Section 427.702, F.S.

Section 427.704(2), F.S. also directs the PSC to designate an administrator of the relay service which must be a not-for-profit corporation organized for such purposes. This subsection also authorizes the PSC to order state telecommunications companies to form such a not-for-profit corporation. Pursuant to this requirement and authorization, the PSC, in May 1991, directed Florida's local exchange telecommunications companies to form Florida Telecommunications Relay, Inc. (FTRI) to administer the distribution of the specialized telecommunications equipment and to provide outreach services.⁷

As a part of the PSC's oversight responsibilities for TASA, s. 427.704(9), F.S., requires the PSC to file an annual report on the system to be available on the PSC's website. This report, prepared in consultation with TASA's administrator, FTRI, must, at a minimum:

- Briefly outline:
 - The status of developments in the telecommunications access system;
 - The number of persons served, call volume, revenues, and expenditures; and
 - The allocation of the revenues and expenditures between provision of specialized telecommunications devices to individuals and operation of statewide relay service
- Other major policy or operational issues; and
- Proposals for improvements or changes to the telecommunications access system.”

Florida Telecommunications Relay

The FTRI's relay service—branded as “Florida Relay”—provides 24-hour, 365-day per year, services to Florida residents who are deaf, hard of hearing, deaf/blind, and speech disabled to connect them to standard (i.e. voice) telephone users. The relay services provided by Florida Relay include the following:⁸

- Text telephone (TTY) and ASCII⁹: Persons who are deaf, hard-of-hearing, deaf-blind, or speech-disabled use a TTY to type their conversation to a relay operator. This operator then reads this conversation to the hearing person being called.
- Voice carry over (VCO): Persons who are deaf or hard of hearing use their voice to speak directly to the hearing person being called. When the person being called speaks back, the operator types out what is said on a TTY or text display.
- Speech to Speech (STS): This technology allows speech-disabled persons to voice their conversation. Then, a specially trained relay operator repeats that speech-disabled person's dialogue for the called party to better hear or understand.
- Relay conference capturing: Service for persons who are deaf or hard of hearing to engage in a group conversation setting, in either a video conference or conference call.
- CapTel: CapTel is a captioned telephone device that displays what the called party says using speech recognition software.¹⁰

⁷ *In re: Telecommunications Access System Act of 1991*, Docket No. 19910496-TP, Order No. 24462 (F.P.S.C. May 1, 1991).

⁸ Florida Telecommunications Relay, Inc., *Florida Relay*, <https://www.ftri.org/relay> (last visited March 11, 2025).

⁹ American Standard Code for Information Interchange (ASCII) is a 7-bit character code where each individual bit represents a unique character. ASCII codes are used to assist with text-based communication and computing to ensure compatibility and consistency across different systems and applications. *ASCII Table*, ASCII – Code.com, <https://www.ascii-code.com/> (last visited March 11, 2025).

¹⁰ Hamilton Relay, *CapTel (Captioned Telephone)*, <https://hamiltonrelay.com/how-it-works/captel-captioned-telephone.html> (last visited March 11, 2025).

- Voice: Allows standard telephone users to initiate calls to TTY users. The operator types the hearing person's spoken words to the TTY user and then reads back the replies.
- Hearing Carry-Over (HCO): Persons who are hearing, but unable to speak directly into a phone due to speech disabilities, can listen to the called party. Then, the HCO user types back a response which is then relayed, via voice, by the relay operator to the called party, who then can speak back.
- Video Assisted Speech to Speech (VA-STS): This technology allows persons with speech disabilities to use both a telephone and video device to make relay calls.
- Enhanced Speech to Speech: Features provided through enhanced speech to speech include the ability to set up call times, contacts, and faster call set up.

Florida Relay also provides services in Spanish.¹¹

Advisory Committee for TASA

Section 427.706, F.S., also directs the PSC to appoint an advisory committee of no more than 10 persons and include, to the extent practicable:

- Two deaf persons recommended by the Florida Association of the Deaf.
- One hearing impaired person recommended by Self-Help for the Hard of Hearing.
- One deaf and blind person recommended by the Coalition for Persons with Dual Sensory Disabilities.
- One speech impaired person recommended by the Florida Language Speech and Hearing Association.
- Two representatives of telecommunications companies.
- One person with experience in providing relay services recommended by the Deaf Service Center Association.
- One person recommended by the Advocacy Center for Persons with Disabilities, Inc.
- One person recommended by the Florida League of Seniors.

This committee meets twice per year in formal meetings organized and conducted by PSC staff. The most recent meetings were in June and October of 2024.¹² According to the PSC, not every organization listed to appoint individuals to the advisory council is still active in Florida. There are only three persons who have been appointed by the specified organizations.¹³

Funding TASA Services

Section 427.704, F.S., requires the PSC to implement a surcharge on each basic telecommunications access line (i.e. landline) to fund TASA services through FTRI. This surcharge is imposed on all local exchange telecommunications company subscribers by their local exchange telecommunications company as part of their regular bill.¹⁴ This surcharge is

¹¹ Florida Telecommunications Relay, Inc., *Florida Relay*, *supra* note 8.

¹² Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, pg. 10, Dec. 2024, available at <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/Telecommunication/TelecommunicationAccess/2024.pdf> (last visited March 11, 2025).

¹³ *Id.*

¹⁴ Section 427.704(4)(a).

capped at \$0.25 per month, per access line, up to a total of 25 total access lines per customer.¹⁵ The amount, subject to these statutory limitations, is set by the PSC in order to fund FTRI's operations. For the year 2024-2025, the TASA surcharge per customer line is \$0.08 per month.¹⁶

Recommendations from the PSC's TASA Annual Report

The PSC posted its most recent TASA annual report in December of 2024 (2024 Report). This report made several recommendations regarding the TASA program. Specifically, the PSC states that Florida Relay “is facing a number of challenges in terms of technological changes that affects both the demand for equipment and the viability of the program’s long-term funding.” Furthermore, the PSC “believes that modernization of TASA is needed for the program to meet the evolving needs and preferences of consumers served by the program.”¹⁷

Technology Changes

In its 2024 report, the PSC stated the telecommunications market and technologies have changed significantly since TASA was passed in 1991. In 2001, switched access lines¹⁸ numbered 12,030,592 in Florida.¹⁹ As of 2023, that number has dropped to 763,866—a decline of approximately 94 percent—and this number is expected to continue to decline.²⁰ The first voice-over-internet protocol (VoIP) was not released until 1995²¹—four years after TASA passed. Today, wireless and VoIP comprise the majority of the communications marketplace connecting consumers to the public switched network—however neither of these technologies were contemplated in TASA.

Section 427.702(3), F.S., does provide the intent of the legislature is that the telecommunications access system should have the “capability of incorporating new technologies as they develop” and should use “state-of-the-art technology for specialized telecommunications devices and the telecommunications relay service and encourages the incorporation of new developments in technology.” However, the definitions used in TASA limit the technologies that may be deployed. Specifically, as pointed out by the PSC, s. 427.703, F.S., defines:

- “Specialized telecommunications devices” as equipment that is specifically designed or used to provide *basic* (emphasis added) access to telecommunications services; and
- “Telecommunications device for the deaf” or “TDD,” a mechanism which is connected to a standard telephone line and used to transmit or receive signals through telephone lines.

¹⁵ Section 427.704(4)(a)-(b).

¹⁶ Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, *supra* note 12, pg. 9.

¹⁷ Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, *supra* note 12, pg. 11.

¹⁸ “Switched access lines” are how a traditional telephone (i.e. landline), connects to a local exchange carrier’s switch. See Federal Communications Commission Office of Economics and Analysis, *Voice Telephone Services: Status as of June 30, 2022*, pg. 16, available at <https://docs.fcc.gov/public/attachments/DOC-396138A1.pdf> (last visited March 11, 2025). A reduction in these lines would indicate a reduction in landline subscribers.

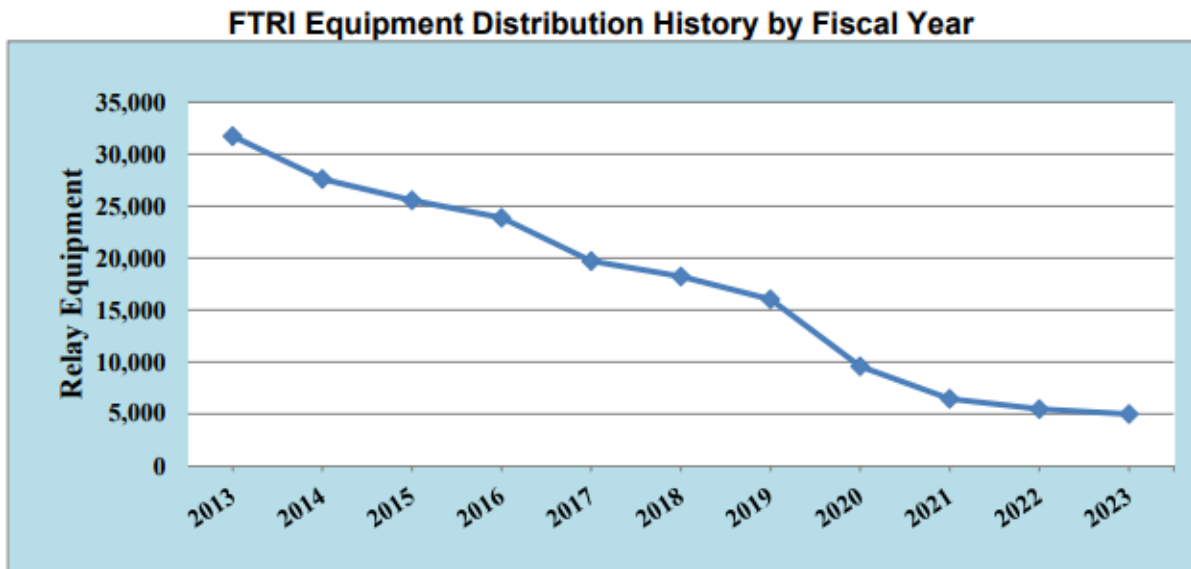
¹⁹ Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, pg. 10, Jun. 2002, available at <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/Telecommunication/TelecommunicationIndustry/2002.pdf> (last visited March 11, 2025).

²⁰ Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, *supra* note 12, pg. 11-12.

²¹ Jeremy Norman’s History of Information, *VocalTec Releases "Internet Phone," the First Internet VoIP Application*, <https://www.historyofinformation.com/detail.php?id=1111> (last visited March 11, 2025).

The PSC has found that wireless and broadband technologies—which are the majority of the telecommunications market as landlines become less prevalent—are not contemplated, and therefore not supported, by TASA and would require a statutory change to integrate.²²

The PSC noted in its 2024 Report that participation in TASA services has continued to decline over the last decade. The chart below, provided in the 2024 Report, shows the total equipment distributed by FTRI each fiscal year from 2013 through 2023:²³



The PSC also notes that there has been an “eighty-seven percent decline in new clients served and a seventy-seven percent decline in customer calls over the past ten years.”²⁴

Funding Challenges

As stated, s. 427.704, F.S., only assesses a surcharge on landline telecommunications to fund TASA services. Wireless and VoIP are not required to contribute. Thus, as fewer customers use landline telecommunications, potential revenue sources for TASA services will likely decline.²⁵

TASA Advisory Committee Eligibility

The PSC also recommends eligibility for the TASA advisory committee be expanded beyond that provided in s. 427.706, F.S., and provide for additional flexibility. The PSC notes that “Not all of the identified organizations are currently active in Florida, while others have not provided a volunteer for the Committee.”

²² *Id.* at 11; and *In re: Commission Approval of Florida Telecommunications Relay, Inc.’s Fiscal Year 2020/2021 Proposed Budget*, Docket No. 20200073-TP, Order No. PSC-2020-0220-PAA-TP, pg. 6 (F.P.S.C. Jun. 29, 2020).

²³ Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, *supra* note 12, pg. 8.

²⁴ Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, *supra* note 12, pg. 6.

²⁵ Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, *supra* note 12, pg. 11.

III. Effect of Proposed Changes:

Section 1 amends s. 427.702, F.S., to make significant revisions to the findings, purpose, and legislative intent of the program. The bill deletes the following findings:

- Telecommunications services provide rapid and essential communication links between the general public and essential services.
- All persons should have basic telecommunications services available to them at reasonable and affordable costs.
- Significant portions of Florida’s hearing and speech impaired populations have profound disabilities that render normal telephone equipment useless without specialized communications devices, which may cost several hundred dollars.
- The telecommunications system is intended to provide access to a basic communications network between all persons, and hearing and speech impaired may have no access to the basic telecommunications system.
- Persons with hearing or speech impairments are generally excluded from access to the basic telecommunications system without special equipment.
- There is a need for a telecommunications relay system where the cost of access to the basic telecommunications services for persons with hearing or speech impairment is no greater than the amount paid by other telecommunications customers.

In addition, the bill adds legislative intent to the section stating: “[T]hat the telecommunications access system should provide access to specialized communications technology capable of using existing or future devices or equipment necessary for persons with hearing loss or speech impairment or who are deafblind to access telecommunications services.”

The bill also makes technical revisions to the section, including updating terminology referencing persons with specific disabilities.

Section 2 amends s. 427.703, F.S., to revise the definitions relating to the Telecommunications Access System Act of 1991 (TASA). Specifically, the bill makes technical revisions, including updating terminology referencing persons with specific disabilities, and:

- Revises the definition of “administrator” to delete references to the relay service system and the distribution of specialized telecommunications devices and provides that the administrator is to administer the telecommunications access system.
- Adds a definition for “commercial mobile radio service” or “CMRS” to mean a mobile radio communications service, provided for profit, which is interconnected to the public switched network and is available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public.²⁶
- Adds a definition of “communications service” to mean service provided to subscribers through wireline telecommunications equipment, interconnected voice-over-internet protocol (VoIP), or CMRS.
- Adds a definition for “interconnected voice over Internet protocol” or “interconnected VoIP” to mean a service that:

²⁶ More commonly known as mobile or wireless telephone service. As provided in the bill, however, CMRS does not include services that do not provide access to 911 service, communication channels suitable only for data transmission, wireless roaming services or other nonlocal radio access line services, or private telecommunications systems.

- Enables subscribers to have real-time, two-way voice communications;
- Requires a broadband connection;
- Requires Internet compatible customer equipment; and
- Allows subscribers to receive calls from and place calls to the public switched telephone network.²⁷
- Revises the definitions of “dual sensory impaired” person, “hearing impaired” person, and “speech impaired” person.
- Adds a definition for “specialized communications technology” to mean mobile devices, tablet computers, software, or applications that can be used to provide communications services to hearing impaired, speech impaired, or deafblind persons.
- Revises the definition of “specialized telecommunications device” to revise the equipment contemplated under the definition. The revision removes a reference to specifically designed (for persons with certain specified disabilities) customer premises telecommunications equipment for basic access to telecommunications services and replaces it with equipment that can be used to provide access to communications services for persons with specified disabilities. Essentially, the revision removes the requirement that the equipment be at a customer’s premises and that it be specifically designed for specified disabilities.
- Adds a definition for “telecommunications access system” to mean the system administered pursuant to TASA, and the Public Service Commission (PSC) rules adopted to administer TASA, including the administration of the telecommunications relay service system and the distribution of specialized telecommunications devices and specialized communications technologies.
- Revises the definition of “telecommunications device for the deaf” or “TDD” to add “text device,” removes a reference to “standard telephone line” (replacing it with communications network) and provides that signals from such devices may also come through communications service facilities other than just telephone lines.
- Revises the definition of “telecommunications relay service” to include the revised definitions for sensory impaired persons.

Section 3 amends s. 427.704, F.S., to make technical revisions to the powers and duties of the PSC, including updating terminology referencing persons with specific disabilities. The section also provides the telecommunications access system overseen by the PSC, as part of TASA, may provide equipment and specialized communications technology in addition to providing telecommunications relay services and distributing specialized telecommunication devices as already authorized under TASA.

Relatedly, the PSC must set eligibility requirements for the distribution of this specialized communications technology. These requirements must be based upon income qualifications or participation in other state or federal programs based on income, which requirements must be set at no less than double, but no more than triple, the federal poverty level.²⁸ These eligibility

²⁷ The term, however, does not include services that do not provide access to 911 service or private telecommunications systems.

²⁸ The federal poverty guidelines for 2025 are \$15,650 for a single person household, for a two-person household, it is \$21,150, for a three-person household, it is \$26,650, and for a four-person household it is \$32,150. <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines> (last visited March 11, 2025).

requirements may not prohibit the administrator of TASA from providing access to specialized communications technologies if such access has a de minimis value.²⁹

In addition, the bill deletes obsolete portions of s. 427.704, F.S., and makes conforming revisions implementing the provisions specified above for this section.

Section 4 amends s. 427.705, F.S., to make technical revisions, including updating terminology referencing persons with specific disabilities. The section also revises the duties of the administrator to conform with the revisions in **Section 3** of the bill allowing telecommunications access systems to provide equipment and specialized communications technology in addition to providing telecommunications relay services, and distribute specialized telecommunication devices as already authorized under TASA. The bill also makes revisions to allow the administrator to license such equipment. In addition, the section revises the persons that may provide statements attesting to hearing and speech impairment as part of the certification process to receive TASA services, allowing regional distribution center directors to do so.³⁰

Section 5 amends s. 427.706, F.S., to revise the composition of the TASA advisory committee. All of the specified composition of the committee from current statute³¹ is repealed and replaced with persons recommended by organizations representing the following groups (to the extent practicable):

- The deaf;
- Persons with hearing loss;
- The deafblind;
- Persons with speech impairment;
- The elderly;
- Telecommunications relay service distribution centers; and
- Communications service providers.

In addition, the section makes technical and conforming revisions, including updating terminology referencing persons with specific disabilities.

Section 6 provides for an effective date of July 1, 2025.

²⁹ These provisions do not apply to specialized telecommunications devices using standard telephone lines.

³⁰ Under present law, only a licensed physician, audiologist, speech-language pathologist, hearing aid specialist, or deaf service center director, a state-certified teacher of the hearing impaired, a state-certified teacher of the visually impaired, or an appropriate state or federal agency may do so.

³¹ Current statute specifies the following persons: 1) two deaf persons recommended by the Florida Association of the Deaf; 2) one hearing impaired person recommended by Self-Help for the Hard of Hearing, 3) one deaf and blind person recommended by the Coalition for Persons with Dual Sensory Disabilities, 4) one speech impaired person recommended by the Florida Language Speech and Hearing Association, 5) two representatives of telecommunications companies, 6) one person with experience in providing relay services recommended by the Deaf Service Center Association, 7) one person recommended by the Advocacy Center for Persons with Disabilities, Inc., and 8) one person recommended by the Florida League of Seniors.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The Telecommunications Access System Act of 1991 (TASA) is funded by a surcharge that wireline telecommunications carriers are required to assess to their customers.³² Currently, the surcharge on landlines in Florida is set at \$0.08 per line per month, with a statutory cap of \$0.25 per line per month, with a maximum of 25 lines charged per customer account per month.³³

The TASA may experience increased expenses due to the authority to purchase specialized communications equipment; however, such expenses are not expected to increase significantly due to the income eligibility requirements of **Section 3** of the bill.

In the event the TASA experiences a significant increase in expenses due to the specialized communications technology, and such increase exceeds the current budget authority for the Florida Telecommunications Relay, Inc. (FTRI), the FTRI may seek a surcharge increase from the Public Service Commission through its annual budget

³² Wireless, VoIP and broadband service providers are not required to assess the surcharge. Public Service Commission, *Senate Bill 344 Agency Bill Analysis* (Feb. 24, 2025) (on file with the Appropriations Committee on Agriculture, Environment and General Government).

³³ Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, *supra* note 12, pg. 9.

proposal. Any increase in the surcharge may cause a slight increase in landline customers' bills.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 427.702, 427.703, 427.704, 427.705, 427.706, and 427.708.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Regulated Industries on February 18, 2025:

The committee substitute:

- Corrects an erroneous statement of application, revising a new provision from applying to the entirety of s. 427.704 (as was in the bill as filed), to only applying to the new s. 427.704(1)(e), F.S., added by the bill, as intended;
- Reinserts the term “basic” to the term “basic telecommunications system” as used in a provision dealing with a surcharge to fund the Telecommunications Access System Act of 1991 (TASA). This amendment is intended to clarify that the revisions to this provision do not intend to increase the scope of the surcharge beyond that currently in law; and
- Removes a redundant **section 6** of the bill.

B. Amendments:

None.