

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to the Telecommunications Access
3 System Act of 1991; amending s. 427.702, F.S.;
4 revising the legislative findings, purpose, and intent
5 of the Telecommunications Access System Act of 1991;
6 amending s. 427.703, F.S.; defining and redefining
7 terms; amending s. 427.704, F.S.; revising the powers
8 and duties of the Florida Public Service Commission in
9 overseeing the administration of the
10 telecommunications access system; amending s. 427.705,
11 F.S.; revising the duties of the system's
12 administrator; revising the procedures required for
13 the distribution of specialized telecommunications
14 devices; requiring the administrator to assume
15 responsibility for the distribution of specialized
16 communications technologies; amending s. 427.706,
17 F.S.; revising the composition of the advisory
18 committee appointed to assist the commission with
19 implementing the act; amending s. 427.708, F.S.;
20 authorizing the central communications office of each
21 county sheriff's department to purchase and
22 continually operate at least one telecommunications
23 device for the deaf; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Present paragraphs (e) through (i) of subsection
28 (3) of section 427.702, Florida Statutes, are redesignated as
29 paragraphs (f) through (j), respectively, a new paragraph (e) is

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30 added to that subsection, and subsections (1) and (2) and
31 paragraphs (a) and (d) and present paragraphs (g) and (h) of
32 subsection (3) of that section are amended, to read:

33 427.702 Findings, purpose, and legislative intent.—

34 (1) The Legislature finds and declares that:

35 (a) ~~Telecommunications services provide a rapid and~~
36 ~~essential communications link among the general public and with~~
37 ~~essential offices and organizations such as police, fire, and~~
38 ~~medical facilities.~~

39 ~~(b) All persons should have basic telecommunications~~
40 ~~services available to them at reasonable and affordable costs.~~

41 ~~(c) A significant portion of Florida's hearing impaired and~~
42 ~~speech impaired populations has profound disabilities, including~~
43 ~~dual sensory impairments, which render normal telephone~~
44 ~~equipment useless without additional specialized~~
45 ~~telecommunications devices, many of which cost several hundred~~
46 ~~dollars.~~

47 ~~(d) The telecommunications system is intended to provide~~
48 ~~access to a basic communications network between all persons,~~
49 ~~and that many persons who have a hearing impairment or speech~~
50 ~~impairment currently have no access to the basic~~
51 ~~telecommunications system.~~

52 ~~(e) Persons who do not have a hearing impairment or speech~~
53 ~~impairment are generally excluded from access to the basic~~
54 ~~telecommunications system to communicate with persons who have a~~
55 ~~hearing impairment or speech impairment without the use of~~
56 ~~specialized telecommunications devices.~~

57 ~~(f) There exists a need for a telecommunications relay~~
58 ~~system whereby the cost for access to basic telecommunications~~

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59 ~~services for persons who have a hearing impairment or speech~~
60 ~~impairment is no greater than the amount paid by other~~
61 ~~telecommunications customers.~~

62 ~~(g)~~ The Federal Government, in order to carry out the
63 purposes established by Title II of the Communications Act of
64 1934, as amended, by the enactment of the Americans with
65 Disabilities Act, endeavored to ensure that interstate and
66 intrastate telecommunications relay services are available, to
67 the extent possible and in the most efficient manner, to persons
68 with hearing loss or speech impairment ~~hearing impaired and~~
69 ~~speech impaired persons~~ in the United States.

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

79 (2) ~~It is~~ The ~~declared~~ purpose of this part is to establish
80 a system whereby the residents ~~citizens~~ of this state with
81 hearing loss or speech impairment or who are deafblind Florida
82 ~~who are hearing impaired, speech impaired, or dual sensory~~
83 ~~impaired~~ have access to ~~basic~~ telecommunications services at a
84 cost no greater than that paid by other telecommunications
85 services customers, and whereby the cost of both the specialized
86 telecommunications equipment necessary to ensure that such
87 residents ~~citizens who are hearing impaired, speech impaired, or~~

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88 ~~dual sensory impaired~~ have such access to basic
89 telecommunications services and the provision of
90 telecommunications relay service is borne by all ~~the~~
91 telecommunications customers in this ~~of the~~ state.

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

93 (a) That a telecommunications access system be established
94 to provide equitable basic access to the telecommunications
95 network for persons with hearing loss or ~~who are hearing~~
96 ~~impaired,~~ speech impairment ~~impaired,~~ or who are deafblind ~~dual~~
97 ~~sensory impaired.~~

98 (d) That the telecommunications access system includes the
99 distribution of specialized telecommunications devices necessary
100 for persons with hearing loss or ~~hearing impaired,~~ speech
101 impairment ~~impaired,~~ or who are deafblind ~~dual sensory impaired~~
102 ~~persons~~ to access basic telecommunications services.

103 (e) That the telecommunications access system provides
104 access to specialized communications technology capable of using
105 existing or future devices or equipment necessary for persons
106 with hearing loss or speech impairment or who are deafblind to
107 access telecommunications services.

108 (h) ~~(g)~~ That the telecommunications access system uses
109 state-of-the-art technology for specialized telecommunications
110 devices, specialized communications technology, and the
111 telecommunications relay service and encourages the
112 incorporation of new developments in technology, to the extent
113 that it has demonstrated benefits consistent with the intent of
114 this act and is in the best interest of the residents ~~citizens~~
115 of this state.

116 (i) ~~(h)~~ That the value of the involvement of persons with

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117 hearing loss ~~who have hearing~~ or speech impairment, or who are
118 deafblind ~~impairments~~, and organizations representing or serving
119 those persons, be recognized and such persons and organizations
120 be involved throughout the development, establishment, and
121 implementation of the telecommunications access system through
122 participation on the advisory committee as provided in s.
123 427.706.

124 Section 2. Present subsections (2), (3) through (6), (7),
125 (8), and (9), (10), (11), (12), and (13) through (17) of section
126 427.703, Florida Statutes, are redesignated as subsections (3),
127 (5) through (8), (10), (11), and (12), (15), (14), (16), and
128 (18) through (22), respectively, new subsections (2), (4), (9),
129 (13), and (17) are added to that section, and subsection (1) and
130 present subsections (4), (6), (10), (11), (12), (14), and (16)
131 of that section are amended, to read:

132 427.703 Definitions.—As used in this part:

133 (1) "Administrator" means a corporation not for profit
134 incorporated pursuant to ~~the provisions of~~ chapter 617 and
135 designated by the Florida Public Service Commission to
136 administer the telecommunications access system ~~relay service~~
137 ~~system and the distribution of specialized telecommunications~~
138 ~~devices~~ pursuant to ~~the provisions of~~ this act and rules and
139 regulations established by the commission.

140 (2) "Commercial mobile radio service" or "CMRS" means a
141 mobile radio communications service, provided for profit, which
142 is interconnected to the public switched network and is
143 available to the public or to such classes of eligible users as
144 to be effectively available to a substantial portion of the
145 public. The term does not include services that do not provide

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146 access to 911 service, communication channels suitable only for
147 data transmission, wireless roaming services or other nonlocal
148 radio access line services, or private telecommunications
149 systems.

150 (4) "Communications service" means a service provided to
151 subscribers through wireline telecommunications equipment,
152 interconnected VoIP, or CMRS.

153 (6)-(4) "Deafblind" ~~"Dual sensory impaired"~~ means having
154 both a permanent hearing impairment and a permanent visual
155 impairment and includes dual sensory impairment ~~deaf/blindness~~.

156 (8)-(6) "Hearing loss ~~impaired~~" or "having a hearing
157 impairment" means deaf, late-deafened, or hard of hearing ~~and,~~
158 for purposes of this part, includes being dual sensory impaired.

159 (9) "Interconnected voice over Internet protocol" or
160 "interconnected VoIP" means a service that does all of the
161 following:

162 (a) Enables subscribers to have real-time, two-way voice
163 communications.

164 (b) Requires a broadband connection.

165 (c) Requires customer equipment compatible with Internet
166 protocol.

167 (d) Allows subscribers to receive calls from and place
168 calls to the public switched telephone network. The term does
169 not include services that do not provide access to 911 service
170 or private telecommunications systems.

171 (13) "Specialized communications technology" means mobile
172 devices, tablet computers, software, or applications that can be
173 used to provide communications services to a hearing impaired,
174 speech impaired, or deafblind person.

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175 ~~(15)(10)~~ "Speech impaired" or "~~having a~~ speech impairment"
176 means having a permanent loss of verbal communication ability
177 which prohibits normal usage of a standard telephone handset.

178 ~~(14)(11)~~ "Specialized telecommunications device" means a
179 TDD, a volume control handset, a ring signaling device, or any
180 ~~other customer premises telecommunications equipment that can be~~
181 ~~specifically designed or used to provide basic~~ access to
182 communications telecommunications services for a person with
183 hearing loss or speech impairment or who is deafblind hearing
184 impaired, speech impaired, or dual sensory impaired person.

185 ~~(16)(12)~~ "Surcharge" means an additional charge ~~which is to~~
186 ~~be~~ paid by local exchange telecommunications company subscribers
187 pursuant to the cost recovery mechanism established under s.
188 427.704(4) in order to implement the system described herein.

189 (17) "Telecommunications access system" means the system
190 administered, as defined in this section, and includes the
191 administration of the telecommunications relay service system
192 and the distribution of specialized telecommunications devices
193 and specialized communications technologies pursuant to this act
194 and rules and regulations established by the commission.

195 ~~(19)(14)~~ "Telecommunications device for the deaf," ~~or~~
196 "TDD," or "text device" means a mechanism ~~that~~ which is
197 connected to a communications network ~~standard telephone line,~~
198 operated by means of a keyboard, and used to transmit or receive
199 signals through telephone lines or other communications service
200 facilities.

201 ~~(21)(16)~~ "Telecommunications relay service" means any
202 telecommunications transmission service that allows a person
203 with hearing loss ~~who is hearing impaired~~ or speech impairment

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204 ~~speech impaired~~ to communicate by wire or radio in a manner that
205 is functionally equivalent to the ability of a person who does
206 not have hearing loss or speech impairment ~~is not hearing~~
207 ~~impaired or speech impaired~~. Such term includes any service that
208 enables two-way communication between a person who uses a
209 telecommunications device or other nonvoice terminal device and
210 a person who does not use such a device.

211 Section 3. Subsection (1), paragraph (a) of subsection (3),
212 paragraph (a) of subsection (4), and subsections (5) through (9)
213 of section 427.704, Florida Statutes, are amended to read:

214 427.704 Powers and duties of the commission.—

215 (1) The commission shall establish, implement, promote, and
216 oversee the administration of a statewide telecommunications
217 access system to provide access to telecommunications relay
218 services by persons with hearing loss or speech impairment or
219 who are deafblind ~~who are hearing impaired or speech impaired~~,
220 or others who communicate with them. The telecommunications
221 access system must ~~shall~~ provide for the purchase and
222 distribution of specialized telecommunications devices,
223 equipment, specialized communications technology, and the
224 establishment of a statewide single provider telecommunications
225 relay service system that ~~which~~ operates continuously. To
226 provide telecommunications relay services and distribute
227 specialized telecommunication devices, equipment, and
228 specialized communications technology to persons with hearing
229 loss or speech impairment or who are deafblind ~~who are hearing~~
230 ~~impaired or speech impaired~~, at a reasonable cost the commission
231 shall:

232 (a) Investigate, conduct public hearings, and solicit the

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233 advice and counsel of the advisory committee established
234 pursuant to s. 427.706 to determine the most cost-effective
235 method for providing telecommunications relay service and
236 distributing specialized telecommunications devices, equipment,
237 and specialized communications technology.

238 (b) Ensure that users of the telecommunications relay
239 service system pay rates no greater than the rates paid for
240 functionally equivalent voice communication services with
241 respect to such factors as duration of the call, time of day,
242 and distance from the point of origination to the point of
243 termination.

244 (c) Ensure that the telecommunications access system
245 protects the privacy of persons to whom services are provided
246 and that all operators maintain the confidentiality of all relay
247 service messages.

248 (d) Ensure that the telecommunications relay service system
249 complies with regulations adopted by the Federal Communications
250 Commission to implement Title IV of the Americans with
251 Disabilities Act.

252 (e) Set eligibility requirements for the distribution of
253 specialized communications technology based on income
254 qualifications or participation in other state or federal
255 programs based on income, which requirements must be set at no
256 less than double but no more than triple the federal poverty
257 level. Eligibility requirements may not prohibit the
258 administrator from providing access to specialized
259 communications technologies if such access has a de minimis
260 value. This section does not apply to specialized
261 telecommunications devices using standard telephone lines.

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262 (3) (a) The commission shall select a ~~the~~ provider of ~~the~~
263 telecommunications relay service pursuant to procedures
264 established by the commission. In selecting a ~~the~~ service
265 provider, the commission shall take into consideration the cost
266 of providing ~~the~~ relay service and the interests of the hearing
267 loss, speech impairment, and deafblind ~~impaired and speech~~
268 ~~impaired~~ community in having access to a high-quality and
269 technologically advanced telecommunications system. The
270 commission shall award the contract to the bidder whose proposal
271 is the most advantageous to the state, taking into consideration
272 the following:

273 1. The appropriateness and accessibility of the proposed
274 telecommunications relay service for the residents ~~citizens~~ of
275 this ~~the~~ state, including persons with hearing loss or speech
276 impairment or who are deafblind ~~who are hearing impaired or~~
277 ~~speech impaired~~.

278 2. The overall quality of the proposed telecommunications
279 relay service.

280 3. The charges for the proposed telecommunications relay
281 service system.

282 4. The ability and qualifications of the bidder to provide
283 the proposed telecommunications relay service as outlined in the
284 request for proposals.

285 5. Any proposed service enhancements and technological
286 enhancements which improve service without significantly
287 increasing cost.

288 6. Any proposed inclusion of provision of assistance to
289 deaf persons with special needs to access the ~~basic~~
290 telecommunications system.

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291 7. The ability to meet the proposed commencement date for
292 the telecommunications relay service.

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

294 (4) (a) The commission shall establish a mechanism to
295 recover the costs of implementing and maintaining the services
296 required pursuant to this part which must ~~shall~~ be applied to
297 each ~~basic~~ telecommunications access line. In establishing the
298 recovery mechanism, the commission shall:

299 1. Require all local exchange telecommunications companies
300 to impose a monthly surcharge on all local exchange
301 telecommunications company subscribers on an individual access
302 line basis, except that such surcharge may ~~shall~~ not be imposed
303 upon more than 25 ~~basic~~ telecommunications access lines per
304 account bill rendered.

305 2. Require all local exchange telecommunications companies
306 to include the surcharge as a part of the local service charge
307 that appears on the customer's bill, except that the local
308 exchange telecommunications company shall specify the surcharge
309 on the initial bill to the subscriber and itemize it at least
310 once annually.

311 3. Allow the local exchange telecommunications company to
312 deduct and retain 1 percent of the total surcharge amount
313 collected each month to recover the billing, collecting,
314 remitting, and administrative costs attributed to the surcharge.

315 ~~(5) The commission shall require each local exchange~~
316 ~~telecommunications company to begin assessing and collecting the~~
317 ~~surcharge in the amount of 5 cents per access line per month on~~
318 ~~bills rendered on or after July 1, 1991, for remission to the~~
319 ~~administrator for deposit in the operational fund. Each local~~

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320 exchange telecommunications company shall remit moneys collected
321 to the administrator. ~~On August 15, 1991, each local exchange~~
322 ~~telecommunications company shall begin remitting the moneys~~
323 ~~collected to the administrator~~ on a monthly basis and in a
324 manner as prescribed by the commission. The administrator shall
325 use such moneys to administer the telecommunications access to
326 cover costs incurred during the development of the
327 telecommunications relay services and to establish and
328 administer the specialized telecommunications devices system.

329 (6) ~~The commission shall establish a schedule for~~
330 ~~completion of specific stages of the telecommunications relay~~
331 ~~service development and implementation except that the statewide~~
332 ~~telecommunications relay service shall commence on or before~~
333 ~~June 1, 1992.~~

334 (7) The commission shall require the administrator to
335 submit financial statements for the distribution of specialized
336 telecommunications devices and for specialized communications
337 technology and for the telecommunications relay service to the
338 commission quarterly, in the manner prescribed by the
339 commission.

340 (7)(8) The commission shall adopt rules and may take any
341 other action necessary to implement ~~the provisions of~~ this act.

342 (8)(9) The commission shall prepare an annual report on the
343 operation of the telecommunications access system and, which
344 shall make such report ~~be~~ available on the commission's ~~Internet~~
345 website. Reports must be prepared in consultation with the
346 administrator and the advisory committee appointed pursuant to
347 s. 427.706. The reports must, at a minimum, briefly outline the
348 status of developments in the telecommunications access system,

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349 the number of persons served, the call volume, revenues and
350 expenditures, the allocation of the revenues and expenditures
351 between provision of specialized telecommunications devices and
352 specialized communications technologies to individuals and
353 operation of statewide relay service, other major policy or
354 operational issues, and proposals for improvements or changes to
355 the telecommunications access system.

356 Section 4. Paragraphs (a) and (c) of subsection (1),
357 subsection (4), paragraphs (a) and (b) of subsection (5), and
358 subsection (7) of section 427.705, Florida Statutes, are amended
359 to read:

360 427.705 Administration of the telecommunications access
361 system.—

362 (1) Consistent with the provisions of this act and rules
363 and regulations established by the commission, the administrator
364 shall:

365 (a) Purchase, license, store, distribute, and maintain
366 specialized telecommunications devices, equipment, and
367 specialized communications technology, either directly or
368 through contract with third parties, or a combination thereof.

369 (c) Administer training services for recipients of
370 specialized telecommunications devices, equipment, and
371 specialized communications technology and for telecommunications
372 relay service users as directed by the commission through
373 contract with third parties.

374 (4) In contracting for the provision of distribution of
375 specialized telecommunications devices, outreach services, and
376 training of recipients, the administrator shall consider
377 contracting with organizations that provide services to persons

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378 with hearing loss or speech impairment or who are deafblind ~~who~~
379 ~~are hearing impaired or speech impaired.~~

380 (5) The administrator shall provide for the distribution of
381 specialized telecommunications devices to persons qualified to
382 receive such equipment in accordance with the provisions of this
383 act. The administrator shall establish procedures for the
384 distribution of specialized telecommunications devices and shall
385 solicit the advice and counsel and consider the recommendations
386 of the advisory committee in establishing such procedures. The
387 procedures shall:

388 (a) Provide for certification of persons with hearing loss
389 or speech impairment or who are deafblind ~~as hearing impaired,~~
390 ~~speech impaired, or dual sensory impaired.~~ Such certification
391 process must ~~shall~~ include a statement attesting to such
392 impairment by a licensed physician, audiologist, speech-language
393 pathologist, hearing aid specialist, ~~or~~ deaf service center
394 director, or regional distribution center director; by a state-
395 certified teacher of the hearing impaired; by a state-certified
396 teacher of the visually impaired; or by an appropriate state or
397 federal agency. The licensed physician, audiologist, speech-
398 language pathologist, hearing aid specialist, state-certified
399 teacher of the hearing impaired, or state-certified teacher of
400 the visually impaired providing statements which attest to such
401 impairments shall work within their individual scopes of
402 practice according to their education and training. The deaf
403 service center directors, regional distribution center
404 directors, and appropriate state and federal agencies shall
405 attest to such impairments as provided for in the procedures
406 developed by the administrator.

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407 (b) Establish characteristics and performance standards for
408 specialized telecommunications devices and specialized
409 communications technologies determined to be necessary, and for
410 the selection of equipment to be purchased for distribution to
411 qualified recipients. The characteristics and standards must
412 ~~shall~~ be modified as advances in equipment technology render
413 such standards inapplicable.

414 (7) The administrator shall assume responsibility for
415 distribution of specialized telecommunications devices and
416 specialized communications technologies.

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

419 427.706 Advisory committee.—

420 (1) The commission shall appoint an advisory committee to
421 assist the commission with implementing ~~the implementation of~~
422 ~~the provisions of~~ this part. The committee shall be composed of
423 no more than 10 persons and shall include, to the extent
424 practicable, persons recommended by organizations representing,
425 the following groups:

426 (a) The ~~Two~~ deaf ~~persons recommended by the Florida~~
427 ~~Association of the Deaf~~.

428 (b) Persons with hearing loss ~~One hearing impaired person~~
429 ~~recommended by Self-Help for the Hard of Hearing~~.

430 (c) The deafblind ~~One deaf and blind person recommended by~~
431 ~~the Coalition for Persons with Dual Sensory Disabilities~~.

432 (d) Persons with speech impairment ~~One speech impaired~~
433 ~~person recommended by the Florida Language Speech and Hearing~~
434 ~~Association~~.

435 (e) The elderly ~~Two representatives of telecommunications~~

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436 companies.

437 (f) ~~One person with experience in providing~~
 438 Telecommunication relay service distribution centers services
 439 ~~recommended by the Deaf Service Center Association.~~

440 (g) Communications service providers ~~One person recommended~~
 441 ~~by the Advocacy Center for Persons with Disabilities, Inc.~~

442 (h) ~~One person recommended by the Florida League of~~
 443 ~~Seniors.~~

444 (2) The advisory committee shall provide the expertise,
 445 experience, and perspective of persons with hearing loss or
 446 speech impairment or who are deafblind ~~who are hearing impaired~~
 447 ~~or speech impaired~~ to the commission and to the administrator
 448 during all phases of the development and operation of the
 449 telecommunications access system. The advisory committee shall
 450 advise the commission and the administrator on the quality and
 451 cost-effectiveness of the telecommunications relay service and
 452 the specialized telecommunications devices, equipment, and
 453 specialized communications technologies distribution system. The
 454 advisory committee may submit material for inclusion in the
 455 annual report prepared pursuant to s. 427.704.

456 Section 6. Subsection (1) of section 427.708, Florida
 457 Statutes, is amended to read:

458 427.708 Certain public safety and health care providers
 459 required to purchase and operate TDD's.—

460 (1) The central communications office of each county
 461 sheriff's department shall purchase and continually operate at
 462 least one telecommunications device for the deaf (TDD) ~~TDD~~.

463 Section 7. This act shall take effect July 1, 2025.