

By the Committee on Regulated Industries; and 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; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Present paragraphs (e) through (i) of subsection
24 (3) of section 427.702, Florida Statutes, are redesignated as
25 paragraphs (f) through (j), respectively, a new paragraph (e) is
26 added to that subsection, and subsections (1) and (2) and
27 paragraphs (a) and (d) and present paragraphs (g) and (h) of
28 subsection (3) of that section are amended, to read:

29 427.702 Findings, purpose, and legislative intent.—

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30 (1) The Legislature finds and declares that:

31 (a) ~~Telecommunications services provide a rapid and~~
32 ~~essential communications link among the general public and with~~
33 ~~essential offices and organizations such as police, fire, and~~
34 ~~medical facilities.~~

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

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

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

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

53 (f) ~~There exists a need for a telecommunications relay~~
54 ~~system whereby the cost for access to basic telecommunications~~
55 ~~services for persons who have a hearing impairment or speech~~
56 ~~impairment is no greater than the amount paid by other~~
57 ~~telecommunications customers.~~

58 (g) ~~The Federal Government, in order to carry out the~~

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59 purposes established by Title II of the Communications Act of
60 1934, as amended, by the enactment of the Americans with
61 Disabilities Act, endeavored to ensure that interstate and
62 intrastate telecommunications relay services are available, to
63 the extent possible and in the most efficient manner, to persons
64 with hearing loss or speech impairment ~~hearing impaired and~~
65 ~~speech impaired persons~~ in the United States.

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

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

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

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

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

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

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

112 (i) ~~(h)~~ That the value of the involvement of persons with
113 hearing loss ~~who have hearing~~ or speech impairment, or who are
114 deafblind ~~impairments,~~ and organizations representing or serving
115 those persons, be recognized and such persons and organizations
116 be involved throughout the development, establishment, and

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117 implementation of the telecommunications access system through
118 participation on the advisory committee as provided in s.
119 427.706.

120 Section 2. Present subsections (2), (3) through (6), (7),
121 (8), and (9), (10), (11), (12), and (13) through (17) of section
122 427.703, Florida Statutes, are redesignated as subsections (3),
123 (5) through (8), (10), (11), and (12), (15), (14), (16), and
124 (18) through (22), respectively, new subsections (2), (4), (9),
125 (13), and (17) are added to that section, and subsection (1) and
126 present subsections (4), (6), (10), (11), (12), (14), and (16)
127 of that section are amended, to read:

128 427.703 Definitions.—As used in this part:

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

136 (2) "Commercial mobile radio service" or "CMRS" means a
137 mobile radio communications service, provided for profit, which
138 is interconnected to the public switched network and is
139 available to the public or to such classes of eligible users as
140 to be effectively available to a substantial portion of the
141 public. The term does not include services that do not provide
142 access to 911 service, communication channels suitable only for
143 data transmission, wireless roaming services or other nonlocal
144 radio access line services, or private telecommunications
145 systems.

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146 (4) "Communications service" means a service provided to
147 subscribers through wireline telecommunications equipment,
148 interconnected VoIP, or CMRS.

149 (6)-(4) "Deafblind" ~~"Dual sensory impaired"~~ means having
150 both a permanent hearing impairment and a permanent visual
151 impairment and includes dual sensory impairment ~~deaf/blindness~~.

152 (8)-(6) "Hearing loss impaired" or "having a hearing
153 impairment" means deaf, late-deafened, or hard of hearing ~~and,~~
154 for purposes of this part, includes being dual sensory impaired.

155 (9) "Interconnected voice over Internet protocol" or
156 "interconnected VoIP" means a service that does all of the
157 following:

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

160 (b) Requires a broadband connection.

161 (c) Requires customer equipment compatible with Internet
162 protocol.

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

167 (13) "Specialized communications technology" means mobile
168 devices, tablet computers, software, or applications that can be
169 used to provide communications services to a hearing impaired,
170 speech impaired, or deafblind person.

171 (15)-(10) "Speech impaired" or ~~"having a speech impairment"~~
172 means having a permanent loss of verbal communication ability
173 which prohibits normal usage of a standard telephone handset.

174 (14)-(11) "Specialized telecommunications device" means a

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175 TDD, a volume control handset, a ring signaling device, or any
176 ~~other customer premises telecommunications equipment that can be~~
177 ~~specifically designed or used to provide basic access to~~
178 communications telecommunications services for a person with
179 hearing loss or speech impairment or who is deafblind hearing
180 impaired, speech impaired, or dual sensory impaired person.

181 ~~(16)(12)~~ "Surcharge" means an additional charge ~~which is to~~
182 ~~be~~ paid by local exchange telecommunications company subscribers
183 pursuant to the cost recovery mechanism established under s.
184 427.704(4) in order to implement the system described herein.

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

191 ~~(19)(14)~~ "Telecommunications device for the deaf," ~~or~~
192 "TDD," or "text device" means a mechanism that ~~which~~ is
193 connected to a communications network ~~standard telephone line,~~
194 operated by means of a keyboard, and used to transmit or receive
195 signals through telephone lines or other communications service
196 facilities.

197 ~~(21)(16)~~ "Telecommunications relay service" means any
198 telecommunications transmission service that allows a person
199 with hearing loss ~~who is hearing impaired~~ or speech impairment
200 ~~speech impaired~~ to communicate by wire or radio in a manner that
201 is functionally equivalent to the ability of a person who does
202 not have hearing loss or speech impairment ~~is not hearing~~
203 ~~impaired or speech impaired.~~ Such term includes any service that

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204 enables two-way communication between a person who uses a
205 telecommunications device or other nonvoice terminal device and
206 a person who does not use such a device.

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

210 427.704 Powers and duties of the commission.—

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

228 (a) Investigate, conduct public hearings, and solicit the
229 advice and counsel of the advisory committee established
230 pursuant to s. 427.706 to determine the most cost-effective
231 method for providing telecommunications relay service and
232 distributing specialized telecommunications devices, equipment,

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233 and specialized communications technology.

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

240 (c) Ensure that the telecommunications access system
241 protects the privacy of persons to whom services are provided
242 and that all operators maintain the confidentiality of all relay
243 service messages.

244 (d) Ensure that the telecommunications relay service system
245 complies with regulations adopted by the Federal Communications
246 Commission to implement Title IV of the Americans with
247 Disabilities Act.

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

258 (3) (a) The commission shall select a ~~the~~ provider of ~~the~~
259 telecommunications relay service pursuant to procedures
260 established by the commission. In selecting a ~~the~~ service
261 provider, the commission shall take into consideration the cost

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262 of providing ~~the~~ relay service and the interests of the hearing
263 loss, speech impairment, and deafblind ~~impaired and speech~~
264 ~~impaired~~ community in having access to a high-quality and
265 technologically advanced telecommunications system. The
266 commission shall award the contract to the bidder whose proposal
267 is the most advantageous to the state, taking into consideration
268 the following:

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

274 2. The overall quality of the proposed telecommunications
275 relay service.

276 3. The charges for the proposed telecommunications relay
277 service system.

278 4. The ability and qualifications of the bidder to provide
279 the proposed telecommunications relay service as outlined in the
280 request for proposals.

281 5. Any proposed service enhancements and technological
282 enhancements which improve service without significantly
283 increasing cost.

284 6. Any proposed inclusion of provision of assistance to
285 deaf persons with special needs to access the ~~basic~~
286 telecommunications system.

287 7. The ability to meet the proposed commencement date for
288 the telecommunications relay service.

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

290 (4) (a) The commission shall establish a mechanism to

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291 recover the costs of implementing and maintaining the services
292 required pursuant to this part which must ~~shall~~ be applied to
293 each basic telecommunications access line. In establishing the
294 recovery mechanism, the commission shall:

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

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

307 3. Allow the local exchange telecommunications company to
308 deduct and retain 1 percent of the total surcharge amount
309 collected each month to recover the billing, collecting,
310 remitting, and administrative costs attributed to the surcharge.

311 ~~(5) The commission shall require each local exchange~~
312 ~~telecommunications company to begin assessing and collecting the~~
313 ~~surcharge in the amount of 5 cents per access line per month on~~
314 ~~bills rendered on or after July 1, 1991, for remission to the~~
315 ~~administrator for deposit in the operational fund. Each local~~
316 ~~exchange telecommunications company shall remit moneys collected~~
317 ~~to the administrator. On August 15, 1991, each local exchange~~
318 ~~telecommunications company shall begin remitting the moneys~~
319 ~~collected to the administrator on a monthly basis and in a~~

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320 manner as prescribed by the commission. The administrator shall
321 use such moneys to administer the telecommunications access to
322 cover costs incurred during the development of the
323 telecommunications relay services and to establish and
324 administer the specialized telecommunications devices system.

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

330 ~~(7)~~ The commission shall require the administrator to
331 submit financial statements for the distribution of specialized
332 telecommunications devices and for specialized communications
333 technology and for the telecommunications relay service to the
334 commission quarterly, in the manner prescribed by the
335 commission.

336 ~~(7)(8)~~ The commission shall adopt rules and may take any
337 other action necessary to implement ~~the provisions of~~ this act.

338 ~~(8)(9)~~ The commission shall prepare an annual report on the
339 operation of the telecommunications access system and, which
340 shall make such report ~~be~~ available on the commission's ~~Internet~~
341 website. Reports must be prepared in consultation with the
342 administrator and the advisory committee appointed pursuant to
343 s. 427.706. The reports must, at a minimum, briefly outline the
344 status of developments in the telecommunications access system,
345 the number of persons served, the call volume, revenues and
346 expenditures, the allocation of the revenues and expenditures
347 between provision of specialized telecommunications devices and
348 specialized communications technologies to individuals and

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349 operation of statewide relay service, other major policy or
350 operational issues, and proposals for improvements or changes to
351 the telecommunications access system.

352 Section 4. Paragraphs (a) and (c) of subsection (1),
353 subsection (4), paragraphs (a) and (b) of subsection (5), and
354 subsection (7) of section 427.705, Florida Statutes, are amended
355 to read:

356 427.705 Administration of the telecommunications access
357 system.—

358 (1) Consistent with the provisions of this act and rules
359 and regulations established by the commission, the administrator
360 shall:

361 (a) Purchase, license, store, distribute, and maintain
362 specialized telecommunications devices, equipment, and
363 specialized communications technology, either directly or
364 through contract with third parties, or a combination thereof.

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

370 (4) In contracting for the provision of distribution of
371 specialized telecommunications devices, outreach services, and
372 training of recipients, the administrator shall consider
373 contracting with organizations that provide services to persons
374 with hearing loss or speech impairment or who are deafblind ~~who~~
375 ~~are hearing impaired or speech impaired.~~

376 (5) The administrator shall provide for the distribution of
377 specialized telecommunications devices to persons qualified to

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378 receive such equipment in accordance with the provisions of this
379 act. The administrator shall establish procedures for the
380 distribution of specialized telecommunications devices and shall
381 solicit the advice and counsel and consider the recommendations
382 of the advisory committee in establishing such procedures. The
383 procedures shall:

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

403 (b) Establish characteristics and performance standards for
404 specialized telecommunications devices and specialized
405 communications technologies determined to be necessary, and for
406 the selection of equipment to be purchased for distribution to

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407 qualified recipients. The characteristics and standards must
408 ~~shall~~ be modified as advances in equipment technology render
409 such standards inapplicable.

410 (7) The administrator shall assume responsibility for
411 distribution of specialized telecommunications devices and
412 specialized communications technologies.

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

415 427.706 Advisory committee.—

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

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

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

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

428 (d) Persons with speech impairment ~~One speech impaired~~
429 ~~person recommended by the Florida Language Speech and Hearing~~
430 ~~Association~~.

431 (e) The elderly ~~Two representatives of telecommunications~~
432 ~~companies~~.

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

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

438 ~~(h) One person recommended by the Florida League of~~
439 ~~Seniors.~~

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

452 Section 6. This act shall take effect July 1, 2025.