

By the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Regulated Industries; and Senators Rodriguez and Berman

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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 ~~impaired,~~ 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) and (4), (5) and
121 (6), (7) and (8), (9), (10), (11), (12), and (13) through (17)
122 of section 427.703, Florida Statutes, are redesignated as
123 subsections (3), (5) and (6), (9) and (10), (12) and (13), (16),
124 (19), (18), (20), and (22) through (26), respectively, new
125 subsections (2), (4), (7), (8), (11), (14), (15), (17), and (21)
126 are added to that section, and subsection (1) and present
127 subsections (4), (6), (10), (11), (12), (14), and (16) of that
128 section are amended, to read:

129 427.703 Definitions.—As used in this part:

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

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

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146 systems.

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

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

153 (7) "Deaf service center" means a center that serves,
154 within a defined region, individuals with hearing loss or speech
155 impairment or who are deafblind, by distributing equipment and
156 providing services on behalf of the administrator.

157 (8) "Deaf service center director" means an individual who
158 serves as the director for a deaf service center and is
159 responsible for ensuring that individuals with hearing loss or
160 speech impairment or who are deafblind are qualified to receive
161 equipment or services in accordance with ss. 427.701-427.708,
162 based on their impairment by attesting to such impairment as
163 provided for in the procedures developed by the administrator.

164 (10)-(6) "Hearing loss impaired" or "having a hearing
165 impairment" means deaf, late-deafened, or hard of hearing ~~and,~~
166 for purposes of this part, includes being ~~dual sensory impaired~~.

167 (11) "Interconnected voice-over-Internet protocol" or
168 "interconnected VoIP" means a service that does all of the
169 following:

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

172 (b) Requires a broadband connection.

173 (c) Requires customer equipment compatible with Internet
174 protocol.

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175 (d) Allows subscribers to receive calls from and place
176 calls to a public switched telephone network. The term does not
177 include services that do not provide access to 911 service or
178 private telecommunications systems.

179 (14) "Regional distribution center" means an entity,
180 including, but not limited to, a deaf service center or a
181 provider of audiology services, which has contracted with the
182 administrator to distribute equipment and provide services to
183 qualified individuals with hearing loss or speech impairment or
184 who are deafblind.

185 (15) "Regional distribution center director" means an
186 individual qualified by the administrator who serves as the
187 director for a regional distribution center and meets the
188 standards for ensuring that individuals with hearing loss or
189 speech impairment or who are deafblind are qualified to receive
190 equipment or services in accordance ss. 427.701-427.708 on their
191 impairment by attesting to such impairment as provided for in
192 the procedures developed by the administrator.

193 (17) "Specialized communications technology" means mobile
194 devices, tablet computers, software, or applications that can be
195 used to provide communications services to a hearing impaired,
196 speech impaired, or deafblind person.

197 (19) ~~(10)~~ "Speech impaired" or "~~having a~~ speech impairment"
198 means having a permanent loss of verbal communication ability
199 that ~~which~~ prohibits normal usage of a standard telephone
200 handset.

201 (18) ~~(11)~~ "Specialized telecommunications device" means a
202 TDD, a volume control handset, a ring signaling device, or any
203 ~~other customer premises telecommunications~~ equipment that can be

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204 ~~specifically designed or used to provide basic access to~~
205 communications telecommunications services for a person with
206 hearing loss or speech impairment or who is deafblind hearing
207 ~~impaired, speech impaired, or dual sensory impaired person.~~

208 (20) ~~(12)~~ "Surcharge" means an additional charge ~~which is to~~
209 ~~be~~ paid by local exchange telecommunications company subscribers
210 pursuant to the cost recovery mechanism established under s.
211 427.704(4) in order to implement the system described herein.

212 (21) "Telecommunications access system" means the system
213 administered pursuant to this section, and includes the
214 administration of the telecommunications relay service system
215 and the distribution of specialized telecommunications devices
216 and specialized communications technologies pursuant to ss.
217 427.701-427.708 and rules and regulations established by the
218 commission.

219 (23) ~~(14)~~ "Telecommunications device for the deaf," ~~or~~
220 "TDD," or "text device" means a mechanism that ~~which~~ is
221 connected to a communications network ~~standard telephone line,~~
222 operated by means of a keyboard, and used to transmit or receive
223 signals through telephone lines or other communications service
224 facilities.

225 (25) ~~(16)~~ "Telecommunications relay service" means any
226 telecommunications transmission service that allows a person
227 with hearing loss ~~who is hearing impaired~~ or speech impairment
228 ~~speech impaired~~ to communicate by wire or radio in a manner that
229 is functionally equivalent to the ability of a person who does
230 not have hearing loss or speech impairment ~~is not hearing~~
231 ~~impaired or speech impaired.~~ Such term includes any service that
232 enables two-way communication between a person who uses a

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233 telecommunications device or other nonvoice terminal device and
234 a person who does not use such a device.

235 Section 3. Subsection (1), paragraph (a) of subsection (3),
236 paragraphs (a), (b), and (e) of subsection (4), and subsections
237 (5) through (9) of section 427.704, Florida Statutes, are
238 amended to read:

239 427.704 Powers and duties of the commission.—

240 (1) The commission shall establish, implement, promote, and
241 oversee the administration of a statewide telecommunications
242 access system to provide access to telecommunications relay
243 services by persons with hearing loss or speech impairment or
244 who are deafblind ~~who are hearing impaired or speech impaired,~~
245 or others who communicate with them. The telecommunications
246 access system must ~~shall~~ provide for the purchase and
247 distribution of specialized telecommunications devices,
248 equipment, specialized communications technology, and the
249 establishment of a statewide single provider telecommunications
250 relay service system that ~~which~~ operates continuously. To
251 provide telecommunications relay services and distribute
252 specialized telecommunication devices, equipment, and
253 specialized communications technology to persons with hearing
254 loss or speech impairment or who are deafblind ~~who are hearing~~
255 ~~impaired or speech impaired,~~ at a reasonable cost the commission
256 shall:

257 (a) Investigate, conduct public hearings, and solicit the
258 advice and counsel of the advisory committee established
259 pursuant to s. 427.706 to determine the most cost-effective
260 method for providing telecommunications relay service and
261 distributing specialized telecommunications devices, equipment,

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262 and specialized communications technology.

263 (b) Ensure that users of the telecommunications relay
264 service system pay rates no greater than the rates paid for
265 functionally equivalent voice communication services with
266 respect to such factors as duration of the call, time of day,
267 and distance from the point of origination to the point of
268 termination.

269 (c) Ensure that the telecommunications access system
270 protects the privacy of persons to whom services are provided
271 and that all operators maintain the confidentiality of all relay
272 service messages.

273 (d) Ensure that the telecommunications relay service system
274 complies with regulations adopted by the Federal Communications
275 Commission to implement Title IV of the Americans with
276 Disabilities Act.

277 (e) Set eligibility requirements for the distribution of
278 specialized communications technology based on income
279 qualifications or participation in other state or federal
280 programs based on income, which requirements must be set at no
281 less than double but no more than triple the federal poverty
282 level. Eligibility requirements may not prohibit the
283 administrator from providing access to specialized
284 communications technologies if such access has a de minimis
285 value. This paragraph does not apply to specialized
286 telecommunications devices using standard telephone lines.

287 (3) (a) The commission shall select a ~~the~~ provider of ~~the~~
288 telecommunications relay service pursuant to procedures
289 established by the commission. In selecting a ~~the~~ service
290 provider, the commission shall take into consideration the cost

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291 of providing ~~the~~ relay service and the interests of the hearing
292 loss, speech impairment, and deafblind ~~impaired and speech~~
293 ~~impaired~~ community in having access to a high-quality and
294 technologically advanced telecommunications system. The
295 commission shall award the contract to the bidder whose proposal
296 is the most advantageous to the state, taking into consideration
297 the following:

298 1. The appropriateness and accessibility of the proposed
299 telecommunications relay service for the residents ~~citizens~~ of
300 this ~~the~~ state, including persons with hearing loss or speech
301 impairment or who are deafblind ~~who are hearing impaired or~~
302 ~~speech impaired~~.

303 2. The overall quality of the proposed telecommunications
304 relay service.

305 3. The charges for the proposed telecommunications relay
306 service system.

307 4. The ability and qualifications of the bidder to provide
308 the proposed telecommunications relay service as outlined in the
309 request for proposals.

310 5. Any proposed service enhancements and technological
311 enhancements which improve service without significantly
312 increasing cost.

313 6. Any proposed inclusion of provision of assistance to
314 deaf persons with special needs to access the ~~basic~~
315 telecommunications system.

316 7. The ability to meet the proposed commencement date for
317 the telecommunications relay service.

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

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

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

324 1. Require all local exchange telecommunications companies
325 to impose a monthly surcharge on all local exchange
326 telecommunications company subscribers on an individual access
327 line basis, except that such surcharge may ~~shall~~ not be imposed
328 upon more than 25 basic telecommunications access lines per
329 account bill rendered.

330 2. Require all local exchange telecommunications companies
331 to include the surcharge as a part of the local service charge
332 that appears on the customer's bill, except that the local
333 exchange telecommunications company shall specify the surcharge
334 on the initial bill to the subscriber and itemize it at least
335 once annually.

336 3. Allow the local exchange telecommunications company to
337 deduct and retain 1 percent of the total surcharge amount
338 collected each month to recover the billing, collecting,
339 remitting, and administrative costs attributed to the surcharge.

340 (b) The commission shall determine the amount of the
341 surcharge based upon the amount of funding necessary to
342 accomplish the purposes of this act and provide the services on
343 an ongoing basis; however, in no case shall the amount exceed 15
344 ~~25~~ cents per line per month.

345 (e) From the date of implementing the surcharge, the
346 commission shall review the amount of the surcharge at least
347 annually and shall order changes in the amount of the surcharge
348 as necessary to assure available funds for the provision of the

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349 telecommunications access system established herein. Where the
350 review of the surcharge determines that excess funds are
351 available, the commission may order the suspension of the
352 surcharge for a period that ~~which~~ the commission deems
353 appropriate. The commission may not increase the surcharge when
354 excess funds are available.

355 (5) ~~The commission shall require each local exchange~~
356 ~~telecommunications company to begin assessing and collecting the~~
357 ~~surcharge in the amount of 5 cents per access line per month on~~
358 ~~bills rendered on or after July 1, 1991, for remission to the~~
359 ~~administrator for deposit in the operational fund.~~ Each local
360 exchange telecommunications company shall remit moneys collected
361 to the administrator. ~~On August 15, 1991, each local exchange~~
362 ~~telecommunications company shall begin remitting the moneys~~
363 ~~collected to the administrator on a monthly basis and in a~~
364 manner as prescribed by the commission. The administrator shall
365 use such moneys to administer the telecommunications access to
366 cover costs incurred during the development of the
367 telecommunications relay services and to establish and
368 administer the specialized telecommunications devices system.

369 (6) ~~The commission shall establish a schedule for~~
370 ~~completion of specific stages of the telecommunications relay~~
371 ~~service development and implementation except that the statewide~~
372 ~~telecommunications relay service shall commence on or before~~
373 ~~June 1, 1992.~~

374 (7) The commission shall require the administrator to
375 submit financial statements for the distribution of specialized
376 telecommunications devices and for specialized communications
377 technology and for the telecommunications relay service to the

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378 commission quarterly, in the manner prescribed by the
379 commission.

380 ~~(7)(8)~~ The commission shall adopt rules and may take any
381 other action necessary to implement ~~the provisions of~~ this act.

382 ~~(8)(9)~~ The commission shall prepare an annual report on the
383 operation of the telecommunications access system ~~and, which~~
384 shall make such report ~~be~~ available on the commission's ~~Internet~~
385 website. Reports must be prepared in consultation with the
386 administrator and the advisory committee appointed pursuant to
387 s. 427.706. The reports must, at a minimum, briefly outline the
388 status of developments in the telecommunications access system,
389 the number of persons served, the call volume, revenues and
390 expenditures, the allocation of the revenues and expenditures
391 between provision of specialized telecommunications devices and
392 specialized communications technologies to individuals and
393 operation of statewide relay service, other major policy or
394 operational issues, and proposals for improvements or changes to
395 the telecommunications access system.

396 Section 4. Paragraphs (a) and (c) of subsection (1),
397 subsection (4), paragraphs (a) and (b) of subsection (5), and
398 subsection (7) of section 427.705, Florida Statutes, are amended
399 to read:

400 427.705 Administration of the telecommunications access
401 system.—

402 (1) Consistent with the provisions of this act and rules
403 and regulations established by the commission, the administrator
404 shall:

405 (a) Purchase, license, store, distribute, and maintain
406 specialized telecommunications devices, equipment, and

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407 specialized communications technology, either directly or
408 through contract with third parties, or a combination thereof.

409 (c) Administer training services for recipients of
410 specialized telecommunications devices, equipment, and
411 specialized communications technology and for telecommunications
412 relay service users as directed by the commission through
413 contract with third parties.

414 (4) In contracting for the provision of distribution of
415 specialized telecommunications devices, outreach services, and
416 training of recipients, the administrator shall consider
417 contracting with organizations that provide services to persons
418 with hearing loss or speech impairment or who are deafblind ~~who~~
419 ~~are hearing impaired or speech impaired.~~

420 (5) The administrator shall provide for the distribution of
421 specialized telecommunications devices to persons qualified to
422 receive such equipment in accordance with the provisions of this
423 act. The administrator shall establish procedures for the
424 distribution of specialized telecommunications devices and shall
425 solicit the advice and counsel and consider the recommendations
426 of the advisory committee in establishing such procedures. The
427 procedures shall:

428 (a) Provide for certification of persons with hearing loss
429 or speech impairment or who are deafblind ~~as hearing impaired,~~
430 ~~speech impaired, or dual sensory impaired.~~ Such certification
431 process must ~~shall~~ include a statement attesting to such
432 impairment by a licensed physician, audiologist, speech-language
433 pathologist, hearing aid specialist, ~~or~~ deaf service center
434 director, or regional distribution center director; by a state-
435 certified teacher of the hearing impaired; by a state-certified

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436 teacher of the visually impaired; or by an appropriate state or
437 federal agency. The licensed physician, audiologist, speech-
438 language pathologist, hearing aid specialist, state-certified
439 teacher of the hearing impaired, or state-certified teacher of
440 the visually impaired providing statements which attest to such
441 impairments shall work within their individual scopes of
442 practice according to their education and training. The deaf
443 service center directors, regional distribution center
444 directors, and appropriate state and federal agencies shall
445 attest to such impairments as provided for in the procedures
446 developed by the administrator.

447 (b) Establish characteristics and performance standards for
448 specialized telecommunications devices and specialized
449 communications technologies determined to be necessary, and for
450 the selection of equipment to be purchased for distribution to
451 qualified recipients. The characteristics and standards must
452 ~~shall~~ be modified as advances in equipment technology render
453 such standards inapplicable.

454 (7) The administrator shall assume responsibility for
455 distribution of specialized telecommunications devices and
456 specialized communications technologies.

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

459 427.706 Advisory committee.—

460 (1) The commission shall appoint an advisory committee to
461 assist the commission with implementing ~~the implementation of~~
462 ~~the provisions of~~ this part. The committee shall be composed of
463 no more than 10 persons and shall include, to the extent
464 practicable, persons recommended by organizations representing

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465 the following groups:

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

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

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

472 (d) Persons with speech impairment ~~One speech impaired~~
473 ~~person recommended by the Florida Language Speech and Hearing~~
474 ~~Association.~~

475 (e) The elderly ~~Two representatives of telecommunications~~
476 ~~companies.~~

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

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

482 ~~(h) One person recommended by the Florida League of~~
483 ~~Seniors.~~

484 (2) The advisory committee shall provide the expertise,
485 experience, and perspective of persons with hearing loss or
486 speech impairment or who are deafblind ~~who are hearing impaired~~
487 ~~or speech impaired~~ to the commission and to the administrator
488 during all phases of the development and operation of the
489 telecommunications access system. The advisory committee shall
490 advise the commission and the administrator on the quality and
491 cost-effectiveness of the telecommunications relay service and
492 the specialized telecommunications devices, equipment, and
493 specialized communications technologies distribution system. The

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494 advisory committee may submit material for inclusion in the
495 annual report prepared pursuant to s. 427.704.

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