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1  
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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(1) The Legislature finds and declares that:

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

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

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

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

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

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

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

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

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

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

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(3) It is the intent of the Legislature:

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

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

(e) That the telecommunications access system provides 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.

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

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

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

Section 2. Present subsections (2), (3) and (4), (5) and (6), (7) and (8), (9), (10), (11), (12), and (13) through (17) of section 427.703, Florida Statutes, are redesignated as subsections (3), (5) and (6), (9) and (10), (12) and (13), (16), (19), (18), (20), and (22) through (26), respectively, new subsections (2), (4), (7), (8), (11), (14), (15), (17), and (21) are added to that section, and subsection (1) and present subsections (4), (6), (10), (11), (12), (14), and (16) of that section are amended, to read:

427.703 Definitions.—As used in this part:

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

(2) "Commercial mobile radio service" or "CMRS" means 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. The term 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

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systems.

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

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

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

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

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

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

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

(b) Requires a broadband connection.

(c) Requires customer equipment compatible with Internet protocol.

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

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

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

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

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

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

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

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

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

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

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



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

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

427.704 Powers and duties of the commission.—

(1) The commission shall establish, implement, promote, and oversee the administration of a statewide telecommunications access system to provide access to telecommunications relay services by persons with hearing loss or speech impairment or who are deafblind ~~who are hearing impaired or speech impaired~~, or others who communicate with them. The telecommunications access system must ~~shall~~ provide for the purchase and distribution of specialized telecommunications devices, equipment, specialized communications technology, and the establishment of a statewide single provider telecommunications relay service system that ~~which~~ operates continuously. To provide telecommunications relay services and distribute specialized telecommunication devices, equipment, and specialized communications technology to persons with hearing loss or speech impairment or who are deafblind ~~who are hearing impaired or speech impaired~~, at a reasonable cost the commission shall:

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

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and specialized communications technology.

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

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

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

(e) Set eligibility requirements for the distribution of specialized communications technology based on 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. Eligibility requirements may not prohibit the administrator from providing access to specialized communications technologies if such access has a de minimis value. This paragraph does not apply to specialized telecommunications devices using standard telephone lines.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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commission quarterly, in the manner prescribed by the  
commission.

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

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

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

427.705 Administration of the telecommunications access  
system.—

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

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

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

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

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

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

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

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

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

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

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

427.706 Advisory committee.—

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



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the following groups:

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

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

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

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

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

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

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

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

(2) The advisory committee shall provide the expertise, experience, and perspective of persons with hearing loss or speech impairment or who are deafblind ~~who are hearing impaired or speech impaired~~ to the commission and to the administrator during all phases of the development and operation of the telecommunications access system. The advisory committee shall advise the commission and the administrator on the quality and cost-effectiveness of the telecommunications relay service and the specialized telecommunications devices, equipment, and 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.