

# FLORIDA HOUSE OF REPRESENTATIVES

## FINAL BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/HB 435](#)

**TITLE:** Telecommunications Access System Act of 1991

**SPONSOR(S):** Tant

**COMPANION BILL:** [CS/CS/SB 344](#) (Rodriguez)

**LINKED BILLS:** None

**RELATED BILLS:** None

**FINAL HOUSE FLOOR ACTION:** 112 Y's

0 N's

**GOVERNOR'S ACTION:**

Pending

### SUMMARY

#### Effect of the Bill:

The bill revises the Telecommunications Access System Act of 1991 (TASA) to reflect modern advances in communications technology by expanding the types of communications equipment that may be provided to persons with hearing loss or speech impairment or who are deafblind to allow these persons to access telecommunications services. Additionally, the bill:

- Establishes income qualifications for recipients of specialized communications technology;
- Decreases the maximum surcharge that the Public Service Commission (PSC) may set to fund TASA services;
- Freezes the current surcharge until reserve funds are depleted;
- Revises the composition of the TASA Advisory Committee; and
- Updates terminology referencing persons with specific disabilities.

#### Fiscal or Economic Impact:

The bill will have a negative impact on state government expenditures by expanding authorized expenditures from the TASA reserve fund.

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## ANALYSIS

### EFFECT OF THE BILL:

CS/HB 435 passed as [CS/CS/SB 344](#). (Please note that bill section parentheticals do not contain hyperlinks to bill sections for Senate bills.)

#### Purchase and Distribution of Specialized Telecommunications Devices

The bill provides that the [telecommunications access system](#) administered under [TASA](#) must provide for the purchase and distribution of "specialized communications technology," which include:

- Mobile devices;
- Tablet computers;
- Software; and
- Other applications that can be used to provide communications services to a hearing impaired, speech impaired, or deafblind person. (Section 3).

The bill requires the [Public Service Commission \(PSC\)](#), in implementing TASA, to establish eligibility requirements for distribution of such technology based on income and participation in other state or federal programs based on income. To qualify for this specialized communications technology under TASA, income must be 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 technology if such access has a de minimis value. The income eligibility requirements do not apply to specialized telecommunications devices<sup>1</sup> that use standard telephone lines. (Section 3).

<sup>1</sup> Under the bill, "specialized telecommunications device" is defined as a telecommunication device for the deaf (TDD), a volume control handset, a ring signaling device, or any equipment that can be used to provide access to communications services for a person with hearing loss or speech impairment or who is deafblind. Specialized telecommunications device is

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### Local Exchange Telecommunications Companies

The bill decreases the maximum surcharge that the PSC may set for local exchange telecommunication customers from \$0.25 per line per month to \$0.15 per line per month for purposes of funding services required by TASA. The bill also provides that the current surcharge, set at \$0.08 per line per month, may not be increased until reserve funds are depleted.

The bill deletes a provision that the PSC shall require all local exchange telecommunications companies<sup>2</sup> to assess and collect a five cent [surcharge](#) per access line per month. (Section 3).

### Administration of the Telecommunications Access System

The bill requires the TASA administrator to license specialized telecommunications technology, and conforms the types of equipment available under TASA with the bill's earlier provisions. (Section 4).

### Certification

The bill includes [regional distribution center directors](#) in the list of permissible certifiers of persons with hearing loss or speech impairment or who are deafblind. (Section 4).

### TASA Advisory Committee

The bill revises the composition of the TASA Advisory Committee to specify that committee members shall include persons recommended by organizations representing the following groups:

- The deaf,
- Persons with hearing loss,
- The deafblind, persons with speech impairment,
- The elderly,
- Telecommunication relay service distribution centers, and
- Communications service providers. (Section 5).

### Findings, Purpose, and Legislative Intent of TASA

The bill amends legislative findings and intent related to TASA to conform to the modernization provisions of the bill.

The bill adds that it is the intent of the legislature for TASA to provide access to new, specialized communications technology to persons with hearing loss, speech impairment, or who are deafblind. The bill also provides for access to future technologies not yet contemplated. (Section 1).

### Definitions Under TASA

The bill:

- Revises the definition of "administrator" to replace its administration to the telecommunications access system, instead of administration to the telecommunications relay service system and the distribution of specialized telecommunications devices.
- Adds a definition for "commercial mobile radio service" (CMRS), which are mobile radio communications services interconnected to the public switched network available to the public or effectively available to a substantial portion of the public. CMRS do 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 lines, or private telecommunications systems.
- Adds a definition for "communications service" to mean service provided to subscribers through wireline telecommunications equipment, interconnected VoIP, or CMRS.
- Revises terminology relating to persons with specific hearing or visual impairment.

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currently defined as equipment that is designed or used to provide *basic* access to telecommunications services. S. [427.703, F.S.](#)

<sup>2</sup> "Local exchange telecommunications company" means a telecommunications company certificated by the commission to provide telecommunications services within a specific geographic area. S. [427.703\(7\), F.S.](#)

- Adds a definition for “deaf service center” to mean 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.
- Adds a definition for “deaf service center director” to mean 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 based on their impairment by attesting to such impairment as provided for in the procedures developed by the administrator.
- Adds a definition for “regional distribution center” to mean 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.
- Adds a definition for “[regional distribution center director](#)” to mean 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 by attesting to such impairment as provided for in the procedures developed by the administrator.
- Adds a definition for “interconnected voice over Internet protocol” (interconnected VoIP) to mean a service that does all of the following:
  - Enables subscribers to have real-time, two-way voice communications.
  - Requires a broadband connection.
  - Requires equipment compatible with Internet protocol.
  - Allows subscribers to receive and place calls to the public switched telephone network.
- Adds a definition for “[telecommunications access system](#)” to mean the system administered under TASA, the administration of the telecommunications relay service system and distribution of specialized telecommunications devices and specialized communications technologies, and the rules and regulations established by the PSC.
- Revises the definition for “telecommunications device for the deaf” (TDD)<sup>3</sup> to expand the equipment contemplated under it. (Section 2).

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2025. (Section 6).

## FISCAL OR ECONOMIC IMPACT:

### STATE GOVERNMENT:

The bill will have a negative impact on state government expenditures by expanding authorized expenditures from the TASA reserve fund.

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [Florida Public Service Commission \(PSC\)](#)

The Florida Public Service Commission (PSC) is an arm of the legislative branch of government.<sup>4</sup> The role of the PSC is to ensure Florida’s consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe and reliable manner and at fair prices.<sup>5</sup> In order to do so, the PSC exercises authority over utilities in one or more of the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.<sup>6</sup>

<sup>3</sup> Currently, “telecommunications device for the deaf,” or TDD, is a mechanism which is connected to a standard telephone line and used to transmit or receive signals through telephone lines. S. [427.703\(14\), F.S.](#)

<sup>4</sup> S. [350.001, F.S.](#)

<sup>5</sup> Florida Public Service Commission, *About the PSC*, <https://www.psc.state.fl.us/about#MissionAndGoals> (last visited Mar. 28, 2025).

<sup>6</sup> Florida Public Service Commission, *About the PSC*, *supra* note 5.

Telecommunications carriers in Florida are subject to only limited PSC regulation.<sup>7</sup> During the 2011 legislative session, the “Regulatory Reform Act” (Act) was passed and signed into law by the Governor, effective July 1, 2011.<sup>8</sup> Under the Act, the Legislature eliminated most of the PSC’s jurisdiction over telecommunications service. However, the PSC still:

- Maintains the authority to ensure that incumbent local exchange carriers meet their obligation to provide unbundled access, interconnection, and resale to competitive local exchange companies in a nondiscriminatory manner;
- Administers the system to provide Telecommunications Relay Services pursuant to TASA; and
- Oversees the Federal Lifeline Assistance program for Florida.<sup>9</sup>

#### Telecommunications Access System Act of 1991 (TASA)

TASA was established to comply with the Federal Communications Commission (FCC) implementation of Title IV of the Americans with Disabilities Act (ADA).<sup>10</sup> The ADA mandated the creation of services that allow individuals with a hearing or speech disability to communicate by telephone or other telecommunications device. TASA was intended to provide individuals with such disabilities a means of accessing communications services using the predominant medium at the time, the landline network.<sup>11</sup>

The PSC is required to oversee the administration of the statewide telecommunications access system to provide access to telecommunications relay service (relay service).<sup>12</sup> To fulfill its duty, the PSC selects a provider of relay service through a competitive bidding process. The current provider of relay service is T-Mobile USA, Inc.<sup>13</sup>

The PSC is also directed to designate an administrator of the relay service which must be a not-for-profit corporation organized for such purposes.<sup>14</sup> Pursuant to this requirement, the PSC in May 1991 directed Florida’s local exchange telecommunications companies to form [Florida Telecommunications Relay, Inc. \(FTRI\)](#) to administer the distribution of the specialized telecommunications equipment and to provide outreach services.<sup>15</sup>

As a part of the PSC’s oversight responsibilities for TASA, the PSC is required to file an annual report on the system to be available on the PSC’s website. The report, prepared in consultation with FTRI, must, at a minimum, briefly outline:

- The status of developments in the telecommunications access system;
- The number of persons served, call volume, revenues, and expenditures;
- The allocation of the revenues and expenditures between provision of specialized telecommunications devices to individuals and operation of statewide relay service;
- Other major policy or operational issues; and
- Proposals for improvements or changes to the telecommunications access system.<sup>16</sup>

#### Florida Telecommunications Relay

The FTRI’s relay service—branded as “Florida Relay”—provides 24-hour, 365-day per year, services to Florida residents who are deaf, hard of hearing, deaf/blind, and speech disabled to connect them to standard (i.e. voice) telephone users. The relay services provided by Florida Relay include the following:<sup>17</sup>

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<sup>7</sup> S. [364.011, F.S.](#)

<sup>8</sup> Ch. 2011-36, Laws of Florida.

<sup>9</sup> Florida Public Service Commission, *About the PSC*, *supra* note 5.

<sup>10</sup> S. [427.702, F.S.](#)

<sup>11</sup> Florida Public Service Commission, *The Status of the Telecommunications Access System Act of 1991*, pg. 1, Dec. 2024, available at <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/Telecommunication/TelecommunicationAccess/2024.pdf> (last visited Mar. 28, 2025).

<sup>12</sup> S. [427.704, F.S.](#)

<sup>13</sup> Florida Public Service Commission, *The Status of the Telecommunications Access System Act of 1991*, *supra* note 11, pg. 1.

<sup>14</sup> S. [427.704, F.S.](#)

<sup>15</sup> *In re: Telecommunications Access System Act of 1991*, Docket No. 19910496-TP, Order No. 24462 (F.P.S.C. May 1, 1991).

<sup>16</sup> S. [427.704, F.S.](#)

<sup>17</sup> Florida Telecommunications Relay, Inc., *Florida Relay*, <https://www.ftri.org/relay> (last visited Mar. 28, 2025).

- Text telephone (TTY) and ASCII<sup>18</sup>: Persons who are deaf, hard-of-hearing, deaf-blind, or speech-disabled use a TTY to type their conversation to a relay operator. This operator then reads this conversation to the hearing person being called.
- Voice carry over (VCO): Persons who are deaf or hard of hearing use their voice to speak directly to the hearing person being called. When the person being called speaks back, the operator types out what is said on a TTY or text display.
- Speech to Speech (STS): This technology allows speech-disabled persons to voice their conversation. Then, a specially trained relay operator repeats that speech-disabled person's dialogue to the called party.
- Relay conference capturing (RCC): Service for persons who are deaf or hard of hearing to engage in a group conversation setting in either a video conference or conference call.
- CapTel: CapTel is a captioned telephone device that displays what the called party says using speech recognition software.<sup>19</sup>
- Voice: Allows standard telephone users to initiate calls to TTY users. The operator types the hearing person's spoken words to the TTY user and then reads back the replies.
- Hearing Carry-Over (HCO): Persons who can hear, but unable to speak directly into a phone due to speech disabilities, can listen to the called party. Then, the HCO user types back a response which is then relayed, via voice, by the relay operator to the called party, who then can speak back.
- Enhanced Speech to Speech: These features provide users with the ability to set up call times, contacts, and faster call set up.

Florida Relay also provides services in Spanish and French.<sup>20</sup>

### TASA Advisory Committee

The PSC must appoint an advisory committee to provide advice regarding the operation of telecommunications relay service in the state. The committee must be composed of no more than 10 persons and include, to the extent practicable:

- Two deaf persons recommended by the Florida Association of the Deaf.
- One hearing impaired person recommended by Self-Help for the Hard of Hearing.
- One deaf and blind person recommended by the Coalition for Persons with Dual Sensory Disabilities.
- One speech impaired person recommended by the Florida Language Speech and Hearing Association.
- Two representatives of telecommunications companies.
- One person with experience in providing relay services recommended by the Deaf Service Center Association.
- One person recommended by the Advocacy Center for Persons with Disabilities, Inc.
- One person recommended by the Florida League of Seniors.<sup>21</sup>

The committee meets twice per year in formal meetings organized and conducted by PSC staff. According to the PSC, not every organization listed to appoint individuals to the committee is still active in Florida. Currently, there are only three persons who have been appointed by the specified organizations.<sup>22</sup>

### Funding TASA Services

TASA is funded through a monthly [surcharge](#) on basic telecommunications access lines (i.e. landlines). The surcharge is imposed on all local exchange telecommunications company subscribers by their local exchange telecommunications company as part of their regular bill and is capped at \$0.25 per month, per access line, up to a

<sup>18</sup> American Standard Code for Information Interchange (ASCII) is a 7-bit character code where each individual bit represents a unique character. ASCII codes are used to assist with text-based communication and computing to ensure compatibility and consistency across different systems and applications. *ASCII Table*, ASCII – Code.com, <https://www.ascii-code.com/> (last visited Mar. 28, 2025).

<sup>19</sup> Hamilton Relay, *CapTel (Captioned Telephone)*, <https://hamiltonrelay.com/how-it-works/captel-captioned-telephone.html> (last visited Mar. 28, 2025).

<sup>20</sup> Florida Telecommunications Relay, Inc., *Florida Relay*, *supra* note 17.

<sup>21</sup> S. 427.706, F.S.

<sup>22</sup> Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, pg. 10, Dec. 2024, available at <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/Telecommunication/TelecommunicationAccess/2024.pdf> (last visited Mar. 28, 2025).



total of 25 total access lines per customer.<sup>23</sup> The amount, subject to these statutory limitations, is set by the PSC in order to fund FTRI's operations. For the year 2024-2025, the TASA surcharge per customer line is \$0.08 per month.<sup>24</sup>

Any funding surplus is deposited in a reserve account.<sup>25</sup> For the year 2024-2025, the reserve account had a balance of approximately \$20 million.<sup>26</sup>

### Recommendations from the PSC's TASA Annual Report

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

The 2024 Report also recommends broadening the eligibility of membership on the TASA Advisory Committee to better represent the deaf and hard of hearing community.<sup>27</sup>

### Technology Changes

In the 2024 Report, the PSC notes that the telecommunications market and technologies have changed significantly since TASA was passed in 1991. In 2001, switched access lines<sup>28</sup> numbered 12,030,592 in Florida.<sup>29</sup> As of 2023, that number has dropped to 763,866—a decline of approximately 94 percent—and this number is expected to continue to decline.<sup>30</sup> The first voice-over-internet protocol (VoIP) was not released until 1995,<sup>31</sup> four years after TASA passed. Today, wireless and VoIP comprise the majority of the communications marketplace connecting consumers to the public switched network. However, neither of these technologies were contemplated in TASA.

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

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<sup>23</sup> Section 427.704(4)(a)-(b).

<sup>24</sup> Florida Public Service Commission, *The Status of the Telecommunications Access System Act of 1991*, *supra* note 11, pg. 9.

<sup>25</sup> Florida Public Service Commission, *The Status of the Telecommunications Access System Act of 1991*, *supra* note 11, pg. 3.

<sup>26</sup> *In re: Commission approval of Florida Telecommunications Relay, Inc.'s fiscal year 2024-2025 proposed budget*, Docket No. 20240056-TP, Order No. PSC-2024-0200-PAA-TP (F.P.S.C. June 20, 2024).

<sup>27</sup> Florida Public Service Commission, *The Status of the Telecommunications Access System Act of 1991*, *supra* note 11, pg. 11.

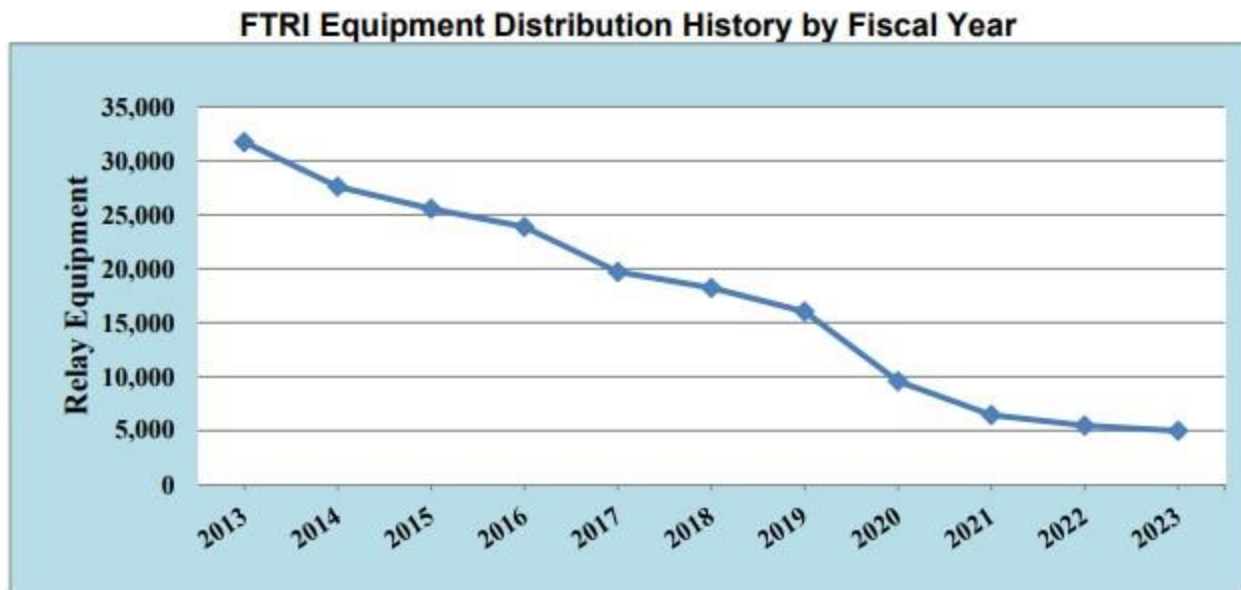
<sup>28</sup> "Switched access lines" are how traditional telephones (i.e. landlines) connect to a local exchange carrier's switch. See Federal Communications Commission Office of Economics and Analysis, *Voice Telephone Services: Status as of June 30, 2022*, pg. 16, available at <https://docs.fcc.gov/public/attachments/DOC-396138A1.pdf> (last visited Mar. 28, 2025). A reduction in these lines indicates a reduction in landline subscribers.

<sup>29</sup> Florida Public Service Commission, *The Status of the Telecommunications Access System Act of 1991*, pg. 21, Jun. 2002, available at <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/Telecommunication/TelecommunicationIndustry/2002.pdf> (last visited Mar. 28, 2025).

<sup>30</sup> Florida Public Service Commission, *The Status of the Telecommunications Access System Act of 1991*, *supra* note 11, pg. 11-12.

<sup>31</sup> Jeremy Norman's History of Information, *VocalTec Releases "Internet Phone," the First Internet VoIP Application*, <https://www.historyofinformation.com/detail.php?id=1111> (last visited Mar. 28, 2025).

<sup>32</sup> Florida Public Service Commission, *The Status of the Telecommunications Access System Act of 1991*, *supra* note 11, pg. 4.



The PSC also notes that there has been an “eighty-seven percent decline in new clients served and a seventy-seven percent decline in customer calls over the past ten years.”<sup>33</sup>

#### Funding Challenges

As stated, TASA services are funded only through a surcharge on landline telecommunications. Wireless and VoIP users are not required to contribute. Thus, as fewer customers use landline telecommunications, potential revenue sources for TASA services will likely decline.

<sup>33</sup> Florida Public Service Commission, *The Status of the Telecommunications Access System Act of 1991*, *supra* note 11, pg. 6.