

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

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

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

427.702 Findings, purpose, and legislative intent.—

(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~~

51 ~~telecommunications system.~~

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

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

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

70 ~~(b)(h)~~ (b) Title IV of the Americans with Disabilities Act  
71 mandates that the telecommunications companies providing  
72 telephone services within the state shall provide  
73 telecommunications relay services on or before July 25, 1993, to  
74 persons with hearing loss or speech impairment ~~who are hearing~~  
75 ~~impaired or speech impaired~~ within their certificated

76 territories in a manner that meets or exceeds the requirements  
 77 of regulations to be prescribed by the Federal Communications  
 78 Commission.

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

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

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

98 (d) That the telecommunications access system includes the  
 99 distribution of specialized telecommunications devices necessary  
 100 for persons with hearing loss or ~~hearing impaired,~~ speech

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101 impairment ~~impaired~~, or who are deafblind ~~dual sensory impaired~~  
102 ~~persons~~ to access ~~basic~~ telecommunications services.

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

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

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

124 **Section 2. Present subsections (2), (3) through (6), (7),**  
125 **(8), and (9), (10), (11), (12), and (13) through (17) of section**

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

132 427.703 Definitions.—As used in this part:

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

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

150 (4) "Communications service" means a service provided to

151 subscribers through wireline telecommunications equipment,  
152 interconnected VoIP, or CMRS.

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

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

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

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

164 (b) Requires a broadband connection.

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

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

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

175 (15)-(10) "Speech impaired" or "having a speech impairment"

176 means having a permanent loss of verbal communication ability  
177 which prohibits normal usage of a standard telephone handset.

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

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

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

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

201 facilities.

202 ~~(21)(16)~~ "Telecommunications relay service" means any  
203 telecommunications transmission service that allows a person  
204 with hearing loss ~~who is hearing impaired~~ or speech impairment  
205 ~~speech impaired~~ to communicate by wire or radio in a manner that  
206 is functionally equivalent to the ability of a person who does  
207 not have hearing loss or speech impairment ~~is not hearing~~  
208 ~~impaired or speech impaired~~. Such term includes any service that  
209 enables two-way communication between a person who uses a  
210 telecommunications device or other nonvoice terminal device and  
211 a person who does not use such a device.

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

216 427.704 Powers and duties of the commission.—

217 (1) The commission shall establish, implement, promote,  
218 and oversee the administration of a statewide telecommunications  
219 access system to provide access to telecommunications relay  
220 services by persons with hearing loss or speech impairment or  
221 who are deafblind ~~who are hearing impaired or speech impaired~~,  
222 or others who communicate with them. The telecommunications  
223 access system must ~~shall~~ provide for the purchase and  
224 distribution of specialized telecommunications devices,  
225 equipment, specialized communications technology, and the

226 establishment of a statewide single provider telecommunications  
227 relay service system that ~~which~~ operates continuously. To  
228 provide telecommunications relay services and distribute  
229 specialized telecommunication devices, equipment, and  
230 specialized communications technology to persons with hearing  
231 loss or speech impairment or who are deafblind ~~who are hearing~~  
232 ~~impaired or speech impaired~~, at a reasonable cost the commission  
233 shall:

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

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

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

250 (d) Ensure that the telecommunications relay service

251 system complies with regulations adopted by the Federal  
 252 Communications Commission to implement Title IV of the Americans  
 253 with Disabilities Act.

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

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

275 1. The appropriateness and accessibility of the proposed

276 telecommunications relay service for the residents ~~citizens~~ of  
277 this ~~the~~ state, including persons with hearing loss or speech  
278 impairment or who are deafblind ~~who are hearing impaired or~~  
279 ~~speech impaired~~.

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

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

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

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

290 6. Any proposed inclusion of provision of assistance to  
291 deaf persons with special needs to access the ~~base~~  
292 telecommunications system.

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

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

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

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

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

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

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

326 manner as prescribed by the commission. The administrator shall  
327 use such moneys to administer the telecommunications access to  
328 cover costs incurred during the development of the  
329 telecommunications relay services and to establish and  
330 administer the specialized telecommunications devices system.

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

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

342 (7)~~(8)~~ The commission shall adopt rules and may take any  
343 other action necessary to implement ~~the provisions of~~ this act.

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

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

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

362 427.705 Administration of the telecommunications access  
363 system.—

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

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

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

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

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

390 (a) Provide for certification of persons with hearing loss  
 391 or speech impairment or who are deafblind ~~as hearing impaired,~~  
 392 ~~speech impaired, or dual sensory impaired.~~ Such certification  
 393 process must ~~shall~~ include a statement attesting to such  
 394 impairment by a licensed physician, audiologist, speech-language  
 395 pathologist, hearing aid specialist, ~~or~~ deaf service center  
 396 director, or regional distribution center director; by a state-  
 397 certified teacher of the hearing impaired; by a state-certified  
 398 teacher of the visually impaired; or by an appropriate state or  
 399 federal agency. The licensed physician, audiologist, speech-  
 400 language pathologist, hearing aid specialist, state-certified

401 teacher of the hearing impaired, or state-certified teacher of  
 402 the visually impaired providing statements which attest to such  
 403 impairments shall work within their individual scopes of  
 404 practice according to their education and training. The deaf  
 405 service center directors, regional distribution center  
 406 directors, and appropriate state and federal agencies shall  
 407 attest to such impairments as provided for in the procedures  
 408 developed by the administrator.

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

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

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

421 427.706 Advisory committee.—

422 (1) The commission shall appoint an advisory committee to  
 423 assist the commission with implementing ~~the implementation of~~  
 424 ~~the provisions of~~ this part. The committee shall be composed of  
 425 no more than 10 persons and shall include, to the extent

426 practicable, persons recommended by organizations representing,  
427 the following groups:

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

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

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

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

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

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

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

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

447 (2) The advisory committee shall provide the expertise,  
448 experience, and perspective of persons with hearing loss or  
449 speech impairment or who are deafblind ~~who are hearing impaired~~  
450 ~~or speech impaired~~ to the commission and to the administrator

451 during all phases of the development and operation of the  
 452 telecommunications access system. The advisory committee shall  
 453 advise the commission and the administrator on the quality and  
 454 cost-effectiveness of the telecommunications relay service and  
 455 the specialized telecommunications devices, equipment, and  
 456 specialized communications technologies distribution system. The  
 457 advisory committee may submit material for inclusion in the  
 458 annual report prepared pursuant to s. 427.704.

459 **Section 6. Subsection (1) of section 427.708, Florida**  
 460 **Statutes, is amended to read:**

461 427.708 Certain public safety and health care providers  
 462 required to purchase and operate TDD's.—

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

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