

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**
24 **subsection (3) of section 427.702, Florida Statutes, are**
25 **redesignated as paragraphs (f) through (j), respectively, a new**

26 paragraph (e) is added to that subsection, and subsections (1)
27 and (2) and paragraphs (a) and (d) and present paragraphs (g)
28 and (h) of subsection (3) of that section are amended, to read:

29 427.702 Findings, purpose, and legislative intent.—

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~~
38 ~~and speech impaired populations has profound disabilities,~~
39 ~~including dual sensory impairments, which render normal~~
40 ~~telephone 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
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

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

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

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

(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~~
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~~
209 ~~to be~~ paid by local exchange telecommunications company
210 subscribers pursuant to the cost recovery mechanism established
211 under s. 427.704(4) in order to implement the system described
212 herein.

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

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

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

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

240 427.704 Powers and duties of the commission.—

241 (1) The commission shall establish, implement, promote,
242 and oversee the administration of a statewide telecommunications
243 access system to provide access to telecommunications relay
244 services by persons with hearing loss or speech impairment or
245 who are deafblind ~~who are hearing impaired or speech impaired,~~
246 or others who communicate with them. The telecommunications
247 access system must ~~shall~~ provide for the purchase and
248 distribution of specialized telecommunications devices,
249 equipment, specialized communications technology, and the
250 establishment of a statewide single provider telecommunications

251 relay service system that ~~which~~ operates continuously. To
252 provide telecommunications relay services and distribute
253 specialized telecommunication devices, equipment, and
254 specialized communications technology to persons with hearing
255 loss or speech impairment or who are deafblind ~~who are hearing~~
256 ~~impaired or speech impaired~~, at a reasonable cost the commission
257 shall:

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

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

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

274 (d) Ensure that the telecommunications relay service
275 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 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

301 this the state, including persons with hearing loss or speech
302 impairment or who are deafblind ~~who are hearing impaired or~~
303 ~~speech impaired.~~

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

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

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

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

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

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

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

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

325 1. Require all local exchange telecommunications companies

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

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

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

341 (b) The commission shall determine the amount of the
342 surcharge based upon the amount of funding necessary to
343 accomplish the purposes of this act and provide the services on
344 an ongoing basis; however, in no case shall the amount exceed 15
345 ~~25~~ cents per line per month.

346 (e) From the date of implementing the surcharge, the
347 commission shall review the amount of the surcharge at least
348 annually and shall order changes in the amount of the surcharge
349 as necessary to assure available funds for the provision of the
350 telecommunications access system established herein. Where the

351 review of the surcharge determines that excess funds are
352 available, the commission may order the suspension of the
353 surcharge for a period that ~~which~~ the commission deems
354 appropriate. The commission may not increase the surcharge when
355 excess funds are available.

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

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

375 ~~(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 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:

401 427.705 Administration of the telecommunications access
402 system.—

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

406 (a) Purchase, license, store, distribute, and maintain
407 specialized telecommunications devices, equipment, and
408 specialized communications technology, either directly or
409 through contract with third parties, or a combination thereof.

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

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

421 (5) The administrator shall provide for the distribution
422 of specialized telecommunications devices to persons qualified
423 to receive such equipment in accordance with the provisions of
424 this act. The administrator shall establish procedures for the
425 distribution of specialized telecommunications devices and shall

426 solicit the advice and counsel and consider the recommendations
427 of the advisory committee in establishing such procedures. The
428 procedures shall:

429 (a) Provide for certification of persons with hearing loss
430 or speech impairment or who are deafblind ~~as hearing impaired,~~
431 ~~speech impaired, or dual sensory impaired.~~ Such certification
432 process ~~must~~ shall include a statement attesting to such
433 impairment by a licensed physician, audiologist, speech-language
434 pathologist, hearing aid specialist, ~~or~~ deaf service center
435 director, or regional distribution center director; by a state-
436 certified teacher of the hearing impaired; by a state-certified
437 teacher of the visually impaired; or by an appropriate state or
438 federal agency. The licensed physician, audiologist, speech-
439 language pathologist, hearing aid specialist, state-certified
440 teacher of the hearing impaired, or state-certified teacher of
441 the visually impaired providing statements which attest to such
442 impairments shall work within their individual scopes of
443 practice according to their education and training. The deaf
444 service center directors, regional distribution center
445 directors, and appropriate state and federal agencies shall
446 attest to such impairments as provided for in the procedures
447 developed by the administrator.

448 (b) Establish characteristics and performance standards
449 for specialized telecommunications devices and specialized
450 communications technologies determined to be necessary, and for

451 the selection of equipment to be purchased for distribution to
452 qualified recipients. The characteristics and standards must
453 ~~shall~~ be modified as advances in equipment technology render
454 such standards inapplicable.

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

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

460 427.706 Advisory committee.—

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

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

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

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

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

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

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

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

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

486 (2) The advisory committee shall provide the expertise,
487 experience, and perspective of persons with hearing loss or
488 speech impairment or who are deafblind ~~who are hearing impaired~~
489 ~~or speech impaired~~ to the commission and to the administrator
490 during all phases of the development and operation of the
491 telecommunications access system. The advisory committee shall
492 advise the commission and the administrator on the quality and
493 cost-effectiveness of the telecommunications relay service and
494 the specialized telecommunications devices, equipment, and
495 specialized communications technologies distribution system. The
496 advisory committee may submit material for inclusion in the
497 annual report prepared pursuant to s. 427.704.

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