

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Economic Infrastructure
 2 Subcommittee

3 Representative Tant offered the following:

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Amendment (with title amendment)

Remove lines 124-466 and insert:

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:

Amendment No. 1

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

24 (2) "Commercial mobile radio service" or "CMRS" means a
25 mobile radio communications service, provided for profit, which
26 is interconnected to the public switched network and is
27 available to the public or to such classes of eligible users as
28 to be effectively available to a substantial portion of the
29 public. The term does not include services that do not provide
30 access to 911 service, communication channels suitable only for
31 data transmission, wireless roaming services or other nonlocal
32 radio access line services, or private telecommunications
33 systems.

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

37 (6)-(4) "Deafblind" "Dual sensory impaired" means having
38 both a permanent hearing impairment and a permanent visual
39 impairment and includes dual sensory impairment ~~deaf/blindness~~.

40 (7) "Deaf service center" means a center that serves,
41 within a defined region, individuals with hearing loss or speech

Amendment No. 1

42 impairment or who are deafblind, by distributing equipment and
43 providing services on behalf of the administrator.

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

51 (10)(6) "Hearing loss impaired" or "having a hearing
52 impairment" means deaf, late-deafened, or hard of hearing and,
53 for purposes of this part, includes being dual sensory impaired.

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

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

59 (b) Requires a broadband connection.

60 (c) Requires customer equipment compatible with Internet
61 protocol.

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

66 (14) "Regional distribution center" means an entity,

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Amendment No. 1

67 including, but not limited to, a deaf service center or a
68 provider of audiology services, which has contracted with the
69 administrator to distribute equipment and provide services to
70 qualified individuals with hearing loss or speech impairment or
71 who are deafblind.

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

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

84 (19)-(10) "Speech impaired" or "having a speech impairment"
85 means having a permanent loss of verbal communication ability
86 that which prohibits normal usage of a standard telephone
87 handset.

88 (18)-(11) "Specialized telecommunications device" means a
89 TDD, a volume control handset, a ring signaling device, or any
90 other customer premises telecommunications equipment that can be
91 specifically designed or used to provide basic access to

Amendment No. 1

92 communications telecommunications services for a person with
93 hearing loss or speech impairment or who is deafblind hearing
94 ~~impaired, speech impaired, or dual sensory impaired person.~~

95 ~~(20)(12)~~ "Surcharge" means an additional charge ~~which is~~
96 ~~to be paid by local exchange telecommunications company~~
97 subscribers pursuant to the cost recovery mechanism established
98 under s. 427.704(4) in order to implement the system described
99 herein.

100 (21) "Telecommunications access system" means the system
101 administered pursuant to this section, and includes the
102 administration of the telecommunications relay service system
103 and the distribution of specialized telecommunications devices
104 and specialized communications technologies pursuant to ss.
105 427.701-427.708 and rules and regulations established by the
106 commission.

107 ~~(23)(14)~~ "Telecommunications device for the deaf," ~~or~~
108 "TDD," or "text device" means a mechanism that ~~which~~ is
109 connected to a communications network ~~standard telephone line,~~
110 operated by means of a keyboard, and used to transmit or receive
111 signals through telephone lines or other communications service
112 facilities.

113 ~~(25)(16)~~ "Telecommunications relay service" means any
114 telecommunications transmission service that allows a person
115 with hearing loss ~~who is hearing impaired~~ or speech impairment
116 ~~speech impaired~~ to communicate by wire or radio in a manner that

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Published On: 3/28/2025 4:44:41 PM

Amendment No. 1

117 is functionally equivalent to the ability of a person who does
118 not have hearing loss or speech impairment ~~is not hearing~~
119 ~~impaired or speech impaired~~. Such term includes any service that
120 enables two-way communication between a person who uses a
121 telecommunications device or other nonvoice terminal device and
122 a person who does not use such a device.

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

127 427.704 Powers and duties of the commission.—

128 (1) The commission shall establish, implement, promote,
129 and oversee the administration of a statewide telecommunications
130 access system to provide access to telecommunications relay
131 services by persons with hearing loss or speech impairment or
132 who are deafblind ~~who are hearing impaired or speech impaired~~,
133 or others who communicate with them. The telecommunications
134 access system must ~~shall~~ provide for the purchase and
135 distribution of specialized telecommunications devices,
136 equipment, specialized communications technology, and the
137 establishment of a statewide single provider telecommunications
138 relay service system that ~~which~~ operates continuously. To
139 provide telecommunications relay services and distribute
140 specialized telecommunication devices, equipment, and
141 specialized communications technology to persons with hearing

084731 - h0435-line124.docx

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Amendment No. 1

142 loss or speech impairment or who are deafblind ~~who are hearing~~
143 ~~impaired or speech impaired~~, at a reasonable cost the commission
144 shall:

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

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

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

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

165 (e) Set eligibility requirements for the distribution of
166 specialized communications technology based on income

084731 - h0435-line124.docx

Published On: 3/28/2025 4:44:41 PM

Amendment No. 1

167 qualifications or participation in other state or federal
168 programs based on income, which requirements must be set at no
169 less than double but no more than triple the federal poverty
170 level. Eligibility requirements may not prohibit the
171 administrator from providing access to specialized
172 communications technologies if such access has a de minimis
173 value. This paragraph does not apply to specialized
174 telecommunications devices using standard telephone lines.

175 (3) (a) The commission shall select a ~~the~~ provider of ~~the~~
176 telecommunications relay service pursuant to procedures
177 established by the commission. In selecting a ~~the~~ service
178 provider, the commission shall take into consideration the cost
179 of providing ~~the~~ relay service and the interests of the hearing
180 loss, speech impairment, and deafblind ~~impaired and speech~~
181 ~~impaired~~ community in having access to a high-quality and
182 technologically advanced telecommunications system. The
183 commission shall award the contract to the bidder whose proposal
184 is the most advantageous to the state, taking into consideration
185 the following:

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

191 2. The overall quality of the proposed telecommunications

Amendment No. 1

192 relay service.

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

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

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

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

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

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

207 (4) (a) The commission shall establish a mechanism to
208 recover the costs of implementing and maintaining the services
209 required pursuant to this part which must ~~shall~~ be applied to
210 each basic telecommunications access line. In establishing the
211 recovery mechanism, the commission shall:

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

Amendment No. 1

217 account bill rendered.

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

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

228 (b) The commission shall determine the amount of the
229 surcharge based upon the amount of funding necessary to
230 accomplish the purposes of this act and provide the services on
231 an ongoing basis; however, in no case shall the amount exceed 15
232 ~~25~~ cents per line per month.

233 (e) From the date of implementing the surcharge, the
234 commission shall review the amount of the surcharge at least
235 annually and shall order changes in the amount of the surcharge
236 as necessary to assure available funds for the provision of the
237 telecommunications access system established herein. Where the
238 review of the surcharge determines that excess funds are
239 available, the commission may order the suspension of the
240 surcharge for a period that ~~which~~ the commission deems
241 appropriate. The commission may not increase the surcharge when

Amendment No. 1

242 excess funds are available.

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

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

262 ~~(7)~~ The commission shall require the administrator to
263 submit financial statements for the distribution of specialized
264 telecommunications devices and for specialized communications
265 technology and for the telecommunications relay service to the
266 commission quarterly, in the manner prescribed by the

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Amendment No. 1

267 commission.

268 ~~(7)-(8)~~ The commission shall adopt rules and may take any
269 other action necessary to implement ~~the provisions of~~ this act.

270 ~~(8)-(9)~~ The commission shall prepare an annual report on
271 the operation of the telecommunications access system and, ~~which~~
272 shall make such report ~~be~~ available on the commission's ~~Internet~~
273 website. Reports must be prepared in consultation with the
274 administrator and the advisory committee appointed pursuant to
275 s. 427.706. The reports must, at a minimum, briefly outline the
276 status of developments in the telecommunications access system,
277 the number of persons served, the call volume, revenues and
278 expenditures, the allocation of the revenues and expenditures
279 between provision of specialized telecommunications devices and
280 specialized communications technologies to individuals and
281 operation of statewide relay service, other major policy or
282 operational issues, and proposals for improvements or changes to
283 the telecommunications access system.

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

288 427.705 Administration of the telecommunications access
289 system.—

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

Amendment No. 1

292 shall:

293 (a) Purchase, license, store, distribute, and maintain
294 specialized telecommunications devices, equipment, and
295 specialized communications technology, either directly or
296 through contract with third parties, or a combination thereof.

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

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

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

316 (a) Provide for certification of persons with hearing loss

Amendment No. 1

317 or speech impairment or who are deafblind ~~as hearing impaired,~~
318 ~~speech impaired, or dual sensory impaired.~~ Such certification
319 process must ~~shall~~ include a statement attesting to such
320 impairment by a licensed physician, audiologist, speech-language
321 pathologist, hearing aid specialist, ~~or~~ deaf service center
322 director, or regional distribution center director; by a state-
323 certified teacher of the hearing impaired; by a state-certified
324 teacher of the visually impaired; or by an appropriate state or
325 federal agency. The licensed physician, audiologist, speech-
326 language pathologist, hearing aid specialist, state-certified
327 teacher of the hearing impaired, or state-certified teacher of
328 the visually impaired providing statements which attest to such
329 impairments shall work within their individual scopes of
330 practice according to their education and training. The deaf
331 service center directors, regional distribution center
332 directors, and appropriate state and federal agencies shall
333 attest to such impairments as provided for in the procedures
334 developed by the administrator.

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

084731 - h0435-line124.docx

Published On: 3/28/2025 4:44:41 PM

Amendment No. 1

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

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

347 427.706 Advisory committee.—

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

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

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

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

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

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

365 (f) ~~One person with experience in providing~~
366 Telecommunication relay service distribution centers services

Amendment No. 1

367 ~~recommended by the Deaf Service Center Association.~~

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

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

373 (2) The advisory committee shall provide the expertise,
374 experience, and perspective of persons with hearing loss or
375 speech impairment or who are deafblind ~~who are hearing impaired~~
376 ~~or speech impaired~~ to the commission and to the administrator
377 during all phases of the development and operation of the
378 telecommunications access system. The advisory committee shall
379 advise the commission and the administrator on the quality and
380 cost-effectiveness of the telecommunications relay service and
381 the specialized telecommunications devices, equipment, and
382 specialized communications technologies distribution system. The
383 advisory committee may submit material for inclusion in the
384 annual report prepared pursuant to s. 427.704.

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

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388 **T I T L E A M E N D M E N T**

389 Remove lines 19-23 and insert:
390 implementing the act; providing an effective date.