|  |  |  |  |
| --- | --- | --- | --- |
| State of Florida  pscSEAL | | Public Service Commission  Capital Circle Office Center ● 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850  -M-E-M-O-R-A-N-D-U-M- | |
| DATE: | September 25, 2025 | | |
| TO: | Office of Commission Clerk (Teitzman) | | |
| FROM: | Office of the General Counsel (Sapoznikoff) **SMC**  Division of Economics (Guffey) **EJD**  Office of Industry Development and Market Analysis (Hinton, Fogleman, Williams) **CH** | | |
| RE: | Docket No. 20250097-TP – Proposed amendment of Rule 25-4.150, F.A.C., The Administrator; and Rule 25-4.160, F.A.C., Operation of Telecommunications Relay Service. | | |
| AGENDA: | 10/07/25 – Regular Agenda – Rule Proposal – Interested Persons May Participate | | |
| COMMISSIONERS ASSIGNED: | | | All Commissioners |
| PREHEARING OFFICER: | | | Fay |
| RULE STATUS: | | | Proposal May Be Deferred |
| CRITICAL DATES: | | | 01/26/26 – Rule must be proposed by this date pursuant to Section 120.54(2)(a)2., F.S. |
| SPECIAL INSTRUCTIONS: | | | None |

Case Background

In 2025, the Legislature amended Sections 427.702 through 427.706, Florida Statutes (F.S.) relating to the Telecommunications Access System Act of 1991. *See* 2025-148, Laws of Florida. Among other things, these statutory changes require the Commission to set eligibility requirements for distribution of newly defined specialized communications technology and renumbered statutory sections referenced in Commission rule, necessitating amendment of the rules implementing these statutes, Rule 25-4.150, Florida Administrative Code (F.A.C.), The Administrator, and Rule 25-4.160, F.A.C., Operation of Telecommunications Relay Service.

The amendment of Section 427.703(1), F.S., updated the definition of “Administrator,” which entity is addressed in Rule 25-4.150, F.A.C. Section 427.703, F.S. was also amended to add new subsection (17), defining “specialized communications technology.” Additional amendments to Section 427.703, F.S., caused the renumbering of the statutory section that defines “local exchange telecommunications company,” which term is referenced in Rule 25-4.160, F.A.C.

Procedural Matters

In furtherance of the Legislature’s directive in Section 427.704(7), F.S., staff initiated rulemaking to amend Rules 25-4.150, and 25-4.160, F.A.C. The Commission’s Notice of Development of Rulemaking was published in Vol. 51, Number 147, of the Florida Administrative Register on July 30, 2025.

Staff received a request for rule workshop regarding the draft language of Rule 25-4.150, F.A.C., from Florida Telecommunications Relay, Inc. (FTRI), which is the “Administrator” as defined by statute and is referenced in that rule. FTRI submitted written comments in lieu of holding a workshop.

This recommendation addresses whether the Commission should propose the amendment of Rules 25-4.150 and 25-4.160, F.A.C. The Commission has jurisdiction pursuant to Section 120.54, 350.127(2), and 427.704(7), F.S.

Discussion of Issues

Issue 1:

 Should the Commission propose the amendment of Rule 25-4.150, F.A.C., The Administrator, and Rule 25-4.160, F.A.C., Operation of Telecommunications Relay Service?

Recommendation:

 Yes. The Commission should propose the amendment of Rules 25-4.150 and 25-4.160, F.A.C., as set forth in Attachment A. The Commission should also certify the rules as a minor violation rules. (Sapoznikoff, Hinton, Guffey)

Staff Analysis:

 The purpose of this rulemaking is to amend Rules 25-4.150 and 25-4.160, F.A.C., to implement statutory changes made during the 2025 legislative session. Staff recommends that the Commission propose the amendment of Rules 25-4.150 and 25-4.160, F.A.C., as set forth in Attachment A.

Rule 25-4.150, F.A.C., The Administrator

Overall, the recommended amendments to Rule 25-4.150, F.A.C., simplify and clarify the rule language to reference the revised definition of the “Administrator,” as amended by the statutory changes to Section 427.703(1), F.S., and to comply with Section 120.545(1)(c), F.S. The more substantial recommended amendment to the rule is the addition of new Subsection (5).

The recommended amendments add Subsection (5) to implement the addition of Section 427.704(e), F.S., which requires the Commission to “set eligibility requirements for the distribution of specialized communications technology.” The statute requires the eligibility requirements be based on income qualifications of no less than double, but no more than triple, the federal poverty level, or participation in other state or federal programs based on income.

Subsection (5) sets the eligibility threshold at 250 percent of the federal poverty level, which is within the lowest and highest allowable amounts set forth in the statute. Staff believes this level is most appropriate as it provides the intended accessibility, but also allows for future adjustment based on initial consumer interest and its impact on FTRI’s budget.

In addition, there are five federal programs that qualify consumers for Lifeline Assistance. The recommended rule language allows consumers who qualify for any of those programs to be eligible to receive the specialized communications technology.

Staff incorporated many of the written comments from FTRI into the recommended amendments of Rule 25-4.150, F.A.C. FTRI had wanted the Commission to set the eligibility threshold at the top of the statutory range, but has advised staff that it is satisfied with the recommended amendments which allow the Commission flexibility to assess how the income eligibility requirements affect demand for the newly available “specialized communications technology.”

Rule 25-4.160, F.A.C., Operation of Telecommunications Relay Service

Staff recommends deleting subsection (1) of this rule because the current rule language requires a discount for intrastate toll calls received from a telecommunications relay service (TRS) and doesn’t reflect current practice. TRS providers no longer charge for toll calls. As a result, the toll discount language contained in the rule is no longer necessary.

Minor Violation Rule Certification

Pursuant to Section 120.695, F.S., for each rule filed for adoption, the agency head shall certify whether any part of a rule is designated as a rule the violation of which would be a minor violation. Under Section 120.695(2)(b), F.S., a violation of a rule is minor if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. Rules 25-4.150 and 25-4.160, F.A.C., are both currently listed as minor violation rules, and staff recommends that both should remain listed as minor violation rules by the Commission. These rules are minor violation rules because the violation of either of them would not result in economic or physical harm to a person, cause an adverse effect on the public health, safety, or welfare, or create a significant threat of such harm. Therefore, for the purposes of filing the rules for adoption with the Department of State, staff recommends that the Commission certify Rules 25-4.150 and 25-4.160, F.A.C., as minor violation rules.

Statement of Estimated Regulatory Costs

Section 120.54(3)(b)1., F.S., encourages agencies to prepare a Statement of Estimated Regulatory Costs (SERC) before the adoption, amendment, or repeal of any rule. A SERC was prepared for each rule in this rulemaking and they are appended as Attachment B. As required by Section 120.541(2)(a)1., F.S., the SERC analysis includes whether the rules are individually likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of $1 million in the aggregate within five years after implementation.

The SERCs conclude that neither rule will likely directly or indirectly increase regulatory costs in excess of $200,000 in the aggregate in Florida within one year after implementation. Further, the SERC concludes that the rule amendments will not likely increase regulatory costs, including any transactional costs, or have an adverse impact on business competitiveness, productivity, or innovation, in excess of $1 million in the aggregate within five years of implementation. Thus, pursuant to Section 120.541(3), F.S., neither rule requires legislative ratification.

In addition, the SERCs indicate that the rules would have no adverse impact on small businesses, would have no implementation or enforcement costs on the Commission or any other state or local government entity, and would have no impact on small cities or small counties. The SERCs state that there will be no transactional costs likely to be incurred by individuals and entities required to comply with the requirements. None of the impact/cost criteria established in Section 120.541(2)(a), F.S., will be exceeded as a result of either rule. Finally, the SERCs indicate that there are no market impacts likely to result from compliance with the proposed rule.

Conclusion

Based on the foregoing, staff recommends that the Commission should propose the amendment of Rules 25-4.150 and 25-4.160, F.A.C., as set forth in Attachment A. Staff also recommends the Commission certify the rules as minor violation rules.

Issue 2:

 Should the docket be closed?

Recommendation:

 Yes. If no requests for hearing are made or comments from the Joint Administrative Procedures Committee (JAPC) are filed, and no proposals for lower cost regulatory alternatives are submitted pursuant to Section 120.541(1)(a), F.S., the rules should be filed for adoption with the Department of State, and the docket should be closed. (Sapoznikoff)

Staff Analysis:

 If no request for hearing is made or comments from JAPC are filed, and no proposals for a lower cost regulatory alternatives are submitted pursuant to Section 120.541(1)(a), F.S., the rules should be filed for adoption with the Department of State, and the docket should be closed.





