

By the Committee on Governmental Oversight and Productivity;  
and Senator Wise

585-2469-06

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A bill to be entitled

An act relating to electronic information and  
information technology; creating part III of  
ch. 282, F.S.; requiring that the executive,  
legislative, and judicial branches of state  
government provide to individuals with  
disabilities access to and use of information  
and data that is comparable to the information  
and data provided to individuals who do not  
have disabilities; providing certain  
exceptions; providing definitions; requiring  
that each state agency use accessible  
electronic information and information  
technology that conforms with specified  
provisions of federal law; providing certain  
exceptions; requiring the Department of  
Management Services to adopt rules; providing  
an exception for electronic information and  
information technology involving military  
activities or criminal intelligence activities;  
specifying that the act applies to competitive  
solicitations; providing legislative intent;  
providing an effective date.

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

Section 1. Part III of chapter 282, Florida Statutes,  
consisting of sections 282.601, 282.602, 282.603, 282.604,  
282.605, and 282.606, is created to read:

PART III  
ACCESSIBILITY OF INFORMATION AND TECHNOLOGY

1           282.601 Accessibility of electronic information and  
2 information technology.--

3           (1) In order to improve the accessibility of  
4 electronic information and information technology and increase  
5 the successful education, employment, access to governmental  
6 information and services, and involvement in community life,  
7 the executive, legislative, and judicial branches of state  
8 government shall, when developing, competitively procuring,  
9 maintaining, or using electronic information or information  
10 technology acquired on or after July 1, 2006, ensure that  
11 state employees with disabilities have access to and are  
12 provided with information and data comparable to the access  
13 and use by state employees who are not individuals with  
14 disabilities, unless an undue burden would be imposed on the  
15 agency.

16           (2) Individuals with disabilities who are members of  
17 the public seeking information or services from state agencies  
18 that are subject to this part shall be provided with access to  
19 and use of information and data comparable to that provided to  
20 the public who are not individuals with disabilities, unless  
21 an undue burden would be imposed on the agency.

22           282.602 Definitions.--As used in this part, the term:

23           (1) "Accessible electronic information and information  
24 technology" means electronic information and information  
25 technology that conforms to the standards for accessible  
26 electronic information and information technology as set forth  
27 by s. 508 of the Rehabilitation Act of 1973, as amended, and  
28 29 U.S.C. 794(d), including the regulations set forth under 36  
29 C.F.R. part 1194.

30           (2) "Alternate methods" means a different means of  
31 providing information to people with disabilities, including

1 product documentation. The term includes, but is not limited  
2 to, voice, facsimile, relay service, TTY, Internet posting,  
3 captioning, text-to-speech synthesis, and audio description.

4 (3) "Electronic information and information  
5 technology" includes information technology and any equipment  
6 or interconnected system or subsystem of equipment which is  
7 used in creating, converting, or duplicating data or  
8 information. The term includes, but is not limited to,  
9 telecommunications products such as telephones, information  
10 kiosks and transaction machines, Internet web sites,  
11 multimedia systems, and office equipment such as copiers and  
12 facsimile machines. The term does not include any equipment  
13 that contains embedded information technology that is an  
14 integral part of the product if the principal function of the  
15 technology is not the acquisition, storage, manipulation,  
16 management, movement, control, display, switching,  
17 interchange, transmission, or reception of data or  
18 information.

19 (4) "Information technology" means any equipment or  
20 interconnected system or subsystem of equipment which is used  
21 in the automatic acquisition, storage, manipulation,  
22 management, movement, control, display, switching,  
23 interchange, transmission, or reception of data or  
24 information. The term includes computers, ancillary equipment,  
25 software, firmware and similar procedures, services and  
26 support services, and related resources.

27 (5) "Undue burden" means significant difficulty or  
28 expense. In determining whether an action would result in an  
29 undue burden, a state agency shall consider all agency  
30 resources that are available to the program or component for  
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1 which the product is being developed, procured, maintained, or  
2 used.

3 (6) "State agency" means any agency of the executive,  
4 legislative, or judicial branch of state government.

5 282.603 Access to electronic and information  
6 technology for persons with disabilities; undue burden;  
7 limitations.--

8 (1) Each state agency shall develop, procure,  
9 maintain, and use accessible electronic information and  
10 information technology acquired on or after July 1, 2006,  
11 which conforms to the applicable provisions set forth by s.  
12 508 of the Rehabilitation Act of 1973, as amended, and 29  
13 U.S.C. 794(d), including the regulations set forth under 36  
14 C.F.R. part 1194, except when compliance with this section  
15 imposes an undue burden; however in such instance, a state  
16 agency must provide individuals with disabilities with the  
17 information and data involved by an alternative method of  
18 access which allows the individual to use the information and  
19 data.

20 (2) This section does not require a state agency to  
21 install specific accessibility-related software or attach an  
22 assistive-technology device at a work station of a state  
23 employee who is not an individual with a disability.

24 (3) This section does not require a state agency, when  
25 providing the public with access to information or data  
26 through electronic information technology, to make products  
27 owned by the state agency available for access and use by  
28 individuals with disabilities at a location other than the  
29 location at which the electronic information and information  
30 technology are normally provided to the public, and this  
31 section does not require a state agency to purchase products

1 for access and use by individuals with disabilities at a  
2 location other than at the location where the electronic  
3 information and information technology are normally provided  
4 to the public.

5 282.604 Adoption of rules.--The Department of  
6 Management Services shall, with input from stakeholders, adopt  
7 rules pursuant to ss. 120.536(1) and 120.54 for the  
8 development, procurement, maintenance, and use of accessible  
9 electronic information technology by governmental units.

10 282.605 Exceptions.--

11 (1) This part does not apply to electronic information  
12 and information technology of the Department of Military  
13 Affairs or the Florida National Guard if the function,  
14 operation, or use of the information or technology involves  
15 intelligence activities or cryptologic activities related to  
16 national security, the command and control of military forces,  
17 equipment that is an integral part of a weapon or weapons  
18 system, or systems that are critical to the direct fulfillment  
19 of military or intelligence missions. Systems that are  
20 critical to the direct fulfillment of military or intelligence  
21 missions do not include a system that is used for routine  
22 administrative and business applications, including, but not  
23 limited to, payroll, finance, logistics, and  
24 personnel-management applications.

25 (2) This part does not apply to electronic information  
26 and information technology of a state agency if the function,  
27 operation, or use of the information or technology involves  
28 criminal intelligence activities. Such activities do not  
29 include information or technology that is used for routine  
30 administrative and business applications, including, but not  
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1 limited to, payroll, finance, logistics, and  
2 personnel-management applications.

3 (3) This part does not apply to electronic information  
4 and information technology that is acquired by a contractor  
5 and that is incidental to the contract.

6 (4) This part applies to competitive solicitations  
7 issued or new systems developed by a state agency on or after  
8 July 1, 2006.

9 282.606 Intent.--It is the intent of the Legislature  
10 that, in construing this part, due consideration and great  
11 weight be given to the interpretations of the federal courts  
12 relating to comparable provisions of s. 508 of the  
13 Rehabilitation Act of 1973, as amended, and 29 U.S.C. 794(d),  
14 including the regulations set forth under 36 C.F.R. part 1194,  
15 as of July 1, 2006.

16 Section 2. This act shall take effect July 1, 2006.

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18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
19 COMMITTEE SUBSTITUTE FOR  
20 SB 120

21 The Committee Substitute provides that the act applies  
22 prospectively to new procurements issued after its effective  
23 date. It provides specific technology exemptions when the  
24 applications affect criminal justice, military agencies, or  
25 are incidental to vendor operations. It directs the Department  
26 of Management Services to engage in rule-making to implement  
27 the act consistent with the requirements of federal law.  
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