

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Llorente offered the following:

2
3 **Amendment (with title amendment)**

4 Remove line(s) 4362-4442 and insert:

5 Section 73. Part III of chapter 282, Florida Statutes,
6 consisting of sections 282.601, 282.602, 282.603, 282.604,
7 282.605, and 282.606, is created to read:

8 PART III

9 ACCESSIBILITY OF INFORMATION AND TECHNOLOGY

10
11 282.601 Accessibility of electronic information and
12 information technology.--

13 (1) In order to improve the accessibility of electronic
14 information and information technology and increase the
15 successful education, employment, access to governmental
16 information and services, and involvement in community life, the
17 executive, legislative, and judicial branches of state

420579

4/25/2006 1:48:51 PM

Amendment No. (for drafter's use only)

18 government shall, when developing, competitively procuring,
19 maintaining, or using electronic information or information
20 technology acquired on or after July 1, 2006, ensure that state
21 employees with disabilities have access to and are provided with
22 information and data comparable to the access and use by state
23 employees who are not individuals with disabilities, unless an
24 undue burden would be imposed on the agency.

25 (2) Individuals with disabilities who are members of the
26 public seeking information or services from state agencies that
27 are subject to this part shall be provided with access to and
28 use of information and data comparable to that provided to the
29 public who are not individuals with disabilities, unless an
30 undue burden would be imposed on the agency.

31 282.602 Definitions.--As used in this part, the term:

32 (1) "Accessible electronic information and information
33 technology" means electronic information and information
34 technology that conforms to the standards for accessible
35 electronic information and information technology as set forth
36 by s. 508 of the Rehabilitation Act of 1973, as amended, and 29
37 U.S.C. s. 794(d), including the regulations set forth under 36
38 C.F.R. part 1194.

39 (2) "Alternate methods" means a different means of
40 providing information to people with disabilities, including
41 product documentation. The term includes, but is not limited to,
42 voice, facsimile, relay service, TTY, Internet posting,
43 captioning, text-to-speech synthesis, and audio description.

44 (3) "Electronic information and information technology"
45 includes information technology and any equipment or
46 interconnected system or subsystem of equipment that is used in

420579

4/25/2006 1:48:51 PM

Amendment No. (for drafter's use only)

47 creating, converting, or duplicating data or information. The
48 term includes, but is not limited to, telecommunications
49 products such as telephones, information kiosks and transaction
50 machines, Internet websites, multimedia systems, and office
51 equipment such as copiers and facsimile machines. The term does
52 not include any equipment that contains embedded information
53 technology that is an integral part of the product if the
54 principal function of the technology is not the acquisition,
55 storage, manipulation, management, movement, control, display,
56 switching, interchange, transmission, or reception of data or
57 information.

58 (4) "Information technology" means any equipment or
59 interconnected system or subsystem of equipment that is used in
60 the automatic acquisition, storage, manipulation, management,
61 movement, control, display, switching, interchange,
62 transmission, or reception of data or information. The term
63 includes computers, ancillary equipment, software, firmware and
64 similar procedures, services, and support services, and related
65 resources.

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

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

73 282.603 Access to electronic and information technology
74 for persons with disabilities; undue burden; limitations.--

420579

4/25/2006 1:48:51 PM

Amendment No. (for drafter's use only)

75 (1) Each state agency shall develop, procure, maintain,
76 and use accessible electronic information and information
77 technology acquired on or after July 1, 2006, that conforms to
78 the applicable provisions set forth by s. 508 of the
79 Rehabilitation Act of 1973, as amended, and 29 U.S.C. s. 794(d),
80 including the regulations set forth under 36 C.F.R. part 1194,
81 except when compliance with this section imposes an undue
82 burden; however, in such instance, a state agency must provide
83 individuals with disabilities with the information and data
84 involved by an alternative method of access that allows the
85 individual to use the information and data.

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

90 (3) This section does not require a state agency, when
91 providing the public with access to information or data through
92 electronic information technology, to make products owned by the
93 state agency available for access and use by individuals with
94 disabilities at a location other than the location at which the
95 electronic information and information technology are normally
96 provided to the public. This section does not require a state
97 agency to purchase products for access and use by individuals
98 with disabilities at a location other than at the location where
99 the electronic information and information technology are
100 normally provided to the public.

101 282.604 Adoption of rules.--The Department of Management
102 Services shall, with input from stakeholders, adopt rules
103 pursuant to ss. 120.536(1) and 120.54 for the development,
420579

4/25/2006 1:48:51 PM

Amendment No. (for drafter's use only)

104 procurement, maintenance, and use of accessible electronic
105 information technology by governmental units.

106 282.605 Exceptions.--

107 (1) This part does not apply to electronic information and
108 information technology of the Department of Military Affairs or
109 the Florida National Guard if the function, operation, or use of
110 the information or technology involves intelligence activities
111 or cryptologic activities related to national security, the
112 command and control of military forces, equipment that is an
113 integral part of a weapon or weapons system, or systems that are
114 critical to the direct fulfillment of military or intelligence
115 missions. Systems that are critical to the direct fulfillment of
116 military or intelligence missions do not include a system that
117 is used for routine administrative and business applications,
118 including, but not limited to, payroll, finance, logistics, and
119 personnel-management applications.

120 (2) This part does not apply to electronic information and
121 information technology of a state agency if the function,
122 operation, or use of the information or technology involves
123 criminal intelligence activities. Such activities do not include
124 information or technology that is used for routine
125 administrative and business applications, including, but not
126 limited to, payroll, finance, logistics, and personnel-
127 management applications.

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

420579

4/25/2006 1:48:51 PM

Amendment No. (for drafter's use only)

131 (4) This part applies to competitive solicitations issued
132 or new systems developed by a state agency on or after July 1,
133 2006.

134 282.606 Intent.--It is the intent of the Legislature that,
135 in construing this part, due consideration and great weight be
136 given to the interpretations of the federal courts relating to
137 comparable provisions of s. 508 of the Rehabilitation Act of
138 1973, as amended, and 29 U.S.C. s. 794(d), including the
139 regulations set forth under 36 C.F.R. part 1194, as of July 1,
140 2006.

141

142 ===== T I T L E A M E N D M E N T =====

143 Remove line(s) 224-230 and insert:
144 Trust Fund; creating part III of ch. 282, F.S.; requiring
145 that the executive, legislative, and judicial branches of
146 state government provide to individuals with disabilities
147 access to and use of information and data that is
148 comparable to the information and data provided to
149 individuals who do not have disabilities; providing
150 certain exceptions; providing definitions; requiring that
151 each state agency use accessible electronic information
152 and information technology that conforms with specified
153 provisions of federal law; providing certain exceptions;
154 requiring the Department of Management Services to adopt
155 rules; providing an exception for electronic information
156 and information technology involving military activities
157 or criminal intelligence activities; specifying that the
158 act applies to competitive solicitations; providing
159 legislative intent; providing

420579

4/25/2006 1:48:51 PM

Amendment No. (for drafter's use only)

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420579

4/25/2006 1:48:51 PM