

CHAMBER ACTION

1 The Governmental Operations Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to accessible electronic and information
7 technology for persons with disabilities; amending s.
8 20.22, F.S.; changing the State Technology Office to the
9 Information Technology Services Program and the Florida
10 Accessible Electronic and Information Technology Office;
11 creating part III of chapter 282, F.S., consisting of ss.
12 282.601, 282.602, 282.603, 282.604, 282.605, 282.606,
13 282.607, 282.608, 282.609, and 282.6095, F.S.; providing a
14 part title; providing a short title; providing a general
15 state policy; providing definitions; providing
16 requirements and procedures for governmental agencies in
17 providing access to electronic and information technology
18 for persons with disabilities; providing an undue burden
19 exception; providing standards applicable to electronic
20 and information technology; specifying technical
21 standards, specifications, criteria, and requirements for
22 software applications and operating systems, web-based
23 intranet and Internet information and applications,

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24 telecommunications products, video and multimedia
25 products, self-contained closed products, and desktop and
26 portable computers; specifying function performance
27 requirements and criteria; specifying requirements for
28 information, documentation, and support; creating the
29 Florida Accessible Electronic and Information Technology
30 Office in the Department of Management Services; providing
31 purposes; providing powers and duties of the office;
32 authorizing the office to adopt rules; specifying special
33 requirements for existing electronic and information
34 technology; requiring the department to assess the
35 MyFlorida MarketPlace procurement system and the
36 PeopleFirst human resource enterprise for compliance with
37 electronic and information technology requirements for
38 persons with disabilities; specifying additional
39 compliance requirements; requiring governmental units to
40 provide annual compliance reports to the office;
41 specifying report requirements; requiring the office to
42 provide an annual report to the Governor and Legislature;
43 specifying report requirements; specifying requirements
44 for judicial interpretation of standards; providing
45 application exceptions; providing an appropriation;
46 providing an effective date.

47
48 Be It Enacted by the Legislature of the State of Florida:

49
50 Section 1. Paragraph (b) of subsection (2) of section
51 20.22, Florida Statutes, is amended to read:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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52 20.22 Department of Management Services.--There is created
53 a Department of Management Services.

54 (2) The following divisions and programs within the
55 Department of Management Services are established:

56 (b) 1. Information ~~State~~ Technology Services Program.

57 2. Florida Accessible Electronic and Information
58 Technology Office.

59 Section 2. Part III of chapter 282, Florida Statutes,
60 consisting of sections 282.601-282.6095, is created, to be
61 entitled "Accessible Electronic and Information Technology."

62 Section 3. Section 282.601, Florida Statutes, is created
63 to read:

64 282.601 Short title.--This act may be cited as the
65 "Florida Accessible Electronic and Information Technology Law."

66 Section 4. Section 282.602, Florida Statutes, is created
67 to read:

68 282.602 General state policy on accessible electronic and
69 information technology for persons with disabilities.--It is the
70 policy of this state that to improve access to electronic and
71 information technology maintained by the state and, therefore,
72 to increase educational, employment, and procurement
73 opportunities for persons with disabilities, governmental units,
74 when developing, procuring, maintaining, or using electronic and
75 information technology, shall ensure that persons with
76 disabilities have access to and use of information and data that
77 is comparable to the access and use by members of the public who
78 are not persons with disabilities, unless an undue burden would
79 be imposed on a governmental unit.

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80 Section 5. Section 282.603, Florida Statutes, is created
81 to read:

82 282.603 Definitions.--As used in this part:

83 (1) "Alternate formats" means formats usable by persons
84 with disabilities. Alternate formats may include, but are not
85 limited to, Braille, American Standard Code for Information
86 Interchange (ASCII) text, large print, recorded audio, and
87 electronic formats that comply with this part.

88 (2) "Alternate methods" means providing information,
89 including, but not limited to, product documentation, to persons
90 with disabilities by different means. Alternate methods may
91 include, but are not limited to, voice, facsimile, relay
92 service, TTY, Internet posting, captioning, text-to-speech
93 synthesis, and audio description.

94 (3) "Assistive technology" means any item, piece of
95 equipment, or system, whether acquired commercially, modified,
96 or customized, that is commonly used to increase, maintain, or
97 improve functional capabilities of persons with disabilities.

98 (4) "Compliance" means ensuring that persons with
99 disabilities have access to and use of information and data that
100 is comparable to the access and use by members of the public who
101 are not persons with disabilities, unless an undue burden would
102 be imposed on the governmental unit.

103 (5) "Department" means the Department of Management
104 Services.

105 (6) "Electronic and information technology" means
106 information technology and any equipment or interconnected
107 system or subsystem of equipment that is used in the creation,

108 conversion, or duplication of data or information, including,
109 but not limited to, telecommunications products such as
110 telephones, information kiosks and transaction machines,
111 Internet websites, multimedia, and office equipment such as
112 copiers and facsimile machines. The term does not include any
113 equipment that contains embedded information technology that is
114 used as an integral part of the product but the principal
115 function of which is not the acquisition, storage, manipulation,
116 management, movement, control, display, switching, interchange,
117 transmission, or reception of data or information.

118 (7) "Governmental unit" means any agency of the executive,
119 legislative, or judicial branches of state government and any
120 divisions or subunits of such branches.

121 (8) "Information technology" means any equipment or
122 interconnected system or subsystem of equipment that is used in
123 the automatic acquisition, storage, manipulation, management,
124 movement, control, display, switching, interchange,
125 transmission, or reception of data or information. The term
126 includes computers, ancillary equipment, software, firmware and
127 similar procedures, services, including, but not limited to,
128 support services and related resources.

129 (9) "Office" means the Florida Accessible Electronic and
130 Information Technology Office established within the Department
131 of Management Services.

132 (10) "Operable controls" means a component of a product
133 that requires physical contact for normal operation. Operable
134 controls include, but are not limited to, mechanically operated

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135 controls, input and output trays, card slots, keyboards, or
136 keypads.

137 (11) "Product" means electronic and information
138 technology.

139 (12) "Self-contained, closed products" means products that
140 generally have embedded software and are commonly designed in
141 such a fashion that a user cannot easily attach or install
142 assistive technology. These products include, but are not
143 limited to, information kiosks and information transaction
144 machines, copiers, printers, calculators, facsimile machines,
145 and other similar types of equipment.

146 (13) "Telecommunications" means the transmission, between
147 or among points specified by the user, of information of the
148 user's choosing without any change in the form or content of the
149 information as sent and received.

150 (14) "TTY" or "teletypewriter" means machinery or
151 equipment that employs interactive text based communications
152 through the transmission of coded signals across a telephone
153 network. TTYS may include, but are not limited to, devices known
154 as TDDs or telecommunication display devices or
155 telecommunication devices for deaf persons, computers with
156 special modems, or text telephones.

157 (15) "Undue burden" means significant difficulty or
158 expense. In determining whether an action would result in an
159 undue burden, a governmental unit shall consider all resources
160 available to the program or component for which the product is
161 being developed, procured, maintained, or used.

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162 Section 6. Section 282.604, Florida Statutes, is created
163 to read:

164 282.604 Access to electronic and information technology
165 for persons with disabilities; undue burden; limitations.--

166 (1) Each governmental unit shall develop, procure,
167 maintain, and use accessible electronic and information
168 technology when conducting any activities relating to access and
169 use of electronic information and technology unless an undue
170 burden would be imposed on the governmental unit.

171 (a) When procuring electronic and information technology
172 resources, each governmental unit shall procure those products
173 that comply with the accessibility standards provided in s.
174 282.605 when such products are available in the commercial
175 marketplace or when such products are developed in response to a
176 solicitation. A governmental unit cannot claim a product as a
177 whole if it is not commercially available because no available
178 product meets all of the accessibility standards. If products
179 are commercially available that meet some but not all of such
180 accessibility standards, the governmental unit shall procure the
181 product that best meets such accessibility standards.

182 (b) Each governmental unit procuring electronic and
183 information technology shall include language in its
184 solicitations and contracts requiring vendors to provide such
185 products as electronic and information technology resources.

186 (c) Each governmental unit, in consultation with the
187 office, shall educate and train its information technology
188 personnel, employees and public employees on its information
189 technology system.

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190 (d) Each governmental unit, in consultation with the
191 office, shall obtain the primary technical capability and
192 ongoing user support necessary to implement this part.

193 (2) When compliance with the provisions of subsection (1)
194 imposes an undue burden, each governmental unit shall provide
195 persons with disabilities with the information and data involved
196 by an alternative method that allows the individual to use the
197 information and data.

198 (3) When procuring a product, if a governmental unit
199 determines that compliance with any provision of this part
200 imposes an undue burden, the documentation by the governmental
201 unit supporting the procurement shall explain why and to what
202 extent compliance with each such provision creates an undue
203 burden.

204 (4) Except as provided in s. 282.609(2), this part applies
205 to electronic and information technology developed, procured,
206 maintained, or used by governmental units directly or used by a
207 contractor under a contract with a governmental unit that
208 requires the use of such product or requires the use to a
209 significant extent of such product in the performance of a
210 service or the furnishing of a product.

211 (5) Nothing in this part is intended to prevent the use of
212 designs or technologies as alternatives to those prescribed in
213 this part provided such designs or technologies result in
214 substantially equivalent or greater access to and use of a
215 product for persons with disabilities.

216 Section 7. Section 282.605, Florida Statutes, is created
217 to read:

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218 282.605 Standards applicable to electronic and information
219 technology.--The following standards shall apply to the
220 development, procurement, maintenance, and use of electronic and
221 information technology:

222 (1) TECHNICAL STANDARDS.--

223 (a) Software applications and operating systems.--

224 1. When software is designed to run on a system that has a
225 keyboard, product functions shall be executable from a keyboard
226 such that the function itself or the result of performing a
227 function can be discerned textually.

228 2. Applications may not disrupt or disable activated
229 features of other products that are identified as accessibility
230 features if those features are developed and documented
231 according to industry standards. Applications also may not
232 disrupt or disable activated features of any operating system
233 that are identified as accessibility features if the application
234 programming interface for those accessibility features has been
235 documented by the manufacturer of the operating system and is
236 available to the product developer.

237 3. A well-defined on-screen indication of the current
238 focus shall be provided that moves among interactive interface
239 elements as the input focus changes. The focus shall be
240 programmatically exposed so that assistive technology can track
241 focus and focus changes.

242 4. Sufficient information about a user interface element,
243 including, but not limited to, the identity, operation, and
244 state of the element, shall be available to assistive
245 technology. When an image represents a program element, the

246 information conveyed by the image must also be available in
247 text.

248 5. When bitmap images are used to identify controls,
249 status indicators, or other programmatic elements, the meaning
250 assigned to those images shall be consistent throughout an
251 application's performance.

252 6. Textual information shall be provided through operating
253 system functions for displaying text. The minimum information
254 that shall be made available is text content, text input caret
255 location, and text attributes.

256 7. Applications shall not override user selected contrast
257 and color selections and other individual display attributes.

258 8. When animation is displayed, the information shall be
259 displayable in at least one nonanimated presentation mode at the
260 option of the user.

261 9. Color coding shall not be used as the only means of
262 conveying information, indicating an action, prompting a
263 response, or distinguishing a visual element.

264 10. When a product permits a user to adjust color and
265 contrast settings, a variety of color selections capable of
266 producing a range of contrast levels shall be provided.

267 11. Software shall not use flashing or blinking text,
268 objects, or other elements having a flash or blink frequency
269 greater than 2 hertz and lower than 55 hertz.

270 12. When electronic forms are used, the form shall allow
271 people using assistive technology to access the information,
272 field elements, and functionality required for completion and
273 submission of the form, including all directions and cues.

274 (b) Web-based intranet and Internet information and
275 applications.--

276 1. A text equivalent for every nontext element shall be
277 provided, for example, via "alt," "longdesc," or in element
278 content.

279 2. Equivalent alternatives for any multimedia presentation
280 shall be synchronized with the presentation.

281 3. Web pages shall be designed so that all information
282 conveyed with color is also available without color, for
283 example, from context or markup.

284 4. Documents shall be organized to be readable without
285 requiring an associated style sheet.

286 5. Redundant text links shall be provided for each active
287 region of a server-side image map.

288 6. Client-side image maps shall be provided instead of
289 server-side image maps except when the regions cannot be defined
290 by an available geometric shape.

291 7. Row and column headers shall be identified for data
292 tables.

293 8. Markup shall be used to associate data cells and header
294 cells for data tables that have two or more logical levels of
295 row or column headers.

296 9. Frames shall be titled with text that facilitates frame
297 identification and navigation.

298 10. Pages shall be designed to avoid causing the screen to
299 flicker with a frequency greater than 2 hertz and lower than 55
300 hertz.

301 11. A text-only page, with equivalent information or
302 functionality, shall be provided to make a website comply with
303 the provisions of this part when compliance cannot be
304 accomplished any other way. The content of the text-only page
305 shall be updated whenever the primary page changes.

306 12. When pages use scripting languages to display content
307 or create interface elements, the information provided by the
308 script shall be identified with functional text that can be read
309 by assistive technology.

310 13. When a web page requires that an applet, plug-in, or
311 other application be present on the client system to interpret
312 page content, the page must provide a link to a plug-in or
313 applet that complies with subparagraphs 1.-12.

314 14. When electronic forms are designed to be completed on-
315 line, the form shall allow people using assistive technology to
316 access the information, field elements, and functionality
317 required for completion and submission of the form, including
318 all directions and cues.

319 15. A method shall be provided that permits users to skip
320 repetitive navigation links.

321 16. When a timed response is required, the user shall be
322 alerted and given sufficient time to indicate more time is
323 required.

324 (c) Telecommunications products.--

325 1. Telecommunications products or systems that provide a
326 function allowing voice communication but do not provide a TTY
327 functionality shall provide a standard nonacoustic connection

328 point for TTYs. Microphones shall be capable of being turned on
329 and off to allow the user to intermix speech with TTY use.

330 2. Telecommunications products that include voice
331 communication functionality shall support all commonly used
332 cross-manufacturer nonproprietary standard TTY signal protocols.

333 3. Voice mail, auto-attendant, and interactive voice
334 response telecommunications systems shall be usable by TTY users
335 with their TTYs.

336 4. Voice mail, messaging, auto-attendant, and interactive
337 voice response telecommunications systems that require a
338 response from a user within a time interval shall give an alert
339 when the time interval is about to run out and shall provide
340 sufficient time for the user to indicate more time is required.

341 5. If provided, caller identification and similar
342 telecommunications functions shall also be available for users
343 of TTYs and users who cannot see displays.

344 6. For transmitted voice signals, telecommunications
345 products shall provide a gain adjustable up to a minimum of 20
346 dB. For incremental volume control, at least one intermediate
347 step of 12 dB of gain shall be provided.

348 7. If the telecommunications product allows a user to
349 adjust the receive volume, a function shall be provided to
350 automatically reset the volume to the default level after every
351 use.

352 8. If a telecommunications product delivers output by an
353 audio transducer that is normally held up to the ear, a means
354 for effective magnetic wireless coupling to hearing technologies
355 shall be provided.

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356 | 9. Interference with hearing technologies, including, but
357 | not limited to, hearing aids, cochlear implants, and assistive
358 | listening devices, shall be reduced to the lowest possible level
359 | that allows a user of hearing technologies to use the
360 | telecommunications product.

361 | 10. Products that transmit or conduct information or
362 | communication shall comply with cross-manufacturer,
363 | nonproprietary, industry-standard codes, translation protocols,
364 | formats, or other codes, protocols, or formats necessary to
365 | provide the information or communication in a usable format.
366 | Technologies that use encoding, signal compression, format
367 | transformation, or similar techniques shall not remove
368 | information needed for access or shall restore such information
369 | upon delivery.

370 | 11. Products that have mechanically operated controls or
371 | keys shall comply with the following:

372 | a. Controls and keys shall be tactilely discernible
373 | without activating the controls or keys.

374 | b. Controls and keys shall be operable with one hand and
375 | shall not require tight grasping, pinching, or twisting of the
376 | wrist. The force required to activate controls and keys shall be
377 | 5 pounds-force (22.24 newtons) maximum.

378 | c. If key repeat is supported, the delay before repeat
379 | shall be adjustable to at least 2 seconds. Key repeat rate shall
380 | be adjustable to 2 seconds per character.

381 | d. The status of all locking or toggle controls or keys
382 | shall be discernible through sight, touch, or sound.

383 | (d) Video and multimedia products.--

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384 1. All analog television displays 13 inches and larger and
385 computer equipment that includes analog television receiver or
386 display circuitry shall be equipped with caption decoder
387 circuitry that appropriately receives, decodes, and displays
388 closed captions from broadcast, cable, videotape, and digital
389 video disc signals. Widescreen digital television displays
390 measuring at least 7.8 inches vertically, digital television
391 sets with conventional displays measuring at least 13 inches
392 vertically, and stand-alone digital television tuners, whether
393 marketed with display screens, and computer equipment that
394 includes digital television receiver or display circuitry shall
395 be equipped with caption decoder circuitry that appropriately
396 receives, decodes, and displays closed captions from broadcast,
397 cable, videotape, and digital video disc signals.

398 2. Television tuners, including tuner cards for use in
399 computers, shall be equipped with secondary audio program
400 playback circuitry.

401 3. All training and informational video and multimedia
402 productions that support a governmental unit's mission,
403 regardless of format, that contain speech or other audio
404 information necessary for the comprehension of the content shall
405 be open or closed captioned.

406 4. All training and informational video and multimedia
407 productions that support a governmental unit's mission,
408 regardless of format, that contain visual information necessary
409 for the comprehension of the content shall be audio described.

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410 5. Display or presentation of alternate text presentation
411 or audio descriptions shall be user selectable, unless
412 permanent.

413 (e) Self-contained, closed products.--

414 1. Self-contained products shall be usable by persons with
415 disabilities without requiring an end user to attach assistive
416 technology to the product. Personal headsets for private
417 listening are not assistive technology.

418 2. If a timed response is required, the user shall be
419 alerted and given sufficient time to indicate more time is
420 required.

421 3. If a product uses a touchscreen or contact-sensitive
422 controls, an input method shall be provided that complies with
423 subparagraph (c)11..

424 4. If biometric forms of user identification or control
425 are used, an alternative form of identification or activation
426 that does not require the user to possess particular biological
427 characteristics shall also be provided.

428 5. If a product provides auditory output, the audio signal
429 shall be provided at a standard signal level through an industry
430 standard connector that will allow for private listening. The
431 product must provide the ability to interrupt, pause, and
432 restart the audio at any time.

433 6. If a product delivers voice output in a public area,
434 incremental volume control shall be provided with output
435 amplification up to a level of at least 65 dB. If the ambient
436 noise level of the environment is above 45 dB, a volume gain of
437 at least 20 dB above the ambient level shall be user selectable.

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438 A function shall be provided to automatically reset the volume
439 to the default level after each use.

440 7. Color coding shall not be used as the only means of
441 conveying information, indicating an action, prompting a
442 response, or distinguishing a visual element.

443 8. When a product permits a user to adjust color and
444 contrast settings, a range of color selections capable of
445 producing a variety of contrast levels shall be provided.

446 9. Products shall be designed to avoid causing the screen
447 to flicker with a frequency greater than 2 hertz and lower than
448 55 hertz.

449 10. Products that are freestanding, nonportable, and
450 intended to be used in one location and that have operable
451 controls shall comply with the following:

452 a. The position of any operable control shall be
453 determined with respect to a vertical plane, which is 48 inches
454 in length, centered on the operable control, and at the maximum
455 protrusion of the product within the 48-inch length.

456 b. If any operable control is 10 inches or less behind the
457 reference plane, the height shall be 54 inches maximum and 15
458 inches minimum above the floor.

459 c. If any operable control is more than 10 inches and not
460 more than 24 inches behind the reference plane, the height shall
461 be 46 inches maximum and 15 inches minimum above the floor.

462 d. Operable controls shall not be more than 24 inches
463 behind the reference plane.

464 (f) Desktop and portable computers.--

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465 1. All mechanically operated controls and keys shall
466 comply with subparagraph (c)11.

467 2. If a product uses a touch screen or touch-operated
468 controls, an input method shall be provided that complies with
469 subparagraph (c)11.

470 3. If biometric forms of user identification or control
471 are used, an alternative form of identification or activation
472 that does not require the user to possess particular biological
473 characteristics shall also be provided.

474 4. If provided, at least one of each type of expansion
475 slots, ports, and connectors shall comply with publicly
476 available industry standards.

477 (2) FUNCTION PERFORMANCE CRITERIA.--

478 (a) At least one mode of operation and information
479 retrieval that does not require user vision shall be provided,
480 or support for assistive technology used by people who are blind
481 or visually impaired shall be provided.

482 (b) At least one mode of operation and information
483 retrieval that does not require visual acuity greater than 20/70
484 shall be provided in audio and enlarged print output working
485 together or independently, or support for assistive technology
486 used by people who are visually impaired shall be provided.

487 (c) At least one mode of operation and information
488 retrieval that does not require user hearing shall be provided,
489 or support for assistive technology used by people who are deaf
490 or hard of hearing shall be provided.

491 (d) If audio information is important for the use of a
492 product, at least one mode of operation and information

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493 retrieval shall be provided in an enhanced auditory fashion, or
494 support for assistive hearing devices shall be provided.

495 (e) At least one mode of operation and information
496 retrieval that does not require user speech shall be provided,
497 or support for assistive technology used by persons with
498 disabilities shall be provided.

499 (f) At least one mode of operation and information
500 retrieval that does not require fine motor control or
501 simultaneous actions and that is operable with limited reach and
502 strength shall be provided.

503 (3) INFORMATION, DOCUMENTATION, AND SUPPORT.--

504 (a) Product support documentation provided to end users
505 shall be made available in alternate formats upon request,
506 without additional charge.

507 (b) End users shall have access to a description of the
508 accessibility and compatibility features of products in
509 alternate formats or alternate methods upon request, without
510 additional charge.

511 (c) Support services for products shall accommodate the
512 communication needs of end users with disabilities.

513 Section 8. Section 282.606, Florida Statutes, is created
514 to read:

515 282.606 Florida Accessible Electronic and Information
516 Technology Office; powers and duties; rulemaking.--

517 (1) The Florida Accessible Electronic and Information
518 Technology Office is established in the department to manage,
519 oversee, monitor, and provide technical assistance to

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520 governmental units on the accessibility of electronic and
521 information technology.

522 (2) The office shall:

523 (a) Establish procedures and minimum requirements for
524 compliance testing by each governmental unit.

525 (b) Assist the department in establishing accessibility
526 procedures and minimum requirements for procurement consistent
527 with this part.

528 (c) Review governmental unit development activity and
529 practices to ensure their consistency with this part.

530 (d) Coordinate all government unit accessible electronic
531 and information technology practices. In performing this
532 function, the office shall monitor the review of governmental
533 unit annual reports and identify opportunities for coordination,
534 including, but not limited to, developing common coding
535 templates, working with the Chief Information Council to develop
536 joint projects, and facilitating networking among governmental
537 units. The office may conduct random testing to carry out its
538 responsibilities under this paragraph.

539 (e) Develop and disseminate educational and training
540 programs and materials designed to educate governmental unit
541 information technology personnel about this part, its
542 requirements, and compliance and accessibility testing. The
543 office shall ensure that chief information officers and
544 information technology coordinators shall receive mandatory
545 training on information technology accessibility compliance
546 annually.

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547 (f) Develop and provide the technical assistance capacity
548 necessary to assist governmental units in implementing this
549 part.

550 (g) Develop a model for formal, clear, and accessible
551 procedures that governmental units shall follow to resolve
552 vendor, employee, and public complaints concerning
553 inaccessibility to electronic and information technology. In
554 performing this function, the office shall:

555 1. Ensure that if complaints are not resolved at the
556 governmental unit level, the complainant may request assistance
557 from the office to seek a mutual resolution of the complaint.

558 2. Encourage the use of mediation or alternative dispute
559 resolution whenever possible.

560 3. Assist each branch of government in developing and
561 establishing procedures by which formal complaints may be made
562 and resolved. For the executive branch, challenges to
563 governmental unit final action shall be in accordance with
564 chapter 120.

565 (h) Adopt any rules pursuant to ss. 120.536(1) and 120.54
566 necessary to administer, implement, and enforce this part.

567 (3) The office, in coordination with the governmental
568 units affected by this part, shall establish a framework and
569 criteria for prioritizing and phasing actions to promote
570 compliance with this part, to include:

571 (a) Criteria for prioritizing actions that focus on
572 milestones such as contract extensions, updates, and the
573 adoption of new versions of compliant software.

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574 (b) Criteria to ensure accessibility improvements that
575 impact the most persons with disabilities.

576 Section 9. Section 282.607, Florida Statutes, is created
577 to read:

578 282.607 Special requirements for existing electronic and
579 information technology.--

580 (1) By November 1, 2006, the department and its service
581 providers, in cooperation with the office, shall jointly conduct
582 an assessment of the MyFlorida MarketPlace project procurement
583 system to be completed in time to prepare and estimate the cost
584 of a corrective action plan for consideration in the Governor's
585 budget for fiscal year 2007-2008. If funded, the department and
586 its service providers, in cooperation with the office, shall
587 work jointly to ensure that the MyFlorida MarketPlace project
588 procurement system, including any applicable elements of the
589 Aspire project web-based financial system, complies with the
590 requirements of this part by July 1, 2008.

591 (2) By November 1, 2006, the department and its service
592 providers, in cooperation with the office, shall jointly conduct
593 an assessment of the PeopleFirst project human resource
594 enterprise to be completed in time to prepare and estimate the
595 cost of a corrective action plan for consideration in the
596 Governor's budget for fiscal year 2007-2008. If funded, the
597 department and its service providers, in cooperation with the
598 office, shall work jointly to ensure that the PeopleFirst
599 project human resource enterprise, including any applicable
600 elements of the Aspire project web-based financial system,
601 complies with the requirements of this part by July 1, 2008.

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602 (3) By July 1, 2007, the department, office, and
603 governmental units subject to this part shall ensure that
604 governmental unit specific web pages accessible through the
605 MyFlorida.com portal comply with the requirements of this part.

606 (4) By July 1, 2008, the department and its service
607 providers shall ensure that the Aspire project web-based
608 financial system complies with the requirements of this part.

609 Section 10. Section 282.608, Florida Statutes, is created
610 to read:

611 282.608 Annual reports.--

612 (1) Each governmental unit subject to this part shall
613 provide an annual report to the office by July 15 of each year
614 for the immediate past fiscal year. At a minimum, a governmental
615 unit's annual report shall include:

616 (a) A description of compliance testing results and any
617 action or plan designed to achieve greater compliance with this
618 part.

619 (b) A description of action taken to address compliance
620 issues.

621 (c) A description of compliance with procurement
622 requirements.

623 (d) A description of education and training activities
624 undertaken.

625 (e) A description of technical assistance efforts.

626 (f) A description of in-house development activities and
627 practices.

628 (g) A description of complaints received by a governmental
629 unit and disposition of the complaints.

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630 (h) A description of needed compliance actions and
631 anticipated budgetary requirements to bring applications and
632 documentation into compliance by the applicable dates
633 established in this part.

634 (i) A detailed description of all instances in which a
635 governmental unit insists that an undue burden prevents
636 compliance with the requirements of this part, including an
637 explanation of why and to what extent compliance with this part
638 creates an undue burden and what alternative means of providing
639 access are available or may be used.

640 (2) The office shall provide a comprehensive annual report
641 of accessible electronic and information technology activities
642 by September 15 of each year for the immediate past fiscal year
643 to the Governor, the Speaker of the House of Representatives,
644 and the President of the Senate. At a minimum, the report shall
645 include findings from each governmental unit's annual report on
646 the governmental unit's efforts to ensure compliance with this
647 part and recommend encouragements or incentives necessary for
648 the development of new technologies to eliminate barriers and to
649 achieve the goal of providing reasonable access to electronic
650 and information technology to persons with disabilities.

651 Section 11. Section 282.609, Florida Statutes, is created
652 to read:

653 282.609 Judicial interpretation of standards.--The
654 standards adopted by this part shall be judicially interpreted
655 in a manner consistent with the existing body of law developed
656 at the federal level interpreting section 508 of the

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657 Rehabilitation Act of 1973, as amended, 29 U.S.C. 794(d),
658 including the regulations found at 36 C.F.R. part 1194.

659 Section 12. Section 282.6095, Florida Statutes, is created
660 to read:

661 282.6095 Exceptions.--

662 (1) The provisions of this part do not apply to any
663 electronic and information technology operated by the Department
664 of Military Affairs or the Florida National Guard, the function,
665 operation, or use of which involves intelligence activities,
666 cryptologic activities related to national security, command and
667 control of military forces, equipment that is an integral part
668 of a weapon or weapons system, or systems that are critical to
669 the direct fulfillment of military or intelligence missions.

670 Systems that are critical to the direct fulfillment of military
671 or intelligence missions do not include a system that is to be
672 used for routine administrative and business applications,
673 including, but not limited to, payroll, finance, logistics, and
674 personnel management applications.

675 (2) This part does not apply to any electronic and
676 information technology operated by governmental units, the
677 function, operation, or use of which involves criminal
678 intelligence activities, provided such systems are not used for
679 routine administrative and business applications, including, but
680 not limited to, payroll, finance, logistics, and personnel
681 management applications.

682 (3) This part does not apply to electronic and information
683 technology that is acquired by a contractor incidental to a
684 contract.

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685 (4) Except as required to comply with the provisions of
686 this part, this part does not require the installation of
687 specific accessibility-related software or the attachment of an
688 assistive technology device at a workstation of a state employee
689 who is not a person with a disability.

690 (5) Except as otherwise provided in this section,
691 governmental units providing access to the public to information
692 or data through electronic and information technology shall not
693 be required to make products owned by the unit available for
694 access and use by persons with disabilities at a location other
695 than that at which the electronic and information technology is
696 provided to the public or to purchase products for access and
697 use by persons with disabilities at a location other than that
698 at which the electronic and information technology is provided
699 to the public.

700 (6) This part shall not be construed to require a
701 fundamental alteration in the nature of a product or its
702 components.

703 (7) Products located in spaces frequented only by service
704 personnel for maintenance, repair, or occasional monitoring of
705 equipment are not required to comply with this part.

706 Section 13. The sum of \$1,050,068 in recurring funds and
707 \$431,106 in nonrecurring funds is hereby appropriated from the
708 General Revenue Fund to the Department of Management Services,
709 and six full-time equivalent positions are authorized for the
710 purpose of improving access to state-maintained electronic and
711 information technology to increase educational, employment, and
712 procurement opportunities for persons with disabilities as

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713 provided for in part III of chapter 282, Florida Statutes. The
714 Executive Office of the Governor shall place \$219,278 and two
715 positions in reserve until such time as the Department of
716 Management Services submits an expenditure plan for approval to
717 the Executive Office of the Governor and the chair and vice
718 chair of the Legislative Budget Commission in accordance with
719 the provisions of s. 216.177, Florida Statutes.

720 Section 14. This act shall take effect July 1, 2006.