

Bill No. CS for SB 2012

Barcode 433254

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Baker) recommended the following
amendment to amendment (974712):

Senate Amendment (with title amendment)

On page 139, between lines 6 and 7,

insert:

Section 73. 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

282.601 Accessibility of electronic information and
information technology.--

(1) In order to improve the accessibility of
electronic information and information technology and increase
the successful education, employment, access to governmental
information and services, and involvement in community life,
the executive, legislative, and judicial branches of state
government shall, when developing, competitively procuring,
maintaining, or using electronic information or information

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1 technology acquired on or after July 1, 2006, ensure that
 2 state employees with disabilities have access to and are
 3 provided with information and data comparable to the access
 4 and use by state employees who are not individuals with
 5 disabilities, unless an undue burden would be imposed on the
 6 agency.

7 (2) Individuals with disabilities who are members of
 8 the public seeking information or services from state agencies
 9 that are subject to this part shall be provided with access to
 10 and use of information and data comparable to that provided to
 11 the public who are not individuals with disabilities, unless
 12 an undue burden would be imposed on the agency.

13 282.602 Definitions.--As used in this part, the term:

14 (1) "Accessible electronic information and information
 15 technology" means electronic information and information
 16 technology that conforms to the standards for accessible
 17 electronic information and information technology as set forth
 18 by s. 508 of the Rehabilitation Act of 1973, as amended, and
 19 29 U.S.C. 794(d), including the regulations set forth under 36
 20 C.F.R. part 1194.

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

26 (3) "Electronic information and information
 27 technology" includes information technology and any equipment
 28 or interconnected system or subsystem of equipment which is
 29 used in creating, converting, or duplicating data or
 30 information. The term includes, but is not limited to,
 31 telecommunications products such as telephones, information

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1 kiosks and transaction machines, Internet web sites,
 2 multimedia systems, and office equipment such as copiers and
 3 facsimile machines. The term does not include any equipment
 4 that contains embedded information technology that is an
 5 integral part of the product if the principal function of the
 6 technology is not the acquisition, storage, manipulation,
 7 management, movement, control, display, switching,
 8 interchange, transmission, or reception of data or
 9 information.

10 (4) "Information technology" means any equipment or
 11 interconnected system or subsystem of equipment which is used
 12 in the automatic acquisition, storage, manipulation,
 13 management, movement, control, display, switching,
 14 interchange, transmission, or reception of data or
 15 information. The term includes computers, ancillary equipment,
 16 software, firmware and similar procedures, services and
 17 support services, and related resources.

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

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

26 282.603 Access to electronic and information
 27 technology for persons with disabilities; undue burden;
 28 limitations.--

29 (1) Each state agency shall develop, procure,
 30 maintain, and use accessible electronic information and
 31 information technology acquired on or after July 1, 2006, that

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1 conforms to the applicable provisions set forth by s. 508 of
 2 the Rehabilitation Act of 1973, as amended, and 29 U.S.C.
 3 794(d), including the regulations set forth under 36 C.F.R.
 4 part 1194, except when compliance with this section imposes an
 5 undue burden; however in such instance, a state agency must
 6 provide individuals with disabilities with the information and
 7 data involved by an alternative method of access which allows
 8 the individual to use the information and data.

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

13 (3) This section does not require a state agency, when
 14 providing the public with access to information or data
 15 through electronic information technology, to make products
 16 owned by the state agency available for access and use by
 17 individuals with disabilities at a location other than the
 18 location at which the electronic information and information
 19 technology are normally provided to the public, and this
 20 section does not require a state agency to purchase products
 21 for access and use by individuals with disabilities at a
 22 location other than at the location where the electronic
 23 information and information technology are normally provided
 24 to the public.

25 282.604 Adoption of rules.--The Department of
 26 Management Services shall, with input from stakeholders, adopt
 27 rules pursuant to ss. 120.536(1) and 120.54 for the
 28 development, procurement, maintenance, and use of accessible
 29 electronic information technology by governmental units.

30 282.605 Exceptions.--

31 (1) This part does not apply to electronic information

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1 and information technology of the Department of Military
 2 Affairs or the Florida National Guard if the function,
 3 operation, or use of the information or technology involves
 4 intelligence activities or cryptologic activities related to
 5 national security, the command and control of military forces,
 6 equipment that is an integral part of a weapon or weapons
 7 system, or systems that are critical to the direct fulfillment
 8 of military or intelligence missions. Systems that are
 9 critical to the direct fulfillment of military or intelligence
 10 missions do not include a system that is used for routine
 11 administrative and business applications, including, but not
 12 limited to, payroll, finance, logistics, and
 13 personnel-management applications.

14 (2) This part does not apply to electronic information
 15 and information technology of a state agency if the function,
 16 operation, or use of the information or technology involves
 17 criminal intelligence activities. Such activities do not
 18 include information or technology that is used for routine
 19 administrative and business applications, including, but not
 20 limited to, payroll, finance, logistics, and
 21 personnel-management applications.

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

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

28 282.606 Intent.--It is the intent of the Legislature
 29 that, in construing this part, due consideration and great
 30 weight be given to the interpretations of the federal courts
 31 relating to comparable provisions of s. 508 of the

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1 Rehabilitation Act of 1973, as amended, and 29 U.S.C. 794(d),
2 including the regulations set forth under 36 C.F.R. part 1194,
3 as of July 1, 2006.

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5 (Redesignate subsequent sections.)

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

9 And the title is amended as follows:

10 On page 148, line 8, after the semicolon,

11
12 insert:

13 creating part III of ch. 282, F.S.; requiring
14 that the executive, legislative, and judicial
15 branches of state government provide to
16 individuals with disabilities access to and use
17 of information and data that is comparable to
18 the information and data provided to
19 individuals who do not have disabilities;
20 providing certain exceptions; providing
21 definitions; requiring that each state agency
22 use accessible electronic information and
23 information technology that conforms with
24 specified provisions of federal law; providing
25 certain exceptions; requiring the Department of
26 Management Services to adopt rules; providing
27 an exception for electronic information and
28 information technology involving military
29 activities or criminal intelligence activities;
30 specifying that the act applies to competitive
31 solicitations; providing legislative intent;