

# ANNUAL BENEFIT REPORT

Access Ready Strategic Social Purpose Corporation

Date: 07-01-2025

Term covered July 1st, 2024, through June 30, 2025

Submitted by Benefit Officer

Douglas George Towne

Chair and Chief Executive Officer

Requirements under the bylaws dated 02-24-2022

## Section 1. Annual Benefit Report.

The Board of Directors shall prepare, or cause to prepare, a social purpose annual benefit report to shareholders required under s. 607.512. The report shall address the following matters:

- (A) Whether the social purpose corporation in all material respects acted in accordance with its public benefit purpose and described the specific public benefits that were served during the period covered by the report.
- (B) Any circumstances that hindered the pursuit of such purposes.
- (C) Whether the directors and officers complied with Part II, Social Purpose Corporations statutes set forth in Section 607. 501 et seq.
- (D) Whether the social purpose corporation or its directors or officers failed to comply with paragraph (A) or . 607.507(1) or . 607.509(1), including a description of the ways in which the social purpose corporation or its directors or officers failed to comply.

Section 2. Delivery and Posting of Annual Benefit Report. The Corporation shall deliver the annual benefit report to each shareholder within one hundred twenty (120) days of the close of the Corporations fiscal year. Additionally, the Corporation shall post the most recent annual benefit report to the public portion of its website and retain copies of such reports on the web site for at least three years.

## Access Ready Strategic Social Purpose Corporation bylaw requirements

### ARTICLE II - ELECTION OF PROFIT SOCIAL PURPOSE CORPORATION

Section 1. Social Purpose Corporation. The corporation elects to be a social purpose corporation in accordance with s. 607.503, F.S.

Section 2. Business Purpose and Public Benefit. The business purpose and public benefit(s) for which the Corporation is organized are:

- (A) To develop financial resources able to fund its specific social purpose strategies.
- (B) Providing low-income or underserved individuals with disabilities or communities with beneficial products or services through the development and promotion of information technology that meets accessibility standards allowing the use of such technologies by people with the widest range of disabilities possible.
- (C) Promoting economic opportunities for individuals with disabilities or communities beyond the creation of jobs in the normal course of business by contracting for services to be performed by a nonprofit organization that creates employment and business opportunities for people with the widest range of disabilities possible.
- (D) Protecting or restoring the environment by expanding the reach of information technology through accessibility thereby allowing people with disabilities to take advantage of home-based employment and business opportunities providing the resulting effect of lowering the individuals carbon footprint.
- (E) Improving human health by expanding the accessibility of information technologies utilized in the healthcare industry thereby providing people with the widest range of disabilities access to healthcare services at the same level as the general population.
- (F) Promoting the accessibility of the arts, sciences, business, government, nonprofit, and/or the advancement of knowledge by promoting a policy of accessible information technology across these and other disciplines in order to provide people with the widest range of disabilities possible access to goods, services, employment, civic, social and economic engagement at the same level as the general population.
- (G) Increasing the flow of capital to entities that have as their stated purpose the provision of a benefit to society or the environment by funding educational and

advocacy activities which promote a policy supporting accessible information technology benefiting people with the widest range of disabilities possible.

(H) Funding programs that identify issues, provide education about those issues and identify best practices and goods or services designed to provide accessibility to people with the widest range of disabilities possible.

#### Report Sections

(A) Whether the social purpose corporation in all material respects acted in accordance with its public benefit purpose and described the specific public benefits that were served during the period covered by the report.

(A) Report - The corporation did comply in all ways with the requirements of this section to the extent possible. given the circumstances imposed by the economic downturn and the high inflation experienced by the United States economy during this time. While the impact of inflation is still being felt the economic conditions are improving.

Specifically, the corporation:

1. Provided consulting services in relation to accessible voting for people with disabilities and contracted with its 501(C) 3 parent corporation to provide support related to these activities.

To this end it formed a relationship with the:

National Coalition on Accessible Voting (NCAV) to further efforts related to this sector.

Specifically, the coalition is engaging on the issue of electronic ballot return.

Further, Through the NCAV it has worked to improve Communications with the Deaf through the provision of video recorded American Sign Language instructions,

Communications with the Deaf Blind through devices provided to that community by the Federal government which will allow private and independent voting for the first time,

Communications with the Blind through devices known as "note takers" used by members of that community that typically operate using braille and are less sophisticated than standard computer systems which will allow private and independent voting for the first time to this group of voters,

Communications with voters who do not utilize computers and are unable to vote in person by providing touch tone telephone access to the election system allowing voting privately and independently for the first time to this group of voters,

Communications through smart phone technology which will allow voters to access the election system enabling them to cast their ballot privately and independently for the first time.

Further it has worked To advance the provision of communications related to the ballot content through pictures and graphics that can be used by voters with intellectual and cognitive disabilities to make election related choices without the need to read or comprehend the written word.

In addition, through its "Stand By Me" consulting program it has built a relationship with the Verified Voting Foundation to work on issues of mutual concern.

It continues its consulting relationship with VOTEC Corporation on issues like accessible check-in at the polls.

Accessible election issues have become difficult to manage because of the social/political circumstances post January 20, 2025.

Further it contracted its management and lead election consulting to a disability owned business.

2. Further it provided consulting services to entities providing alternative format document services to people with disabilities.

Further it contracted its management and lead alternative format consulting to a disability owned business.

3. Further it contracted with its 501(C)three parent corporations to merge its information gathering and dissemination efforts through three online publications.

\* Access Information News,

\* Artificial Intelligence Weekly, and

\* Top Tech Tidbits.

It took this action to specifically inform the public and subscribers of these disability and accessibility related news publications, to better cover the events and people affected by and affect accessibility in the digital space.

Further it concentrated its media dissemination of its position and policy work through a relationship with eReleases.

Further it contracted its management and lead publication services to a disability owned business.

4. Further, it began the development of resources that provide technologies designed to serve the needs of people with disabilities

Specifically, this includes consulting and sales relationships with:

- \* Access 2 Online [access2online.com](http://access2online.com)
- \* Access Information News <https://accessinformationnews.com/>
- \* Accessibility Track Consulting [accessibilitytrack.com](http://accessibilitytrack.com)
- \* Allyant [allyant.com](http://allyant.com)
- \* Alpha Umi [alphaumiinc.com](http://alphaumiinc.com)
- \* Artificial Intelligence Weekly
- \* Enhanced Voting LLC <http://www.enhancedvoting.com/>
- \* eReleases [ereleases.com](http://ereleases.com)
- \* Inclusion Solutions [inclusionsolutions.com](http://inclusionsolutions.com)
- \* Inclusivity Strategic Consulting. <https://inclusivity.consulting>
- \* ITEM Coalition [www.itemcoalition.org](http://www.itemcoalition.org)
- \* Leader Essentials Group [www.leaderessentialsgroup.com](http://www.leaderessentialsgroup.com)
- \* MicroAssist [microassist.com](http://microassist.com)
- \* Mind Vault Solutions [mvsltd.com](http://mvsltd.com)
- \* Powers Pyles Sutter & Verville PC [www.powerslaw.com](http://www.powerslaw.com)
- \* Propeller Media Works [www.accessibility.works](http://www.accessibility.works)
- \* Step-Hear [www.step-hear.com](http://www.step-hear.com)
- \* Top Tech Tidbits <https://toptechtidbits.com/>
- \* VOTEC Corporation [votec.net](http://votec.net)
- \* Wareologie [www.wareologie.com](http://www.wareologie.com)

\* Westminster Technology westminstertech.com

Further it contracted its management and lead provider development to a disability owned business.

5. Further it expanded the reach of accessreadylearning.com to deliver disability related and other online education services to the general public by making its online materials free to all.

Further it contracted its management and learning provider development to a disability owned business.

6. Further it provided consulting services to Devoted Health LLC a Medicare/Medicaid insurance carrier to specifically improve their services to their members with disabilities.

Further through its education and lobbying efforts it crafted language and advocated for changes to Federal regulation in the healthcare space in relation to the following actions by the Federal government.

The U.S. Department of Health and Human Services ("HHS") has released two very important and long-awaited final rules pertaining to nondiscrimination in healthcare settings - the Section 504 of the Rehabilitation Act of 1973 Final Rule and the Final Rule on Section 1557 of the Affordable Care Act.

Section 504 Final Rule - on Wednesday May 1, 2024, HHS released its long-awaited Final Rule on Section 504 of the Rehabilitation Act of 1973. Section 504 is a cornerstone of civil rights legislation that prohibits discrimination on the basis of disability in programs and activities that receive Federal financial assistance, as well as in programs and activities conducted by any Federal agency. Accordingly, this Final Rule applies to all recipients of HHS funding and financial assistance.

Access Ready through the ITEM Coalition submitted joint comments with the Coalition to Preserve Rehabilitation on this proposed rule in November 2023. The Final Rule tracks very closely to what was proposed last year, and a majority of the proposed provisions are being finalized without modification.

The text of the pre-publication version of the final rule that was published in the Federal Register is available here: <https://public-inspection.federalregister.gov/2024-09237.pdf>.

Section 1557 Final Rule - In addition to the release of the Section 504 Final Rule, the HHS Office of Civil Rights ("OCR") also released.

(<https://www.hhs.gov/about/news/2024/04/26/hhs-issues-new-rule-strengthen-nondiscrimination-protections-advance-civil-rights-health-care.html>)

the highly anticipated Final Rule on Section 1557 of the Affordable Care Act ("ACA") on Friday the 26th of April 2024 regarding nondiscrimination in health programs and activities.

OCR is issuing this final rule to restore and strengthen civil rights protections for individuals consistent with the plain meaning of the statutory text. The previous version of this rule, issued in 2020, covers fewer programs and services and limited nondiscrimination protections for individuals. The Final Rule applies to health programs or activities that receive HHS funding, health programs or activities administered by HHS (such as the Medicare Part D program), and the health insurance Marketplace (and all plans offered by issuers that participate in those Marketplaces that receive Federal financial assistance).

Access Ready through the ITEM Coalition also submitted comments on this proposed rule back in October 2022.

The text of the pre-publication version of the final rule that was published in the Federal Register on Friday the 26th is available here:

<https://public-inspection.federalregister.gov/2024-09237.pdf>

OCR's Fact sheet on the Section 1557 Final Rule is available here:

<https://www.hhs.gov/civil-rights/for-individuals/section-1557/1557-fact-sheet/index..html>

These make the second and third federal rules including the DOJ's Final Rule on Strengthening Web and Mobile App Access for People with Disabilities that Access Ready had input into in its first five years in existence.

While Access Ready stayed in its lane concerned with accessible information and communications technologies, we were pleased to support the many other organizations that joined in on the development of these rules.

Further in conjunction with the ITEM Coalition announced that, on April 12th, 2024, the Centers for Medicare and Medicaid Services ("CMS") officially revised its April 2024 Durable Medical Equipment, Prosthetics, Orthotics, and Supplies ("DMEPOS") Fee Schedule to include a lump-sum Medicare purchase fee schedule amount for personal exoskeletons. The amount CMS finalized for payment has a ceiling-to-floor range from \$109,238 to \$81,929, with an established rate of \$91,032 for each state. The finalization of this payment level constitutes a significant win for

individuals in need of this critical new technology, as well as the broader rehabilitation and disability community.

For those who may be unfamiliar with this technology, exoskeletons are wearable assistive technology devices that provide powered hip and knee motion to enable individuals with spinal cord injury ("SCI") to stand upright, walk, turn, and even ascend and descend stairs, thereby allowing them to function more independently and take part in community activities.

This marks the 4th Federal rule or regulation that Access Ready played a role in amending in its first five years.

Federal rules and policy have become difficult to manage because of the social/political circumstances post January 20, 2025.

Further it contracted its management and lead healthcare communications and program consulting to a disability owned business.

7. Further it entered into confidential discussions with leading healthcare technology and pharmaceutical providers aimed at the expansion of the accessibility of healthcare technology and at home testing which the COVID-19 pandemic has shown widely to be inaccessible to people with disabilities.

Further it launched public policy efforts to have the Center for Medicare Medicaid Services (CMS) issue a final rule on accessible healthcare technology which CMS did in the spring of 2023.

Further it contracted its management and lead healthcare communications and program management to a disability owned business.

8. Further it launched and supported public policy efforts through its parent companies' membership in and relationship with the Consortium for Constituents with Disabilities. These efforts took on a wide range of issues related to disability.

A major accomplishment of these efforts was an action by the US Department of Justice (DOJ) covering the use of websites and mobile phone applications under the Americans With Disabilities Act Title II.

The DOJ Released the Advanced Copy of the Final Rule on Accessibility of Web Information and Services of State and Local Government Entities On April 8th, 2024, to ensure the accessibility of web content and mobile applications for people with disabilities.

This was a goal of Access Ready since our inception and it has now been accomplished. We did not get everything we wanted; however, this is a great step forward.

Safeguarding these Federal rules has become difficult to manage because of the social/political circumstances post January 20, 2025.

Further it contracted its management and led public policy communications and program management to a disability owned business.

9. Further it agreed to support its parent company Access Ready Inc in the development of the Granted.live employment and training project.

Granted.live is intended to be a recruiting, training and placement program designed to provide employment and business opportunities in the grant research, development, writing and administration field for people with as wide a range of disabilities as possible.

Marketed at realistic rates through Federal, state, local and private rehabilitation programs, the concept is to open this largely sedentary and technological profession to a population that is by its very nature largely sedentary and technological as well.

Utilizing money follows the person funding from rehabilitative programs to fund the training, technology and connectivity resources needed by Granted.live program candidates who can then engage in this industry that is lacking in qualified professionals.

Granted.live graduates can choose to seek direct wage employment or as independent consultants with the consumers of such services. They may enter the workforce at the lower end of pay scales allowing smaller entities to seek their assistance who are not able to go to the open market and meet the rates demanded by practiced professionals.

Over time with demonstrated success rates Granted.live graduates will be able to seek increasing rates of compensation.

This compensation may come from direct employment or through providing independent consulting services. The choice of how to render these services will provide Granted.live graduates options that will in able them to manage their income and their qualifications for vital public services and programs.

Applicants will need to meet minimum competency standards.

- \* Basic computer user skills,

- \* Basic adaptive technology software user skills, (such as JAWS, another screen reader or a roller ball mouse for individuals with dexterity limitations.)

- \* Basic writing skills,

- \* Basic online research skills.

An applicant will be provided with the tools to carry out their education process and then work-related tasks through the program as part of the tuition.

The application process will be online and structured as a basic grant type application which will give the applicant the opportunity to demonstrate their abilities and program examiners the ability to judge their competency and any additional training that will be necessary during the program or before being accepted into the program.

Funding the Granted.Live program has become difficult to manage because of the social/political circumstances posted January 20, 2025.

Further it contracted its management and led public policy communications and program management to a disability owned business.

10. Further it took internally its public policy development related to its overall mission and that of its parent advocacy organization Access Ready Inc. This included issues at the Federal, state and local levels outlined in the following Access Ready Statement of Values, Principles, Issues, And Concerns:

Access Ready Statement of Values, Principles, Issues, And Concerns

Statement of Values and Principles

Access Ready Strategic Social Purpose Corporation is an independent, cross-disability social purpose corporation promoting a policy of inclusion and accessibility of information and communication technology (ICT). Access Ready's strategies include technical findings, policy discussions, best practices, and consulting efforts.

Access Ready asks the question, "If physical facilities in this country must be built in accordance with accessibility standards, why not information and communication technology?" Businesses, employers, and federal, state, and local governments are becoming more and more dependent on information and communication technology

to provide goods and services. For people with disabilities, accessible information and communication technology is a necessity, not a luxury or a convenience, which fosters independence, economic self-sufficiency, and active, meaningful participation in civic life. As stated by Tennessee Governor Bill Lee, "For people without disabilities, technology makes life easier. For people with disabilities, technology makes life possible. "

Inaccessible information and communication technology presents a clear, growing, and present danger to the civic, economic, and social welfare of people with disabilities.

### Statement of Issues and Concerns

The COVID-19 pandemic, the economic downturn and the inflation that followed placed the United States and the world into uncharted waters, including "stay at home orders," self-isolation, social distancing, tremendous demands on the health care system, economic repercussions, virtual workplaces, and more. Accessible information and communication technology became an integral part of one's existence in these pandemic times and for what is the foreseeable future. The pandemic changed our perception of normal.

The transformation into a remote, virtual world is difficult in the best of situations. However, it is even more challenging for the approximately sixty-one million adults in the United States living with a disability of some kind, according to the Centers for Disease Control and Prevention (CDC) about 26 percent of the population.

Over the years, the proliferation of information and communication technology has grown exponentially, largely in ways that are not accessible to individuals with disabilities and has locked out and discriminated especially against those with sensory, physical, and cognitive disabilities. Inaccessible ICT has and is preventing people with disabilities from fully, independently, privately, and easily participating in:

Civic life, including electoral, legislative, governance and other opportunities available to their non-disabled peers;

Public and private educational opportunities available to their non-disabled peers;

Economic opportunities available to their non-disabled peers; and

Social opportunities available to their non-disabled peers.

In each of these four areas of concern, the provision of an accommodation is too often used as an excuse for not providing accessibility from the outset. Instead,

what is needed is a commitment to "universal design," i.e., design that is usable by all people, to the greatest extent possible, without the need for adaption, specialized design, or reasonable accommodations; while still recognizing that some individuals with disabilities may still need a reasonable accommodation where necessary to meet their unique needs.

A lack of planning and requirements has led to the inaccessible status quo, which is only growing with each new inaccessible development in the field of ICT. The business, government, and nonprofit sectors of the community have largely failed to require accessibility in their purchasing and use of ICT, in many cases failing to comply with statutory and regulatory requirements. ICT developers have largely ignored accessibility concerns in their development, production, and marketing of most aspects of their products. Accessibility has been broadly deemphasized and ignored to the point that a niche accessible technology industry has developed to provide "band-aid" technologies at prices higher than universally accessible designs would likely reflect.

The COVID-19 pandemic that sent millions of participants in civic, economic, educational, and social life home to vote, work, learn, teach, and play has demonstrated and often exacerbated the true impact of inaccessible information and communication technology.

Many people with disabilities find that the systems being used successfully at home by their non-disabled peers do not provide them with the necessary access. This has prevented people with disabilities from:

Fully participating in the electoral process in a presidential election year;

Continuing their education and/or that of their children;

Working, shopping, and other forms of economic engagement from home; and participating socially with their non-disabled peers.

When working from home becomes difficult or impossible due to a lack of accessibility, people with disabilities have been laid off (through no fault of their own) only to find that a collapse of the largely inaccessible online unemployment system in their state prevents them from filing for benefits they have a right to obtain without undue hardship.

Receiving inaccessible communications from business, government, and nonprofit leaders has put the lives of many with disabilities in jeopardy and allowed the virus to spread. As the health care system relies more and more on telehealth and other

virtual treatment options, people with disabilities are reminded how rarely accessible technology has been meaningfully adapted by hospitals, physician offices, and other facilities. While many at the staff level do what they can to assist their patients with disabilities, many medical administrators and hospital systems totally ignore accessibility concerns.

The widespread lack of accessible ICT, permeating nearly every aspect of society, presents a clear and present threat to the civic, economic, and social welfare of people with disabilities. To overcome this threat, it is necessary to undertake a comprehensive review and analysis of existing policies, practices, and procedures and pursue new approaches that hold employers; federal, state, and local governmental agencies; and businesses accountable for ensuring digital accessibility as a basic civil right for people with disabilities. These new approaches must include the following:

**Standards.** Adoption of accessibility and usability standards for ICT applicable to employers, state and local governments, and public accommodations comparable to the standards adopted by the Access Board in regulations implementing Section 508 of the Rehabilitation Act (and consistent with Web Content Accessibility Guidelines - WCAG 2.1 A and AA) that apply to the topic areas addressed below.

**Implementation strategies.** Adoption of implementation strategies that hold covered entities accountable for designing, procuring, using, and/or maintaining ICT that is accessible to and usable by individuals with disabilities. Examples of implementation strategies include:

Adopting accessibility policies and distributing (with sufficient explanation and education as appropriate) to all appropriate employees and contractors;

Designating and empowering a digital accessibility officer;

Providing meaningful training;

Including accessibility in performance metrics for employees and contractors who design, develop, procure, or maintain ICT;

Performing automated accessibility tests as well as (not instead of) testing by individuals with a range of disabilities;

Providing feedback mechanisms that route to those empowered to make improvements;

Requiring measures of compliance with and implementation of accessibility standards to be included in annual management audits;

Requiring certification (verification) of vendor accessibility claims by third parties with material experience and expertise in accessible ICT;

Establishing complaint resolution mechanisms that allow for personal complaints and anonymous complaints on behalf of a class;

Adopting enforcement strategies, including sanctions for non-compliance, private rights of action, and recovery of attorneys' fees;

Offering incentives and tax credits; and

Developing grant programs for facilitating research and state-of-the-art systemic changes.

**Internet or Cyber Space Presence.** Clarification that any employer, state or local government, or public accommodation (including an owner or operator of a website, mobile application, or online system offering goods, services, or information and data to the public, whether or not such owner or operator also owns or operates a physical local offering the same or similar goods, services, or information or data) must make their website, mobile application, or online system accessible to and usable by persons with disabilities in accordance with applicable accessibility and usability standards.

**Applicable Commercial and Consumer Information and Communication Technologies.** All commercial and consumer products and services utilizing ICT (including both hardware and software) must meet accessibility and usability standards. This includes any device, appliance, or future product utilized by commercial entities or individual consumers, encompassing both provider- and user-facing systems. Applicable categories of ICT include, but are not limited to:

**Communications Utilizing ICT.** All one-way and two-way telecommunications, Internet-based communications, digital broadcasts, satellite communications, cable delivery systems and any future development of technologies that is to be used in commercial and consumer communications. This also includes all software and hardware used in the delivery of such communications and the content developed to be made available over such systems.

This content requirement should cover movies, television, audio-visual communications, emergency broadcasts, and supporting advertising (including promotions, such as contests, requiring the participation of the public). All such programming must make available sign language interpreting and captioning as well as audio description of all program elements.

Point of Sale ICT. All point-of-sale digital information technology used for financial transactions of all kinds, whether retail, wholesale, banking, or investment at a physical location or online through website-based or future technological developed services, such as credit card readers and inventory management systems. This includes seller-facing ICT as well as consumer-facing.

Educational Systems and ICT. All software and hardware utilized in public and private education at all levels, such as remote learning software and online assignment/grading systems.

Health Care ICT. All software and hardware utilized in public and private health care at all levels, such as telehealth/remote visit technology and patient portals.

Banking and Finance ICT. All software and hardware utilized in public and private banking and finance at all levels, such as mobile banking and investment applications and online consumer account systems.

Digital Information Technology Security and Exemptions. The accessibility of digital information technology must not be sacrificed unless it would result in undue hardship, including creating actual security problems that cannot be ameliorated. If such systems cannot be made both accessible to and usable by people with disabilities and secure, then accommodations must be made for people with disabilities. Such accommodations must provide the same level of service as is provided to others accessing the secure system. Personal information collected through the accommodation pathway must be secured in ways not unlike that protected by the secure system, with appropriately tiered levels of protection for especially sensitive information, such as passwords, financial data, and personally identifiable information including health data. No digital information technology system utilized by the business, local/state government or nonprofit sectors may be exempt unless sufficient cause can be shown that providing accessibility would impact the usability, security, or effectiveness of the system. Such an exemption could be sought through an application process established and administered jointly by the United States Department of Justice (DOJ) and the United States Access Board.

Further it contracted its management and lead public policy and lobbying communications and program management to a disability owned business.

(B) Any circumstances that hindered the pursuit of such purposes.

(B) Report - The COVID-19 pandemic recovery, the economic downturn and subsequent inflation slowed progress, however in the long run the need for everyone

to live, work, play and learn from home will work to the advantage of Access Ready's mission and social purpose.

It was only hindered by the normal restrictions related to the pandemic, following economic downturn and inflation that effected many businesses large and small across the United States.

These frustrating circumstances have been magnified because of the social/political circumstances post January 20, 2025.

The sweeping changes being contemplated and in some cases enacted by Federal departments are putting Access Ready Strategics' social purpose in jeopardy.

With its compatriot organizations it is making efforts to mitigate the damage being done.

It is also tracking efforts with an eye toward re-constituting the programs and rights currently under threat once circumstances provide an opening.

(C) Whether the directors and officers complied with Part II, Social Purpose Corporations statutes set forth in Section 607. 501 et seq.

(C) Report - The directors and officers did comply with Part II, Social Purpose Corporations statutes set forth in Section 607. 501 et seq.

(D) Whether the social purpose corporation or its directors or officers failed to comply with paragraph (A) or . 607.507(1) or . 607.509(1), including a description of the ways in which the social purpose corporation or its directors or officers failed to comply.

(D) Report - The social purpose corporation or its directors or officers did not fail to comply with paragraph (A) or . 607.507(1) or . 607.509(1).