

1
2 An act relating to elections; amending s.
3 106.08, F.S.; clarifying requirements for
4 soliciting and accepting charitable
5 contributions; reenacting a prohibition against
6 indirect campaign contributions; amending s.
7 97.021, F.S.; defining the terms "alternative
8 formats," "tactile input device," and "voter
9 interface device" for purposes of the Florida
10 Election Code; creating s. 97.026, F.S.;
11 stating the legislature's intent that certain
12 forms used under the code be made available in
13 alternative formats; requiring the Department
14 of State to make such forms available via the
15 Internet if possible; amending s. 98.065, F.S.;
16 requiring that the maintenance of voter
17 registration records be nondiscriminatory with
18 respect to persons having a disability;
19 creating s. 98.122, F.S.; requiring candidates,
20 political parties, and political committees to
21 use closed captioning and descriptive narrative
22 in all television broadcasts; providing that
23 failing to file a statement of reasons for
24 failing to do so is a violation of the code,
25 for which there are penalties; authorizing the
26 Department of State to adopt rules; amending
27 ss. 100.361, 100.371, F.S.; suggesting that a
28 recall petition be available in alternative
29 formats; requiring a constitutional amendment
30 proposed by initiative and other papers and
31 forms be available in alternative formats;

1 amending s. 101.051, F.S.; eliminating a
2 requirement that an elector give a reason under
3 oath for requesting assistance in voting;
4 amending s. 101.51, F.S.; abolishing
5 limitations on the length of time a voter is
6 allowed to occupy a voting booth or
7 compartment; creating s. 101.56062, F.S.;
8 providing standards for accessible voting
9 systems; requiring any voting system to have at
10 least one accessible voter interface device
11 installed in each precinct; authorizing the
12 Department of State to adopt rules; providing
13 legislative intent with respect to meeting or
14 exceeding minimum federal requirements for
15 voting systems and accessibility of polling
16 places; creating s. 101.662, F.S.; authorizing
17 the Department of State to work with certain
18 parties to develop procedures to allow absentee
19 ballots to be cast in alternative formats;
20 amending s. 101.71, F.S.; authorizing
21 supervisors of elections to move a polling
22 place that does not comply with requirements
23 for accessibility; amending s. 101.715, F.S.;
24 requiring that all polling places be accessible
25 by persons having a disability; providing for
26 standards that are required at each polling
27 place; authorizing the Department of State to
28 adopt rules; requiring the supervisors of
29 elections to survey polling places for
30 accessibility by a specified date; providing
31 for a report of survey results to the Governor

1 and Legislature; allowing for variance until a
2 certain time; amending s. 102.014, F.S.;
3 requiring the Department of State to develop a
4 training program for poll workers concerning
5 voters having a disability; providing
6 requirements for the program; requiring
7 supervisors of elections to certify completion
8 of the program by poll workers; amending s.
9 104.20, F.S., relating to penalties imposed
10 against an elector for remaining in a voting
11 booth longer than the specified time;
12 conforming provisions to changes made by the
13 act; amending s. 125.01, F.S., relating to
14 powers of the governing body of a county;
15 conforming a cross-reference to changes made by
16 the act; authorizing the State to apply for
17 federal funds to be used to fund this act;
18 amending s. 106.09, F.S.; increasing penalties
19 for making or accepting certain illegal
20 campaign contributions; amending s. 106.24,
21 F.S.; providing for restrictions on the
22 membership of the Florida Elections Commission;
23 providing exceptions; providing effective
24 dates.

25

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

27

28 Section 1. Effective upon becoming a law, subsection
29 (5) of section 106.08, Florida Statutes, is reenacted and
30 amended to read:

31

106.08 Contributions; limitations on.--

1 (5)(a) A person may not make any contribution through
2 or in the name of another, directly or indirectly, in any
3 election.

4 (b) Candidates, political committees, and political
5 parties may not solicit contributions from ~~or make~~
6 ~~contributions to~~ any religious, charitable, civic, or other
7 causes or organizations established primarily for the public
8 good.

9 (c) Candidates, political committees, and political
10 parties may not make contributions, in exchange for political
11 support, to any religious, charitable, civic, or other cause
12 or organization established primarily for the public good.

13 ~~However,~~ It is not a violation of this paragraph subsection
14 for:

15 1. A candidate, political committee, or political
16 party executive committee to make gifts of money in lieu of
17 flowers in memory of a deceased person; ~~or for~~

18 2. A candidate to continue membership in, or make
19 regular donations from personal or business funds to,
20 religious, political party, civic, or charitable groups of
21 which the candidate is a member or to which the candidate has
22 been a regular donor for more than 6 months; ~~or-~~

23 3. A candidate to ~~may~~ purchase, with campaign funds,
24 tickets, admission to events, or advertisements from
25 religious, civic, political party, or charitable groups.

26 Section 2. Effective July 1, 2002, section 106.09,
27 Florida Statutes, is amended to read:

28 106.09 Cash contributions and contribution by
29 cashier's checks.--

30
31

1 (1) A ~~No~~ person may not ~~shall~~ make or accept a cash
2 contribution or contribution by means of a cashier's check in
3 excess of \$100.

4 (2)(a) Any person who makes or accepts a contribution
5 in excess of \$100 in violation of this section commits ~~is~~
6 ~~guilty of~~ a misdemeanor of the first degree, punishable as
7 provided in s. 775.082 or s. 775.083.

8 (b) Any person who knowingly and willfully makes or
9 accepts a contribution in excess of \$5,000 in violation of
10 this section commits a felony of the third degree, punishable
11 as provided in s. 775.082, s. 775.083, or s. 775.084.

12 Section 3. Effective upon becoming a law, subsection
13 (1) of section 106.24, Florida Statutes, is amended to read:
14 106.24 Florida Elections Commission; membership;
15 powers; duties.--

16 (1)(a) There is created within the Department of Legal
17 Affairs, Office of the Attorney General, a Florida Elections
18 Commission, hereinafter referred to as the commission. The
19 commission shall be a separate budget entity, and its director
20 shall be the agency head for all purposes. The commission
21 shall not be subject to control, supervision, or direction by
22 the Department of Legal Affairs or the Attorney General in the
23 performance of its duties, including, but not limited to,
24 personnel, purchasing transactions involving real or personal
25 property, and budgetary matters.

26 (b) The commission shall be composed of nine members.
27 The President of the Senate, the Speaker of the House of
28 Representatives, the minority leader of the Senate, and the
29 minority leader of the House of Representatives shall each
30 provide a list of six nominees to the Governor for initial
31 appointment to the commission. The Governor may appoint two

1 members to the commission from each list. If the Governor
2 refuses to appoint two members from any of the respective
3 lists, the Governor shall so inform the nominating officer and
4 the nominating officer shall submit a new list of six nominees
5 within 30 days. The new list must contain at least three
6 nominees not included on the prior nominating list. The ninth
7 commission member, who shall serve as chair of the commission,
8 shall be appointed by the Governor. Each member of the
9 commission is subject to confirmation by the Senate. The
10 chair of the commission shall serve for a maximum term of 4
11 years, such term to run concurrently with the term of the
12 appointing Governor and until a future successor is appointed.
13 Other members of the commission shall serve for 4-year terms
14 and until their successors are appointed. An individual who is
15 a lobbyist at the state or local government level may not
16 serve as a member of the commission, except that this
17 prohibition shall not apply to an individual who is a member
18 of the commission on July 1, 2002, until the expiration of his
19 or her current term. A member of the commission is prohibited
20 from lobbying state or local government while he or she is a
21 member of the commission, except that this prohibition shall
22 not apply to an individual who is a member of the commission
23 on July 1, 2002, until the expiration of his or her current
24 term.

25 (c) As the terms of members expire, excluding the
26 chair, successors shall be appointed to 4-year terms and shall
27 serve until their successors are appointed. Six months prior
28 to the expiration of a commission member's term, the ranking
29 officer of the political party in the respective house
30 originally nominating the commission member shall submit a
31 list of three nominees to the Governor. The Governor may

1 appoint one of the listed nominees to the commission. If no
2 nominee is selected from the list, the Governor shall so
3 inform the nominating officer, who shall submit a list of
4 three different nominees to the Governor within 30 days.
5 Vacancies on the commission shall expeditiously be filled for
6 the unexpired terms in the same manner.

7 (d) As the term of the chair of the commission expires
8 or becomes vacant, a successor shall be appointed in the
9 manner of the original appointment, and shall serve for a
10 maximum of 4 years, such term to run concurrently with the
11 term of the appointing Governor and until a future successor
12 is appointed.

13 (e) In no event may any member of the commission serve
14 more than two full terms. Members of the commission shall be
15 paid travel and per diem as provided in s. 112.061 while in
16 performance of their duties and in traveling to, from, and
17 upon same. Of the nine members of the commission, no more
18 than five members shall be from the same political party at
19 any one time.

20 Section 4. Subsections (2) through (31) of section
21 97.021, Florida Statutes, as amended by section 2 of chapter
22 2001-40, Laws of Florida, are renumbered as subsections (3)
23 through (32), respectively, present subsections (32) and (33)
24 of that section are renumbered as subsections (34) and (35),
25 respectively, present subsections (34) through (36) of that
26 section are renumbered as subsections (37) through (38),
27 respectively, and new subsections (2), (33), and (36) are
28 added to that section to read:

29 97.021 Definitions.--For the purposes of this code,
30 except where the context clearly indicates otherwise, the
31 term:

1 (2) "Alternative formats" has the meaning ascribed in
2 the Americans with Disabilities Act of 1990, Pub. L. No.
3 101-336, 42 U.S.C. ss. 12101 et seq., including specifically
4 the technical assistance manuals promulgated thereunder, as
5 amended.

6 (33) "Tactile input device" means a device that
7 provides information to a voting system by means of a voter
8 touching the device, such as a keyboard, and that complies
9 with the requirements of s. 101.56062(1)(k) and (l).

10 (36) "Voter interface device" means any device that
11 communicates voting instructions and ballot information to a
12 voter and allows the voter to select and vote for candidates
13 and issues.

14 Section 5. Section 97.026, Florida Statutes, is
15 created to read:

16 97.026 Forms to be available in alternative formats
17 and via the Internet.--It is the intent of the Legislature
18 that all forms required to be used in chapters 97-106 shall be
19 made available upon request, in alternative formats. Such
20 forms shall include absentee ballots as alternative formats
21 for such ballots become available and the Division of
22 Elections is able to certify systems that provide them.
23 Whenever possible, such forms, with the exception of absentee
24 ballots, shall be made available by the Department of State
25 via the Internet. Sections that contain such forms include,
26 but are not limited to, ss. 97.051, 97.052, 97.053, 97.057,
27 97.058, 97.0583, 97.071, 97.073, 97.1031, 98.055, 98.075,
28 99.021, 100.361, 100.371, 101.045, 101.171, 101.20, 101.6103,
29 101.62, 101.64, 101.65, 101.657, 105.031, 106.023, and
30 106.087.

31

1 Section 6. Subsection (1) of section 98.065, Florida
2 Statutes, is amended to read:

3 98.065 Registration list maintenance programs.--

4 (1) The supervisor must conduct a general registration
5 list maintenance program to protect the integrity of the
6 electoral process by ensuring the maintenance of accurate and
7 current voter registration records. The program must be
8 uniform, nondiscriminatory, and in compliance with the Voting
9 Rights Act of 1965. As used in this subsection, the term
10 "nondiscriminatory" applies to and includes persons with
11 disabilities.

12 Section 7. Effective July 1, 2004, section 98.122,
13 Florida Statutes, is created to read:

14 98.122 Use of closed captioning and descriptive
15 narrative in all television broadcasts.--Each candidate,
16 political party, and political committee must use closed
17 captioning and descriptive narrative in all television
18 broadcasts regulated by the Federal Communications Commission
19 that are on behalf of, or sponsored by, a candidate, political
20 party, or political committee or must file a written statement
21 with the qualifying officer setting forth the reasons for not
22 doing so. Failure to file this statement with the appropriate
23 qualifying officer constitutes a violation of the Florida
24 Election Code and is under the jurisdiction of the Florida
25 Elections Commission. The Department of State may adopt rules
26 in accordance with s. 120.54 which are necessary to administer
27 this section.

28 Section 8. Paragraphs (a) and (d) of subsection (1) of
29 section 100.361, Florida Statutes, are amended to read:

30 100.361 Municipal recall.--

31

1 (1) RECALL PETITION.--Any member of the governing body
2 of a municipality or charter county, hereinafter referred to
3 in this section as "municipality," may be removed from office
4 by the electors of the municipality. When the official
5 represents a district and is elected only by electors residing
6 in that district, only electors from that district are
7 eligible to sign the petition to recall that official and are
8 entitled to vote in the recall election. When the official
9 represents a district and is elected at-large by the electors
10 of the municipality, all electors of the municipality are
11 eligible to sign the petition to recall that official and are
12 entitled to vote in the recall election. Where used in this
13 section, the term "district" shall be construed to mean the
14 area or region of a municipality from which a member of the
15 governing body is elected by the electors from such area or
16 region. Members may be removed from office by the following
17 procedure:

18 (a) A petition shall be prepared naming the person
19 sought to be recalled and containing a statement of grounds
20 for recall in not more than 200 words limited solely to the
21 grounds specified in paragraph (b). If more than one member
22 of the governing body is sought to be recalled, whether such
23 member is elected by the electors of a district or by the
24 electors of the municipality at-large, a separate recall
25 petition shall be prepared for each member sought to be
26 recalled. Upon request, the content of a petition should be,
27 but is not required to be, provided by the proponent in
28 alternative formats.

29 1. In a municipality or district of fewer than 500
30 electors, the petition shall be signed by at least 50 electors
31 or by 10 percent of the total number of registered electors of

1 the municipality or district as of the preceding municipal
2 election, whichever is greater.

3 2. In a municipality or district of 500 or more but
4 fewer than 2,000 registered electors, the petition shall be
5 signed by at least 100 electors or by 10 percent of the total
6 number of registered electors of the municipality or district
7 as of the preceding municipal election, whichever is greater.

8 3. In a municipality or district of 2,000 or more but
9 fewer than 5,000 registered electors, the petition shall be
10 signed by at least 250 electors or by 10 percent of the total
11 number of registered electors of the municipality or district
12 as of the preceding municipal election, whichever is greater.

13 4. In a municipality or district of 5,000 or more but
14 fewer than 10,000 registered electors, the petition shall be
15 signed by at least 500 electors or by 10 percent of the total
16 number of registered electors of the municipality or district
17 as of the preceding municipal election, whichever is greater.

18 5. In a municipality or district of 10,000 or more but
19 fewer than 25,000 registered electors, the petition shall be
20 signed by at least 1,000 electors or by 10 percent of the
21 total number of registered electors of the municipality or
22 district as of the preceding municipal election, whichever is
23 greater.

24 6. In a municipality or district of 25,000 or more
25 registered electors, the petition shall be signed by at least
26 1,000 electors or by 5 percent of the total number of
27 registered electors of the municipality or district as of the
28 preceding municipal election, whichever is greater.

29
30 Electors of the municipality or district making charges
31 contained in the statement of grounds for recall and those

1 signing the recall petition shall be designated as the
2 "committee." A specific person shall be designated in the
3 petition as chair of the committee to act for the committee.
4 Electors of the municipality or district are eligible to sign
5 the petition. Signatures and oaths of witnesses shall be
6 executed as provided in paragraph (c). All signatures shall
7 be obtained within a period of 30 days, and the petition shall
8 be filed within 30 days after the date the first signature is
9 obtained on the petition.

10 (d) The petition shall be filed with the auditor or
11 clerk of the municipality or charter county, or his or her
12 equivalent, hereinafter referred to as clerk, by the person
13 designated as chair of the committee, and, when the petition
14 is filed, the clerk shall submit such petition to the county
15 supervisor of elections who shall, within a period of not more
16 than 30 days after the petition is filed with the supervisor,
17 determine whether the petition contains the required valid
18 signatures. The petition cannot be amended after it is filed
19 with the clerk. The supervisor shall be paid by the persons
20 or committee seeking verification the sum of 10 cents for each
21 name checked. Upon filing with the clerk, the petition and all
22 subsequent papers or forms required or permitted to be filed
23 with the clerk in connection with this section must, upon
24 request, be made available in alternative formats.

25 Section 9. Subsection (3) of section 100.371, Florida
26 Statutes, is amended to read:

27 100.371 Initiatives; procedure for placement on
28 ballot.--

29 (3) The sponsor of an initiative amendment shall,
30 prior to obtaining any signatures, register as a political
31 committee pursuant to s. 106.03 and submit the text of the

1 proposed amendment to the Secretary of State, with the form on
 2 which the signatures will be affixed, and shall obtain the
 3 approval of the Secretary of State of such form. The
 4 Secretary of State shall adopt ~~promulgate~~ rules pursuant to s.
 5 120.54 prescribing the style and requirements of such form.
 6 Upon filing with the Secretary of State, the text of the
 7 proposed amendment and all forms filed in connection with this
 8 section must, upon request, be made available in alternative
 9 formats.

10 Section 10. Subsection (4) of section 101.051, Florida
 11 Statutes, is amended to read:

12 101.051 Electors seeking assistance in casting
 13 ballots; oath to be executed; forms to be furnished.--

14 (4) If an elector needs assistance in voting pursuant
 15 to the provisions of this section, the clerk or one of the
 16 inspectors shall require the elector requesting assistance in
 17 voting to take the following oath:

18
 19 DECLARATION TO SECURE ASSISTANCE

20
 21 State of Florida
 22 County of
 23 Date
 24 Precinct

25 I, ...(Print name)..., swear or affirm that I am a
 26 registered elector and request assistance from ...(Print
 27 names)... in voting at the ...(name of election)... held on
 28 ...(date of election)... ~~for the following reason.....~~

29
 30

31 ...(Signature of voter)...

1

2 Sworn and subscribed to before me this day of,
3 ...(year)....

4 ...(Signature of Official Administering Oath)...

5 Section 11. Section 101.51, Florida Statutes, is
6 amended to read:

7 101.51 Electors to occupy booth alone; ~~time allowed.~~--

8 (1) When the elector presents himself or herself to
9 vote, the election official shall ascertain whether the
10 elector's name is upon the register of electors, and, if the
11 elector's name appears and no challenge interposes, or, if
12 interposed, be not sustained, one of the election officials
13 stationed at the entrance shall announce the name of the
14 elector and permit him or her to enter the booth or
15 compartment to cast his or her vote, allowing only one elector
16 at a time to pass through to vote. An ~~No~~ elector, while
17 casting his or her ballot, may not ~~shall~~ occupy a booth or
18 compartment ~~longer than 5 minutes or be allowed to occupy a~~
19 ~~booth or compartment~~ already occupied or ~~to~~ speak with anyone,
20 except as provided by s. 101.051, while in the polling place.

21 (2) ~~If an elector requires longer than 5 minutes, then~~
22 ~~upon a sufficient reason he or she may be granted a longer~~
23 ~~period of time by the election officials in charge. After~~
24 ~~casting his or her vote, the elector shall at once leave the~~
25 ~~polling room by the exit opening and shall not be permitted to~~
26 ~~reenter on any pretext whatever. After the elector has voted,~~
27 ~~or declined or failed to vote within 5 minutes, he or she~~
28 ~~shall immediately withdraw from the polling place. If the~~
29 ~~elector refuses to leave after the lapse of 5 minutes, he or~~
30 ~~she shall be removed by the election officials.~~

31

1 Section 12. Section 101.56062, Florida Statutes, is
2 created to read:

3 101.56062 Standards for accessible voting systems.--

4 (1) Notwithstanding anything in this chapter to the
5 contrary, each voting system certified by the Department of
6 State for use in local, state, and federal elections must
7 include the capability to install accessible voter interface
8 devices in the system configuration which will allow the
9 system to meet the following minimum standards:

10 (a) The voting system must provide a tactile input or
11 audio input device, or both.

12 (b) The voting system must provide a method by which
13 voters can confirm any tactile or audio input by having the
14 capability of audio output using synthetic or recorded human
15 speech that is reasonably phonetically accurate.

16 (c) Any operable controls on the input device which
17 are needed for voters who are visually impaired must be
18 discernable tactilely without actuating the keys.

19 (d) Audio and visual access approaches must be able to
20 work both separately and simultaneously.

21 (e) If a nonaudio access approach is provided, the
22 system may not require color perception. The system must use
23 black text or graphics, or both, on white background or white
24 text or graphics, or both, on black background, unless the
25 office of the Secretary of State approves other high-contrast
26 color combinations that do not require color perception.

27 (f) Any voting system that requires any visual
28 perception must offer the election official who programs the
29 system, prior to its being sent to the polling place, the
30 capability to set the font size, as it appears to the voter,
31 from a minimum of 14 points to a maximum of 24 points.

1 (g) The voting system must provide audio information,
2 including any audio output using synthetic or recorded human
3 speech or any auditory feedback tones that are important for
4 the use of the audio approach, through at least one mode, by
5 handset or headset, in enhanced auditory fashion (increased
6 amplification), and must provide incremental volume control
7 with output amplification up to a level of at least 97 dB SPL.

8 (h) For transmitted voice signals to the voter, the
9 voting system must provide a gain adjustable up to a minimum
10 of 20 dB with at least one intermediate step of 12 dB of gain.

11 (i) For the safety of others, if the voting system has
12 the possibility of exceeding 120 dB SPL, then a mechanism must
13 be included to reset the volume automatically to the voting
14 system's default volume level after every use, for example
15 when the handset is replaced, but not before. Also, universal
16 precautions in the use and sharing of headsets should be
17 followed.

18 (j) If sound cues and audible information such as
19 "beeps" are used, there must be simultaneous corresponding
20 visual cues and information.

21 (k) Controls and operable mechanisms must be operable
22 with one hand, including operability with a closed fist, and
23 operable without tight grasping, pinching, or twisting of the
24 wrist.

25 (l) The force required to operate or activate the
26 controls must be no greater than 5 pounds of force.

27 (m) Voting booths must have voting controls at a
28 minimum height of 36 inches above the finished floor with a
29 minimum knee clearance of 27 inches high, 30 inches wide, and
30 19 inches deep, or the accessible voter interface devices must
31 be designed so as to allow their use on top of a table to meet

1 these requirements. Tabletop installations must include
2 adequate privacy.

3 (n) Any audio ballot must provide the voter with the
4 following functionalities:

5 1. After the initial instructions that the system
6 requires election officials to provide to each voter, the
7 voter should be able to independently operate the voter
8 interface through the final step of casting a ballot without
9 assistance.

10 2. The voter must be able to determine the races that
11 he or she is allowed to vote in and to determine which
12 candidates are available in each race.

13 3. The voter must be able to determine how many
14 candidates may be selected in each race.

15 4. The voter must be able to have confidence that the
16 physical or vocal inputs given to the system have selected the
17 candidates that he or she intended to select.

18 5. The voter must be able to review the candidate
19 selections that he or she has made.

20 6. Prior to the act of casting the ballot, the voter
21 must be able to change any selections previously made and
22 confirm a new selection.

23 7. The system must communicate to the voter the fact
24 that the voter has failed to vote in a race or has failed to
25 vote the number of allowable candidates in any race and
26 require the voter to confirm his or her intent to undervote
27 before casting the ballot.

28 8. The system must prevent the voter from overvoting
29 any race.

30 9. The voter must be able to input a candidate's name
31 in each race that allows a write-in candidate.

1 10. The voter must be able to review his or her
2 write-in input to the interface, edit that input, and confirm
3 that the edits meet the voter's intent.

4 11. There must be a clear, identifiable action that
5 the voter takes to "cast" the ballot. The system must make
6 clear to the voter how to take this action so that the voter
7 has minimal risk of taking the action accidentally but, when
8 the voter intends to cast the ballot, the action can be easily
9 performed.

10 12. Once the ballot is cast, the system must confirm
11 to the voter that the action has occurred and that the voter's
12 process of voting is complete.

13 13. Once the ballot is cast, the system must preclude
14 the voter from modifying the ballot cast or voting or casting
15 another ballot.

16 (2) Such voting system must include at least one
17 accessible voter interface device installed in each precinct
18 which meets the requirements of this section, except for
19 paragraph (1)(d).

20 (3) The Department of State may adopt rules in
21 accordance with s. 120.54 which are necessary to administer
22 this section.

23 Section 13. It is the intent of the Legislature that
24 this state be eligible for any funds that are available from
25 the Federal Government to assist states in providing or
26 improving accessibility of voting systems and polling places
27 for persons having a disability. Accordingly, all state laws,
28 rules, standards, and codes governing voting systems and
29 polling place accessibility must be maintained to ensure the
30 state's eligibility to receive federal funds. It is the intent
31 of the Legislature that all state requirements meet or exceed

1 the minimum federal requirements for voting systems and
2 polling place accessibility. This section shall take effect
3 upon this act becoming a law.

4 Section 14. Section 101.662, Florida Statutes, is
5 created to read:

6 101.662 Accessibility of absentee ballots.--It is the
7 intent of the Legislature that voting by absentee ballot be by
8 methods that are fully accessible to all voters, including
9 voters having a disability. The Department of State shall work
10 with the supervisors of elections and the disability community
11 to develop and implement procedures and technologies, as
12 possible, which will include procedures for providing absentee
13 ballots, upon request, in alternative formats that will allow
14 all voters to cast a secret, independent, and verifiable
15 absentee ballot without the assistance of another person.

16 Section 15. Effective July 1, 2004, subsection (2) of
17 section 101.71, Florida Statutes, as amended by section 25 of
18 chapter 2001-40, Laws of Florida, is amended to read:

19 101.71 Polling place.--

20 (2) Notwithstanding the provisions of subsection (1),
21 whenever the supervisor of elections of any county determines
22 that the accommodations for holding any election at a polling
23 place designated for any precinct in the county are
24 unavailable, ~~or~~ are inadequate for the expeditious and
25 efficient housing and handling of voting and voting
26 paraphernalia, or do not comply with the requirements of s.
27 101.715, the supervisor shall ~~may provide~~, not less than 30
28 days prior to the holding of an election, provide for ~~that~~ the
29 voting place for such precinct to ~~shall~~ be moved to another
30 site that is ~~which shall be~~ accessible to the public on
31 election day in said precinct or, if such is not available, to

1 another site that is ~~which shall be~~ accessible to the public
2 on election day in a contiguous precinct. If such action of
3 the supervisor results in the voting place for two or more
4 precincts being located for the purposes of an election in one
5 building, the voting places for the several precincts involved
6 shall be established and maintained separate from each other
7 in said building. When any supervisor moves any polling place
8 pursuant to this subsection, the supervisor shall, not more
9 than 30 days or fewer than 7 days prior to the holding of an
10 election, give notice of the change of the polling place for
11 the precinct involved, with clear description of the voting
12 place to which changed, at least once in a newspaper of
13 general circulation in said county. A notice of the change of
14 the polling place involved shall be mailed, at least 14 days
15 prior to an election, to each registered elector or to each
16 household in which there is a registered elector.

17 Section 16. Effective July 1, 2004, section 101.715,
18 Florida Statutes, is amended to read:

19 (Substantial rewording of section. See
20 s. 101.715, F.S., for present text.)

21 101.715 Accessibility of polling places for people
22 having a disability.--

23 (1) All polling places must be accessible and usable
24 by people with disabilities, as provided in this section.

25 (2) Only those polling places complying with the
26 Florida Americans With Disabilities Accessibility
27 Implementation Act, ss. 553.501-553.513, for all portions of
28 the polling place or the structure in which it is located that
29 voters traverse going to and from the polling place and during
30 the voting process, regardless of the age or function of the
31

1 building, shall be used for federal, state, and local
2 elections.

3 (3) The selection of a polling site must ensure
4 accessibility with respect to the following accessible
5 elements, spaces, scope, and technical requirements:
6 accessible route, space allowance and reach ranges, protruding
7 objects, ground and floor surfaces, parking and passenger
8 loading zones, curb ramps, ramps, stairs, elevators, platform
9 lifts, doors, entrances, path of egress, controls and
10 operating mechanisms, signage, and all other minimum
11 requirements.

12 (4) Standards required at each polling place,
13 regardless of the age of the building or function of the
14 building, include:

15 (a) For polling places that provide parking spaces for
16 voters, one or more signed accessible parking spaces for
17 disabled persons.

18 (b) Signage identifying an accessible path of travel
19 to the polling place if it differs from the primary route or
20 entrance.

21 (c) An unobstructed path of travel to the polling
22 place.

23 (d) Level, firm, stable, and slip-resistant surfaces.

24 (e) An unobstructed area for voting.

25 (f) Sufficient lighting along the accessible path of
26 travel and within the polling place.

27 (5) The Department of State may adopt rules in
28 accordance with s. 120.54 which are necessary to administer
29 this section.

30 Section 17. (1) By September 1, 2003, each polling
31 place in a county should be surveyed by the supervisor of

1 elections of that county for the purpose of determining
2 accessibility under the standards to be adopted pursuant to s.
3 101.715, Florida Statutes, on July 1, 2004, using a survey
4 developed by rule of the Department of State.

5 (2) The results of this survey shall be presented by
6 the Division of Elections by December 1, 2003, to the
7 Governor, the President of the Senate, and the Speaker of the
8 House of Representatives. The report must note any polling
9 places that will not meet the accessibility standards to be
10 adopted on July 1, 2004, and shall state the specific reasons
11 why those polling places may not be brought into compliance by
12 that date. For each polling place that may not be brought into
13 compliance by that date, the supervisor of elections must
14 certify that fact to the Division of Elections and shall be
15 granted a variance for that polling place until the primary
16 and general elections in 2006.

17 Section 18. Effective November 30, 2002, subsection
18 (7) is added to section 102.014, Florida Statutes, to read:

19 102.014 Poll worker recruitment and training.--

20 (7) The Department of State shall develop a mandatory,
21 statewide, and uniform program for training poll workers on
22 issues of etiquette and sensitivity with respect to voters
23 having a disability. The program must consist of approximately
24 1 hour of the required number of hours set forth in paragraph
25 (4)(a). The program must be conducted locally by each
26 supervisor of elections, who shall periodically certify to the
27 Department of State whether each poll worker has completed the
28 program. The supervisor of elections shall contract with a
29 recognized disability-related organization, such as a center
30 for independent living, family network on disabilities, deaf
31 service bureau, or other such organization, to develop and

1 assist with training the trainers in the disability
2 sensitivity programs. The program must include actual
3 demonstrations of obstacles confronted by disabled persons
4 during the voting process, including obtaining access to the
5 polling place, traveling through the polling area, and using
6 the voting system.

7 Section 19. Section 104.20, Florida Statutes, is
8 amended to read:

9 104.20 Ballot not to be seen, and other offenses.--Any
10 elector who, except as provided by law, allows his or her
11 ballot to be seen by any person; takes or removes, or attempts
12 to take or remove, any ballot from the polling place before
13 the close of the polls; places any mark on his or her ballot
14 by which it may be identified; ~~remains longer than the~~
15 ~~specified time allowed by law in the booth or compartment~~
16 ~~after having been notified that his or her time has expired;~~
17 endeavors to induce any elector to show how he or she voted;
18 aids or attempts to aid any elector unlawfully; or prints or
19 procures to be printed, or has in his or her possession, any
20 copies of any ballot prepared to be voted is guilty of a
21 misdemeanor of the first degree, punishable as provided in s.
22 775.082 or s. 775.083.

23 Section 20. Paragraph (y) of subsection (1) of section
24 125.01, Florida Statutes, is amended to read:

25 125.01 Powers and duties.--

26 (1) The legislative and governing body of a county
27 shall have the power to carry on county government. To the
28 extent not inconsistent with general or special law, this
29 power includes, but is not restricted to, the power to:

30 (y) Place questions or propositions on the ballot at
31 any primary election, general election, or otherwise called

1 special election, when agreed to by a majority vote of the
2 total membership of the legislative and governing body, so as
3 to obtain an expression of elector sentiment with respect to
4 matters of substantial concern within the county. No special
5 election may be called for the purpose of conducting a straw
6 ballot. Any election costs, as defined in s. 97.021(10)~~s.~~
7 ~~97.021(9)~~, associated with any ballot question or election
8 called specifically at the request of a district or for the
9 creation of a district shall be paid by the district either in
10 whole or in part as the case may warrant.

11 Section 21. The State may apply for all available
12 federal funds to be used to pay for the costs associated with
13 this act.

14 Section 22. Except as otherwise expressly provided in
15 this act, this act shall take effect one year after the
16 legislature adopts the general appropriations act specifically
17 appropriating to the Department of State, for distribution to
18 the counties, \$8.7 million or such other amounts as it
19 determines and appropriates for the specific purpose of
20 funding this act.

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