

Bill No. SB 1504

Amendment No. 1 Barcode 431580

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Ethics and Elections recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. In section 97.021, Florida Statutes, as amended by section 2 of chapter 2001-40, Laws of Florida, present subsections (2) through (31) are redesignated as subsections (3) through (32), respectively, present subsections (32) and (33) are redesignated as subsections (34) and (35) respectively, and present subsections (34) through (36) are redesignated as subsections (37) through (38) respectively. New subsections (2), (33) and (36) are added to that section to read:

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

(2) "Alternative formats" has the meaning ascribed in the Americans with Disabilities Act of 1990, Pub. L. No.

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1 101-336, 42 U.S.C. ss. 12101 et seq., including specifically  
2 the technical-assistance manuals promulgated thereunder, as  
3 amended.

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

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

12 Section 2. Section 97.026, Florida Statutes, is  
13 created to read:

14 97.026 Forms to be available in alternative formats  
15 and via Internet.--All forms required to be used in chapters  
16 97-106, Florida Statutes, shall be made available upon  
17 request, in alternative formats. Such forms shall include  
18 absentee ballots as alternative formats for absentee ballots  
19 become available and the Division of Elections is able to  
20 certify systems which provide them. Whenever possible, such  
21 forms shall be made available by the Department of State via  
22 the Internet. Sections that contain such forms include, but  
23 are not limited to, ss. 97.051, 97.052, 97.053, 97.057,  
24 97.058, 97.0583, 97.071, 97.073, 97.1031, 98.055, 98.075,  
25 99.021, 100.361, 100.371, 101.045, 101.171, 101.20, 101.6103,  
26 101.62, 101.64, 101.65, 101.657, 105.031, 106.023, and  
27 106.087.

28 Section 3. Section 97.1035, Florida Statutes, is  
29 created to read:

30 97.1035 Certification of TTY/TDD device by supervisors  
31 of elections; training of staff.--Each supervisor of elections

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1 shall, at least annually, certify to the Secretary of State  
2 that all branches of the supervisor's office at which public  
3 inquiry telephone calls are handled have a functioning TTY/TDD  
4 device for communication, by persons who are hearing-impaired,  
5 with the supervisor's office and that all members of the  
6 supervisor's staff whose duties include communicating with the  
7 public have been trained on said device. This requirement  
8 shall include all switchboards or call routing centers which  
9 may answer public inquiry telephone calls and then route them  
10 to the appropriate office of the supervisor.

11 Section 4. Subsection (3) of section 97.061, Florida  
12 Statutes, is amended to read:

13 97.061 Special registration for electors requiring  
14 assistance.--

15 (3) Upon registering any person pursuant to this  
16 section, the supervisor must make a notation on the  
17 registration books or records which are delivered to the polls  
18 on election day that such person is eligible for assistance in  
19 voting, and the supervisor may issue such person a special  
20 registration identification card or make some notation on the  
21 regular registration identification card that such person is  
22 eligible for assistance in voting. Such person shall be  
23 entitled to receive the assistance of two election officials  
24 or some other person of his or her own choice, other than the  
25 person's employer, the agent of the person's employer, or an  
26 officer or agent of the person's union, ~~without the necessity~~  
27 ~~of executing the "Declaration to Secure Assistance" prescribed~~  
28 ~~in s. 101.051.~~ Such person shall notify the supervisor of any  
29 change in his or her condition which makes it unnecessary for  
30 him or her to receive assistance in voting.

31 Section 5. Subsection (1) of section 98.065, Florida

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1 Statutes, is amended to read:

2 98.065 Registration list maintenance programs.--

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

11 Section 6. Section 98.122, Florida Statutes, is  
12 created to read:

13 98.122 Use of closed captioning and descriptive  
14 narrative in all television broadcasts.--Each candidate,  
15 political party, and political committee must use closed  
16 captioning and descriptive narrative in all television  
17 broadcasts on behalf of, or sponsored by, a candidate,  
18 political party, or political committee, or file a written  
19 statement with the Division of Elections of the Department of  
20 State setting forth the reasons for not doing so. The  
21 Department of State shall adopt rules to establish and enforce  
22 penalties for failing to file such a statement. The Department  
23 of State may adopt rules in accordance with s. 120.54  
24 necessary to administer this section.

25 Section 7. Paragraphs (a) and (d) of subsection (1) of  
26 section 100.361, Florida Statutes, are amended to read:

27 100.361 Municipal recall.--

28 (1) RECALL PETITION.--Any member of the governing body  
29 of a municipality or charter county, hereinafter referred to  
30 in this section as "municipality," may be removed from office  
31 by the electors of the municipality. When the official

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

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

24 1. In a municipality or district of fewer than 500  
25 electors, the petition shall be signed by at least 50 electors  
26 or by 10 percent of the total number of registered electors of  
27 the municipality or district as of the preceding municipal  
28 election, whichever is greater.

29 2. In a municipality or district of 500 or more but  
30 fewer than 2,000 registered electors, the petition shall be  
31 signed by at least 100 electors or by 10 percent of the total

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

3 3. In a municipality or district of 2,000 or more but  
4 fewer than 5,000 registered electors, the petition shall be  
5 signed by at least 250 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 4. In a municipality or district of 5,000 or more but  
9 fewer than 10,000 registered electors, the petition shall be  
10 signed by at least 500 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 5. In a municipality or district of 10,000 or more but  
14 fewer than 25,000 registered electors, the petition shall be  
15 signed by at least 1,000 electors or by 10 percent of the  
16 total number of registered electors of the municipality or  
17 district as of the preceding municipal election, whichever is  
18 greater.

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

24  
25 Electors of the municipality or district making charges  
26 contained in the statement of grounds for recall and those  
27 signing the recall petition shall be designated as the  
28 "committee." A specific person shall be designated in the  
29 petition as chair of the committee to act for the committee.  
30 Electors of the municipality or district are eligible to sign  
31 the petition. Signatures and oaths of witnesses shall be

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1 executed as provided in paragraph (c). All signatures shall  
2 be obtained within a period of 30 days, and the petition shall  
3 be filed within 30 days after the date the first signature is  
4 obtained on the petition.

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

20 Section 8. Subsection (3) of section 100.371, Florida  
21 Statutes, is amended to read:

22 100.371 Initiatives; procedure for placement on  
23 ballot.--

24 (3) The sponsor of an initiative amendment shall,  
25 prior to obtaining any signatures, register as a political  
26 committee pursuant to s. 106.03 and submit the text of the  
27 proposed amendment to the Secretary of State, with the form on  
28 which the signatures will be affixed, and shall obtain the  
29 approval of the Secretary of State of such form. The  
30 Secretary of State shall adopt ~~promulgate~~ rules pursuant to s.  
31 120.54 prescribing the style and requirements of such form.

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1 Upon filing with the Secretary of State, the text of the  
2 proposed amendment and all forms filed in connection with this  
3 section must, upon request, be made available in alternative  
4 formats.

5 Section 9. Section 101.017, Florida Statutes, is  
6 amended to read:

7 101.017 Bureau of Voting Systems Certification.--There  
8 is created a Bureau of Voting Systems Certification within the  
9 Division of Elections of the Department of State which shall  
10 provide technical support to the supervisors of elections and  
11 which is responsible for voting system standards and  
12 certification. The bureau shall cooperate and consult with the  
13 Disability Advisory Council as provided in s. 101.018.The  
14 positions necessary for the bureau to accomplish its duties  
15 shall be established through the budgetary process.

16 Section 10. Section 101.018, Florida Statutes, is  
17 created to read:

18 101.018 Disability Advisory Council.--There is created  
19 the Disability Advisory Council within the Department of  
20 State. The Secretary of State shall appoint the members of the  
21 Disability Advisory Council, which shall consist of nine  
22 persons, all of whom must be knowledgeable in the area of  
23 voting accessibility for persons having a disability, and a  
24 majority of whom must be persons having a disability. The  
25 membership must include a representative who is  
26 hearing-impaired, a representative who is blind, a  
27 representative who has developmental disabilities, and a  
28 representative who has physical disabilities.

29 (1) The council shall:

30 (a) Advise and consult with the Bureau of Voting  
31 Systems Certification of the Division of Elections concerning



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1 the implementation of accessibility standards for voting  
2 systems and polling places, as such standards currently exist  
3 or as subsequently adopted.

4 (b) Advise and consult with the Division of Elections  
5 on the development of test procedures to verify compliance  
6 with standards for the accessibility of new voting systems,  
7 voting system components, and modules.

8 (c) Advise the Division of Elections on methods and  
9 means to increase election participation by persons having a  
10 disability.

11 (d) Develop an accessibility survey for use by all  
12 Supervisors of Elections to determine compliance with the  
13 accessibility standards for polling places.

14 (e) Recommend to the Secretary of State standards for  
15 exemptions from the application of the accessibility standards  
16 for polling places provided in s. 101.715.

17 (f) Study and report to the Secretary of State, on an  
18 ongoing basis, concerning voting via use of the Internet.

19 (g) Study and report to the Secretary of State on  
20 voting using telephones or telephone components, including  
21 TTY/TDD. It is the intent of the Legislature that the  
22 inclusion of this study as a function of the Disability  
23 Advisory Council not prevent or delay the certification of any  
24 voting system that uses telephones or telephone components  
25 that are otherwise certifiable before the study.

26 (h) Study and report to the Secretary of State on  
27 whether the 5 pounds of force required to operate or activate  
28 the controls on any voting system, as required in s.  
29 101.56062, is low enough for persons who have limited strength  
30 in their hands or fingers, including the elderly.

31 (i) Compare the accessibility standards set forth in

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1 ss. 101.56062 and 101.715 with the voluntary Voting Systems  
2 Standards adopted by the Federal Elections Commission, and  
3 report to the Secretary of State on the results of the  
4 comparison.

5 (j) Study and report to the Secretary of State, on an  
6 ongoing basis, concerning the accessibility of absentee  
7 ballots to voters having a disability. It is the intent of the  
8 Legislature that all means of voting in this state, including  
9 voting by absentee ballot, be fully accessible to voters  
10 having a disability.

11 (k) Report annually to the legislature suggestions for  
12 how voting systems and procedures may be improved to increase  
13 access for persons with disabilities.

14 (l) Perform any additional functions deemed  
15 appropriate by the Secretary of State relating to voting  
16 accessibility by persons having a disability.

17 (2) The terms for the first three council members  
18 appointed after the effective date of this section shall be  
19 for 4 years, the terms for the next three council members  
20 appointed shall be for 3 years, and the terms for the next  
21 three members shall be for 2 years. Thereafter, all council  
22 member appointments shall be for terms of 4 years. A council  
23 member may not serve more than two 4-year terms after the  
24 effective date of this section. Any member of the council may  
25 be replaced by the secretary after three unexcused absences.

26 (3) Members of the council shall serve without  
27 compensation but are entitled to reimbursement for per diem  
28 and travel expenses as provided by s. 112.061.

29 (4) The council shall meet at least four times per  
30 year until September 1, 2004, and thereafter at least two  
31 times per year, at a time and place to be determined by the

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1 council, but may meet more often, as the the council members  
2 or Division of Elections deem necessary.

3 Section 11. Subsections (4) and (5) of section  
4 101.051, Florida Statutes, are repealed.

5 Section 12. 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. No elector, while casting  
17 his or her ballot, may shall occupy a booth or compartment  
18 ~~longer than 5 minutes or be allowed to occupy a booth or~~  
19 ~~compartment~~ already occupied or to speak with anyone, except  
20 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 Section 13. Effective upon this act becoming a law,

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- 1 section 101.56062, Florida Statutes, is created to read:  
2 101.56062 Standards for accessible voting systems.--  
3 (1) Notwithstanding anything in this chapter to the  
4 contrary, after November 30, 2002, each voting system  
5 certified by the Department of State for use in local, state,  
6 and federal elections must include accessible voter interface  
7 devices in the system configuration which will allow the  
8 system to meet the following minimum standards:  
9 (a) The voting system must provide a tactile-input or  
10 speech-input device, or both.  
11 (b) The voting system must provide a method by which  
12 voters can confirm any tactile or audio input by having the  
13 capability of audio output using synthetic or recorded human  
14 speech that is reasonably phonetically accurate.  
15 (c) Any operable controls on the input device which  
16 are needed for voters who are visually impaired must be  
17 discernable tactilely without actuating the keys.  
18 (d) Audio and visual access approaches must be able to  
19 work both separately and simultaneously.  
20 (e) If a nonaudio access approach is provided, the  
21 system may not require color perception. The system must use  
22 black text or graphics, or both, on white background or white  
23 text or graphics, or both, on black background, unless the  
24 office of the Secretary of State approves other high-contrast  
25 color combinations that do not require color perception.  
26 (f) Any voting system that requires any visual  
27 perception must offer the election official who programs the  
28 system, prior to its being sent to the polling place, the  
29 capability to set the font size, as it appears to the voter,  
30 from a minimum of 14 points to a maximum of 24 points.  
31 (g) The voting system must provide audio information,

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

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

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

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

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

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

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

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1 these requirements. Tabletop installations must include  
2 adequate screens for 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.

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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) After November 30, 2002, state or federal funds  
17 may not be used by any county or municipality to purchase  
18 voting systems or voting system components that do not meet  
19 the accessibility standards established by this section.

20           (3) A voting system that was certified before the  
21 effective date of this section is not decertified. However:

22           (a) Any voting system used in any local, state, or  
23 federal election after September 1, 2004, must have at least  
24 one voter interface device installed in each precinct which  
25 meets the requirements of section 101.56062, F.S., except for  
26 subsection 101.56062(1)(d), F.S.

27           (b) For elections after November 30, 2004, the  
28 Department of State in consultation with the Disability  
29 Advisory Council and the supervisors of elections, will adopt  
30 rules establishing requirements and timeframes for  
31 installation of additional accessible voter interface devices

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1 throughout the state.

2 (4) It is the intent of the Legislature that this  
3 state be eligible for any funds that are available from the  
4 Federal Government to assist states in providing or improving  
5 accessibility of voting systems and polling places for persons  
6 having a disability. Accordingly, all state laws, rules,  
7 standards, and codes governing voting systems and polling  
8 place accessibility must be maintained to assure the state's  
9 eligibility to receive federal funds. It is the intent of the  
10 Legislature that all state requirements meet or exceed the  
11 minimum federal requirements for voting systems and polling  
12 place accessibility.

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

15 101.662 Accessibility of absentee ballots.--It is the  
16 intent of the Legislature that voting by absentee ballot be by  
17 methods that are fully accessible to all voters, including  
18 voters having a disability. The Department of State shall work  
19 with the Disability Advisory Council and the supervisors of  
20 elections to develop and implement procedures and  
21 technologies, as possible, which will include procedures for  
22 providing absentee ballots, upon request, in alternative  
23 formats that will allow all voters to cast a secret,  
24 independent, and verifiable absentee ballot without the  
25 assistance of another person.

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

29 101.71 Polling place.--

30 (2) Notwithstanding the provisions of subsection (1),  
31 whenever the supervisor of elections of any county determines



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1 that the accommodations for holding any election at a polling  
2 place designated for any precinct in the county are  
3 unavailable,~~or~~ are inadequate for the expeditious and  
4 efficient housing and handling of voting and voting  
5 paraphernalia, or do not comply with the requirements of s.  
6 101.715,the supervisor shall ~~may provide~~, not less than 30  
7 days prior to the holding of an election, provide for ~~that~~ the  
8 voting place for such precinct to ~~shall~~ be moved to another  
9 site that is ~~which shall be~~ accessible to the public on  
10 election day in said precinct or, if such is not available, to  
11 another site that is ~~which shall be~~ accessible to the public  
12 on election day in a contiguous precinct. If such action of  
13 the supervisor results in the voting place for two or more  
14 precincts being located for the purposes of an election in one  
15 building, the voting places for the several precincts involved  
16 shall be established and maintained separate from each other  
17 in said building. When any supervisor moves any polling place  
18 pursuant to this subsection, the supervisor shall, not more  
19 than 30 days or fewer than 7 days prior to the holding of an  
20 election, give notice of the change of the polling place for  
21 the precinct involved, with clear description of the voting  
22 place to which changed, at least once in a newspaper of  
23 general circulation in said county. A notice of the change of  
24 the polling place involved shall be mailed, at least 14 days  
25 prior to an election, to each registered elector or to each  
26 household in which there is a registered elector.

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

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

31 101.715 Accessibility of polling places for people

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1 having a disability.--

2 (1) All polling places must be accessible and usable  
3 by people with disabilities, as provided herein.

4 (2) Only those polling places complying with the  
5 Florida Accessibility Code for Building Construction, ss.  
6 553.501-553.513, Florida Statutes, for all portions of the  
7 polling place or the structure in which it is located that  
8 voters traverse going to and from the polling place and during  
9 the voting process, regardless of the age or function of the  
10 building, shall be used for federal, state, and local  
11 elections.

12 (3) The selection of a polling site must assure  
13 accessibility with respect to the following accessible  
14 elements, spaces, scope, and technical requirements:  
15 accessible route, space allowance and reach ranges, protruding  
16 objects, ground and floor surfaces, parking and passenger  
17 loading zones, curb ramps, ramps, stairs, elevators, platform  
18 lifts, doors, entrances, path of egress, controls and  
19 operating mechanisms, signage, and all other minimum  
20 requirements.

21 (4) Standards required at each polling place,  
22 regardless of the age of the building or function of the  
23 building, include:

24 (a) One or more signed accessible parking spaces for  
25 disabled persons;

26 (b) Signage identifying an accessible path of travel  
27 to the polling place if it differs from the primary route or  
28 entrance;

29 (c) An unobstructed path of travel to the polling  
30 place;

31 (d) Level, firm, stable, and slip-resistant surfaces;



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1 voters having a disability.

2 (9) The Department of State may adopt rules in  
3 accordance with s. 120.54 necessary to administer this  
4 section.

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

7 102.014 Poll worker recruitment and training.--

8 (7) The Department of State shall develop a mandatory,  
9 statewide, and uniform program for training poll workers on  
10 issues of etiquette and sensitivity with respect to voters  
11 having a disability. The program must consist of approximately  
12 1 hour of the required number of hours set forth in paragraph  
13 (4)(a). The program must be conducted locally by each  
14 supervisor of elections, who shall periodically certify to the  
15 Department of State whether each poll worker has completed the  
16 program, and must be taught, when possible, by persons having  
17 a disability. The program must include actual demonstrations  
18 of obstacles confronted by disabled persons during the voting  
19 process, including obtaining access to the polling place,  
20 traveling through the polling area, and using the voting  
21 system. The program must include training on a functional  
22 TTY/TDD device.

23 Section 18. Section 104.20, Florida Statutes, is  
24 amended to read:

25 104.20 Ballot not to be seen, and other offenses.--Any  
26 elector who, except as provided by law, allows his or her  
27 ballot to be seen by any person; takes or removes, or attempts  
28 to take or remove, any ballot from the polling place before  
29 the close of the polls; places any mark on his or her ballot  
30 by which it may be identified; ~~remains longer than the~~  
31 ~~specified time allowed by law in the booth or compartment~~

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1 ~~after having been notified that his or her time has expired;~~  
2 endeavors to induce any elector to show how he or she voted;  
3 aids or attempts to aid any elector unlawfully; or prints or  
4 procures to be printed, or has in his or her possession, any  
5 copies of any ballot prepared to be voted is guilty of a  
6 misdemeanor of the first degree, punishable as provided in s.  
7 775.082 or s. 775.083.

8 Section 19. Paragraph (y) of subsection (1) of section  
9 125.01, Florida Statutes, is amended to read:

10 125.01 Powers and duties.--

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

15 (y) Place questions or propositions on the ballot at  
16 any primary election, general election, or otherwise called  
17 special election, when agreed to by a majority vote of the  
18 total membership of the legislative and governing body, so as  
19 to obtain an expression of elector sentiment with respect to  
20 matters of substantial concern within the county. No special  
21 election may be called for the purpose of conducting a straw  
22 ballot. Any election costs, as defined in s. 97.021(10)  
23 ~~97.021(9)~~, associated with any ballot question or election  
24 called specifically at the request of a district or for the  
25 creation of a district shall be paid by the district either in  
26 whole or in part as the case may warrant.

27 Section 20. Except as otherwise expressly provided in  
28 this act and except for this section, which shall take effect  
29 upon becoming a law, this act shall take effect July 1, 2002.

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

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 An act relating to elections; 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 requiring that certain forms used under the  
12 code be made available in alternative formats;  
13 requiring the Secretary of State to make such  
14 forms available via the Internet if possible;  
15 creating s. 97.1035, F.S.; requiring certain  
16 elections staff to be trained in the use of a  
17 TTY/TDD device; requiring the supervisors of  
18 elections to certify such training to the  
19 Secretary of State; amending s.97.061, F.S.;  
20 deletes a reference to executing a "Declaration  
21 to Secure Assistance" in connection with  
22 special registration for disabled voters, to  
23 conform; amending s. 98.065, F.S.; requiring  
24 that the maintenance of voter registration  
25 records be nondiscriminatory with respect to  
26 persons having a disability; creating s.  
27 98.122, F.S.; requiring candidates, political  
28 parties, and political committees to use closed  
29 captioning and descriptive narrative in all  
30 television broadcasts; requiring the Department  
31 of State to adopt rules establishing penalties

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1 for noncompliance; amending ss. 100.361,  
2 100.371, F.S.; suggesting that a recall  
3 petition be available in alternative formats;  
4 requiring a constitutional amendment proposed  
5 by initiative, and other papers and forms be  
6 available in alternative formats; amending s.  
7 101.017, F.S.; requiring that the Bureau of  
8 Voting Systems Certification cooperate and  
9 consult with the Disability Advisory Council;  
10 creating s. 101.018, F.S.; creating the  
11 Disability Advisory Council within the  
12 Department of State; providing for membership  
13 of the council; specifying duties of the  
14 council; providing for terms of office;  
15 providing that council members are entitled to  
16 reimbursement for per diem and travel expenses;  
17 providing for meetings of the council;  
18 repealing s. 101.051(4) and (5), F.S., relating  
19 to an oath required from an elector requesting  
20 assistance in voting; amending s. 101.51, F.S.;  
21 abolishing limitations on the length of time a  
22 voter is allowed to occupy a voting booth or  
23 compartment; creating s. 101.56062, F.S.;  
24 providing standards for accessible voting  
25 systems; prohibiting the use of state or  
26 federal funds for a voting system or system  
27 components that do not meet the accessibility  
28 standards; requiring any voting system used  
29 after September 1, 2004, to have at least one  
30 voter interface device that complies with  
31 accessibility requirements in each precinct;

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1 providing legislative intent with respect to  
2 meeting or exceeding minimum federal  
3 requirements for voting systems and  
4 accessibility of polling places; creating s.  
5 101.662, F.S.; authorizing the Department of  
6 State to work with certain parties to develop  
7 procedures to allow absentee ballots to be cast  
8 in alternative formats; amending s. 101.71,  
9 F.S.; authorizing supervisors of elections to  
10 move a polling place that does not comply with  
11 requirements for accessibility; amending s.  
12 101.715, F.S.; requiring that all polling  
13 places be accessible by persons having a  
14 disability; providing for standards that are  
15 required at each polling place; requiring the  
16 supervisors of elections to survey polling  
17 places; providing that a resident has standing  
18 to sue the board of county commissioners to  
19 require that a polling place comply with  
20 accessibility requirements; amending s.  
21 102.014, F.S.; requiring the Department of  
22 State to develop a training program for poll  
23 workers concerning voters having a disability;  
24 providing requirements for the program;  
25 requiring supervisors of elections to certify  
26 completion of the program by poll workers;  
27 amending s. 104.20, F.S., relating to penalties  
28 imposed against an elector for remaining in a  
29 voting booth longer than the specified time;  
30 conforming provisions to changes made by the  
31 act; amending s. 125.01, F.S., relating to



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1 powers of the governing body of a county;  
2 conforming a cross-reference to changes made by  
3 the act; providing effective dates.  
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