

By Senator Mitchell

4-1052-02

1 A bill to be entitled
2 An act relating to elections; amending s.
3 97.021, F.S.; defining the term "alternative
4 formats" for purposes of the Florida Election
5 Code; creating s. 97.026, F.S.; requiring that
6 certain forms used under the code be made
7 available in alternative formats; requiring the
8 Secretary of State to make such forms available
9 via the Internet if possible; creating s.
10 97.1035, F.S.; requiring elections staff to be
11 trained in the use of a TTY/TDD device;
12 requiring the supervisors of elections to
13 certify such training to the Secretary of
14 State; amending s. 98.065, F.S.; requiring that
15 the maintenance of voter registration records
16 be nondiscriminatory with respect to persons
17 having a disability; creating s. 98.122, F.S.;
18 requiring candidates, political parties, and
19 political committees to use closed captioning
20 and descriptive narrative in all television
21 broadcasts; requiring the Department of State
22 to adopt rules establishing penalties for
23 noncompliance; amending ss. 100.361, 100.371,
24 F.S.; requiring that a recall petition, a
25 constitutional amendment proposed by
26 initiative, and other papers and forms be
27 available in alternative formats; amending s.
28 101.001, F.S.; requiring that entrances,
29 polling areas, and exits be accessible to
30 persons having a disability; amending s.
31 101.017, F.S.; requiring that the Bureau of

1 Voting Systems Certification cooperate and
2 consult with the Disability Advisory Council;
3 creating s. 101.018, F.S.; creating the
4 Disability Advisory Council within the
5 Department of State; providing for membership
6 of the council; specifying duties of the
7 council; providing for terms of office;
8 providing that council members are entitled to
9 reimbursement for per diem and travel expenses;
10 providing for meetings of the council; amending
11 s. 101.031, F.S.; providing that a voter has
12 the right to vote on a voting system that is
13 accessible to all voters, regardless of
14 disability; repealing s. 101.051(4) and (5),
15 F.S., relating to an oath required from an
16 elector requesting assistance in voting;
17 amending s. 101.51, F.S.; abolishing
18 limitations on the length of time a voter is
19 allowed to occupy a voting booth or
20 compartment; creating s. 101.56062, F.S.;
21 providing standards for accessible voting
22 systems; prohibiting the use of state or
23 federal funds for a voting system or system
24 components that do not meet the accessibility
25 standards; requiring that a county or
26 municipality purchase or lease equipment to
27 comply with accessibility requirements;
28 providing legislative intent with respect to
29 meeting or exceeding minimum federal
30 requirements for voting systems and
31 accessibility of polling places; creating s.

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

1 conforming a cross-reference to changes made by
2 the act; providing effective dates.

3

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

5

6 Section 1. Present subsections (3) through (36) of
7 section 97.021, Florida Statutes, as amended by section 2 of
8 chapter 2001-40, Laws of Florida, are redesignated as
9 subsections (4) through (37), respectively, and a new
10 subsection (3) is added to that section, to read:

11 97.021 Definitions.--For the purposes of this code,
12 except where the context clearly indicates otherwise, the
13 term:

14 (3) "Alternative formats" has the meaning ascribed in
15 the Americans with Disabilities Act of 1990, Pub. L. No.
16 101-336, 42 U.S.C. ss. 12101 et seq., including specifically
17 the technical-assistance manuals promulgated thereunder, as
18 amended.

19 Section 2. Section 97.026, Florida Statutes, is
20 created to read:

21 97.026 Forms to be available in alternative formats
22 and via Internet.--All forms required to be used under
23 chapters 97-106, including absentee ballots, must be made
24 available, upon request, in alternative formats. If possible,
25 such forms must be made available by the Department of State
26 via the Internet. Sections that contain such forms include,
27 but are not limited to, ss. 97.052, 97.053, 97.057, 97.058,
28 97.0583, 97.061, 97.071, 97.073, 97.1031, 98.055, 98.075,
29 99.021, 100.361, 100.371, 101.045, 101.171, 101.20, 101.6103,
30 101.62, 101.64, 101.65, 101.657, 105.031, 106.023, and
31 106.087.

1 Section 3. Section 97.1035, Florida Statutes, is
2 created to read:

3 97.1035 Certification of TTY/TDD device by supervisors
4 of elections; training of staff.--Each supervisor of elections
5 shall, at least annually, certify to the Secretary of State
6 that all branches of the supervisor's office have a
7 functioning TTY/TDD device so that persons who are
8 hearing-impaired can communicate with the supervisor's office,
9 and shall certify that all members of the supervisor's staff
10 whose duties include communicating with the public are trained
11 to use the TTY/TDD device.

12 Section 4. Subsection (1) of section 98.065, Florida
13 Statutes, is amended to read:

14 98.065 Registration list maintenance programs.--

15 (1) The supervisor must conduct a general registration
16 list maintenance program to protect the integrity of the
17 electoral process by ensuring the maintenance of accurate and
18 current voter registration records. The program must be
19 uniform, nondiscriminatory, and in compliance with the Voting
20 Rights Act of 1965. As used in this subsection, the term
21 "nondiscriminatory" applies to and includes persons with
22 disabilities.

23 Section 5. Section 98.122, Florida Statutes, is
24 created to read:

25 98.122 Use of closed captioning and descriptive
26 narrative in all television broadcasts.--Each candidate,
27 political party, and political committee must use closed
28 captioning and descriptive narrative in all television
29 broadcasts on behalf of, or sponsored by, a candidate,
30 political party, or political committee, or file a written
31 statement with the Division of Elections of the Department of

1 State setting forth the reasons for not doing so. The
2 Department of State shall adopt rules to establish and enforce
3 penalties for failing to file such a statement. The Department
4 of State may adopt rules in accordance with s. 120.54
5 necessary to administer this section.

6 Section 6. Paragraphs (a) and (d) of subsection (1) of
7 section 100.361, Florida Statutes, are amended to read:

8 100.361 Municipal recall.--

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

26 (a) A petition shall be prepared naming the person
27 sought to be recalled and containing a statement of grounds
28 for recall in not more than 200 words limited solely to the
29 grounds specified in paragraph (b). If more than one member
30 of the governing body is sought to be recalled, whether such
31 member is elected by the electors of a district or by the

1 electors of the municipality at-large, a separate recall
2 petition shall be prepared for each member sought to be
3 recalled. Upon request, a petition must be provided in
4 alternative formats.

5 1. In a municipality or district of fewer than 500
6 electors, the petition shall be signed by at least 50 electors
7 or by 10 percent of the total number of registered electors of
8 the municipality or district as of the preceding municipal
9 election, whichever is greater.

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

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

20 4. In a municipality or district of 5,000 or more but
21 fewer than 10,000 registered electors, the petition shall be
22 signed by at least 500 electors or by 10 percent of the total
23 number of registered electors of the municipality or district
24 as of the preceding municipal election, whichever is greater.

25 5. In a municipality or district of 10,000 or more but
26 fewer than 25,000 registered electors, the petition shall be
27 signed by at least 1,000 electors or by 10 percent of the
28 total number of registered electors of the municipality or
29 district as of the preceding municipal election, whichever is
30 greater.

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1 6. In a municipality or district of 25,000 or more
2 registered electors, the petition shall be signed by at least
3 1,000 electors or by 5 percent of the total number of
4 registered electors of the municipality or district as of the
5 preceding municipal election, whichever is greater.

6
7 Electors of the municipality or district making charges
8 contained in the statement of grounds for recall and those
9 signing the recall petition shall be designated as the
10 "committee." A specific person shall be designated in the
11 petition as chair of the committee to act for the committee.
12 Electors of the municipality or district are eligible to sign
13 the petition. Signatures and oaths of witnesses shall be
14 executed as provided in paragraph (c). All signatures shall
15 be obtained within a period of 30 days, and the petition shall
16 be filed within 30 days after the date the first signature is
17 obtained on the petition.

18 (d) The petition shall be filed with the auditor or
19 clerk of the municipality or charter county, or his or her
20 equivalent, hereinafter referred to as clerk, by the person
21 designated as chair of the committee, and, when the petition
22 is filed, the clerk shall submit such petition to the county
23 supervisor of elections who shall, within a period of not more
24 than 30 days after the petition is filed with the supervisor,
25 determine whether the petition contains the required valid
26 signatures. The petition cannot be amended after it is filed
27 with the clerk. The supervisor shall be paid by the persons
28 or committee seeking verification the sum of 10 cents for each
29 name checked. Upon filing with the clerk, the petition and all
30 subsequent papers or forms required or permitted to be filed

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1 with the clerk in connection with this section must, upon
2 request, be made available in alternative formats.

3 Section 7. Subsection (3) of section 100.371, Florida
4 Statutes, is amended to read:

5 100.371 Initiatives; procedure for placement on
6 ballot.--

7 (3) The sponsor of an initiative amendment shall,
8 prior to obtaining any signatures, register as a political
9 committee pursuant to s. 106.03 and submit the text of the
10 proposed amendment to the Secretary of State, with the form on
11 which the signatures will be affixed, and shall obtain the
12 approval of the Secretary of State of such form. The
13 Secretary of State shall adopt ~~promulgate~~ rules pursuant to s.
14 120.54 prescribing the style and requirements of such form.
15 Upon filing with the Secretary of State, the text of the
16 proposed amendment and all forms filed in connection with this
17 section must, upon request, be made available in alternative
18 formats.

19 Section 8. Subsection (1) of section 101.001, Florida
20 Statutes, is amended to read:

21 101.001 Precincts and polling places; boundaries.--

22 (1) The board of county commissioners in each county,
23 upon recommendation and approval of the supervisor, shall
24 alter or create precincts for voting in the county. Each
25 precinct shall be numbered and, as nearly as practicable,
26 composed of contiguous and compact areas. The supervisor shall
27 designate a polling place at a suitable location within each
28 precinct. The precinct shall not be changed thereafter except
29 with the consent of the supervisor and a majority of the
30 members of the board of county commissioners. The board of
31 county commissioners and the supervisor may have precinct

1 boundaries conform to municipal boundaries in accordance with
2 the provisions of s. 101.002, but, in any event, the
3 registration books shall be maintained in such a manner that
4 there may be determined therefrom the total number of electors
5 in each municipality. All entrances, polling areas, paths of
6 travel, and exits from each polling place, regardless of the
7 age of the building or function of the building, must be
8 accessible in accordance with the provisions of ss.
9 553.501-553.513.

10 Section 9. Section 101.017, Florida Statutes, is
11 amended to read:

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

21 Section 10. Section 101.018, Florida Statutes, is
22 created to read:

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

1 representative who has developmental disabilities, and a
2 representative who has physical disabilities.

3 (1) The council shall:

4 (a) Advise and consult with the Bureau of Voting
5 Systems Certification of the Division of Elections concerning
6 the implementation of accessibility standards for voting
7 systems and polling places, as such standards currently exist
8 or as subsequently adopted.

9 (b) Test the accessibility of new voting systems,
10 voting system components, and modules.

11 (c) Advise the Division of Elections on methods and
12 means to increase election participation by persons having a
13 disability.

14 (d) Develop an accessibility survey for use by all
15 Supervisors of Elections to determine compliance with the
16 accessibility standards for polling places.

17 (e) Recommend to the Secretary of State standards for
18 exemptions from the application of the accessibility standards
19 for polling places provided in s. 101.715.

20 (f) Recommend to the Secretary of State penalties to
21 be imposed by the Department of State for noncompliance with
22 the accessibility standards for polling places provided in s.
23 101.715.

24 (g) Study and report to the Secretary of State, on an
25 ongoing basis, concerning voting via use of the Internet.

26 (h) Study and report to the Secretary of State on
27 voting using telephones or telephone components, including
28 TTY/TDD. It is the intent of the Legislature that the
29 inclusion of this study as a function of the Disability
30 Advisory Council not prevent or delay the certification of any
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1 voting system that uses telephones or telephone components
2 that are otherwise certifiable before the study.

3 (i) Study and report to the Secretary of State on
4 whether the 5 pounds of force required to operate or activate
5 the controls on any voting system, as required in s.
6 101.56062, is low enough for persons who have limited strength
7 in their hands or fingers, including the elderly.

8 (j) Compare the accessibility standards set forth in
9 ss. 101.56062 and 101.715 with the voluntary Voting Systems
10 Standards adopted by the Federal Elections Commission, and
11 report to the Secretary of State on the results of the
12 comparison.

13 (k) Study and report to the Secretary of State, on an
14 ongoing basis, concerning the accessibility of absentee
15 ballots to voters having a disability. It is the intent of the
16 Legislature that all means of voting in this state, including
17 voting by absentee ballot, be fully accessible to voters
18 having a disability.

19 (l) Perform any additional functions deemed
20 appropriate by the Secretary of State relating to voting
21 accessibility by persons having a disability.

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

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

4 (4) The council shall meet at least four times per
5 year, at a time and place to be determined by the council, but
6 may meet more often when the council members considers it
7 necessary to do so.

8 Section 11. Subsection (2) of section 101.031, Florida
9 Statutes, is amended to read:

10 101.031 Instructions for electors.--

11 (2) The supervisor of elections in each county shall
12 have posted at each polling place in the county the Voter's
13 Bill of Rights and Responsibilities in the following form:

14
15 VOTER'S BILL OF RIGHTS
16

17 Each registered voter in this state has the right to:

- 18 1. Vote and have his or her vote accurately counted.
19 2. Cast a vote if he or she is in line when the polls
20 are closing.
21 3. Ask for and receive assistance in voting.
22 4. Receive up to two replacement ballots if he or she
23 makes a mistake prior to the ballot being cast.
24 5. An explanation if his or her registration is in
25 question.
26 6. If his or her registration is in question, cast a
27 provisional ballot.
28 7. Prove his or her identity by signing an affidavit
29 if election officials doubt the voter's identity.
30 8. Written instructions to use when voting, and, upon
31 request, oral instructions in voting from elections officers.

1 9. Vote free from coercion or intimidation by
2 elections officers or any other person.

3 10. Vote on a voting system that is in working
4 condition;and that will allow votes to be accurately cast;
5 and that is accessible to all voters, regardless of ability or
6 disability, so that all voters may cast a vote that is secret,
7 independent, and verifiable.

8
9 VOTER RESPONSIBILITIES

10
11 Each registered voter in this state has the
12 responsibility to:

- 13 1. Study and know candidates and issues.
- 14 2. Keep his or her voter address current.
- 15 3. Know his or her precinct and its hours of
16 operation.
- 17 4. Bring proper identification to the polling station.
- 18 5. Know how to operate voting equipment properly.
- 19 6. Treat precinct workers with courtesy.
- 20 7. Respect the privacy of other voters.
- 21 8. Report problems or violations of election law.
- 22 9. Ask questions when confused.
- 23 10. Check his or her completed ballot for accuracy.

24 Section 12. Subsections (4) and (5) of section
25 101.051, Florida Statutes, are repealed.

26 Section 13. Section 101.51, Florida Statutes, is
27 amended to read:

28 101.51 Electors to occupy booth alone; ~~time allowed.--~~

29 (1) When the elector presents himself or herself to
30 vote, the election official shall ascertain whether the
31 elector's name is upon the register of electors, and, if the

1 elector's name appears and no challenge interposes, or, if
2 interposed, be not sustained, one of the election officials
3 stationed at the entrance shall announce the name of the
4 elector and permit him or her to enter the booth or
5 compartment to cast his or her vote, allowing only one elector
6 at a time to pass through to vote. No elector, while casting
7 his or her ballot, may ~~shall~~ occupy a booth or compartment
8 ~~longer than 5 minutes or be allowed to occupy a booth or~~
9 ~~compartment~~ already occupied or to speak with anyone, except
10 as provided by s. 101.051, while in the polling place.

11 (2) ~~If an elector requires longer than 5 minutes, then~~
12 ~~upon a sufficient reason he or she may be granted a longer~~
13 ~~period of time by the election officials in charge. After~~
14 casting his or her vote, the elector shall at once leave the
15 polling room by the exit opening and shall not be permitted to
16 reenter on any pretext whatever. ~~After the elector has voted,~~
17 ~~or declined or failed to vote within 5 minutes, he or she~~
18 ~~shall immediately withdraw from the polling place. If the~~
19 ~~elector refuses to leave after the lapse of 5 minutes, he or~~
20 ~~she shall be removed by the election officials.~~

21 Section 14. Effective upon this act becoming a law,
22 section 101.56062, Florida Statutes, is created to read:

23 101.56062 Standards for accessible voting systems.--

24 (1) Notwithstanding anything in this chapter to the
25 contrary, each voting system selected and used for local,
26 state, or federal elections must be accessible and usable by
27 all voters, including voters having a disability. Each system
28 must comply with the following minimum standards:

29 (a) The voting system must provide a tactile-input or
30 speech-input device, or both.

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

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

8 (d) Any audio and visual access approaches must be
9 able to work both separately and simultaneously.

10 (e) If a nonaudio access approach is provided, the
11 system may not require color perception. The system must use
12 black text or graphics, or both, on white background or white
13 text or graphics, or both, on black background, unless the
14 office of the Secretary of State approves other high-contrast
15 color combinations that do not require color perception.

16 (f) Any voting system that requires any visual
17 perception must offer the election official who programs the
18 system, prior to its being sent to the polling place, the
19 capability to set the font size from a minimum of 14 points to
20 a maximum of 24 points.

21 (g) The voting system must provide audio information,
22 including any audio output using synthetic or recorded human
23 speech or any auditory feedback tones that are important for
24 the use of the audio approach, through at least one mode, by
25 handset or headset, in enhanced auditory fashion (increased
26 amplification), and must provide incremental volume control
27 with output amplification up to a level of at least 97 dB SPL,
28 with at least one intermediate step of 89 dB SPL.

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

1 (i) For the safety of others, if the voting system has
2 the possibility of exceeding 120 dB SPL, a mechanism must be
3 included to reset the volume automatically to a safe level
4 after every use or when the handset is replaced, but not
5 before. Also, universal precautions in the use and sharing of
6 headsets should be followed.

7 (j) If sound cues and audible information such as
8 "beeps" are used, there must be simultaneous corresponding
9 visual cues and information.

10 (k) Any spoken text must also be presented on screen,
11 except that any auditory confirmation of a voter's selection
12 may not be printed in text on the screen, unless requested by
13 the voter.

14 (l) All controls and operable mechanisms must be
15 operable with one hand, including operability with a closed
16 fist, and operable without tight grasping, pinching, or
17 twisting of the wrist.

18 (m) The force required to operate or activate the
19 controls must be no greater than 5 pounds of force.

20 (n) All voting booths must have voting controls at a
21 minimum height of 36 inches above the finished floor with a
22 minimum knee clearance of 27 inches high, and the booth must
23 be a minimum of 30 inches wide and a minimum of 19 inches
24 deep.

25 (o) Any audio ballot must provide the voter with the
26 following functionalities:

27 1. After the initial instructions that the system
28 requires election officials to provide to each voter, the
29 voter should be able to independently operate the voter
30 interface through the final step of casting a ballot without
31 assistance.

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

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

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

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

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

14 7. The system must communicate to the voter the fact
15 that the voter has failed to vote in a race or has failed to
16 vote the number of allowable candidates in any race and
17 require the voter to confirm his or her intent to undervote
18 before casting the ballot.

19 8. The system must prevent the voter from overvoting
20 any race.

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

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

26 11. There must be a clear, identifiable action that
27 the voter takes to "cast" the ballot. The system must make
28 clear to the voter how to take this action so that the voter
29 has minimal risk of taking the action accidentally but, when
30 the voter intends to cast the ballot, the action can be easily
31 performed.

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

4 13. Once the ballot is cast, the system must preclude
5 the voter from modifying the ballot cast or voting or casting
6 another ballot.

7 (2) State or federal funds may not be used by any
8 county or municipality to purchase voting systems or voting
9 system components that do not meet the accessibility standards
10 established by this section.

11 (3) A voting system that was certified before the
12 effective date of this section is not decertified. However, if
13 a county or municipality has purchased or leased a voting
14 system that does not meet the accessibility requirements of
15 this section, the county or municipality must purchase or
16 lease additional voting systems or voting-system components to
17 comply with the accessibility requirements of this section.

18 (4) It is the intent of the Legislature that this
19 state be eligible for any funds that are available from the
20 Federal Government to assist states in providing or improving
21 accessibility of voting systems and polling places for persons
22 having a disability. Accordingly, all state laws, rules,
23 standards, and codes governing voting systems and
24 polling-place accessibility must be maintained to assure the
25 state's eligibility to receive federal funds. It is the intent
26 of the Legislature that all state requirements meet or exceed
27 the minimum federal requirements for voting systems and
28 polling-place accessibility.

29 Section 15. Section 101.662, Florida Statutes, is
30 created to read:
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1 101.662 Accessibility of absentee ballots.--It is the
2 intent of the Legislature that voting by absentee ballot be by
3 methods that are fully accessible to all voters, including
4 voters having a disability. The Department of State shall
5 adopt voting systems and procedures, including procedures for
6 providing absentee ballots, upon request, in alternative
7 formats that will allow all voters to cast a secret,
8 independent, and verifiable absentee ballot without the
9 assistance of another person. Voting by absentee ballot may
10 not be restricted solely to voting an absentee ballot in
11 person, as provided in s. 101.657, to comply with this
12 section.

13 Section 16. Subsection (2) of section 101.71, Florida
14 Statutes, as amended by section 25 of chapter 2001-40, Laws of
15 Florida, is amended to read:

16 101.71 Polling place.--

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

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

14 Section 17. Section 101.715, Florida Statutes, is
15 amended to read:

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

18 101.715 Accessibility of polling places for people
19 having a disability.--

20 (1) All polling places must be accessible and usable
21 by persons having a disability.

22 (2) Each polling place must have at least one voting
23 system that meets all of the accessibility standards set forth
24 in s. 101.56062.

25 (3) Only a polling place that complies with the
26 Florida Americans With Disabilities Accessibility
27 Implementation Act, ss. 553.501-553.513, may be used for
28 federal, state, or local elections.

29 (4) The selection of a polling site must assure
30 accessibility with respect to the following accessible
31 elements, spaces, scope, and technical requirements:

1 accessible route, space allowance and reach ranges, protruding
2 objects, ground and floor surfaces, parking and passenger
3 loading zones, curb ramps, ramps, stairs, elevators, platform
4 lifts, doors, entrances, path of egress, controls and
5 operating mechanisms, signage, and all other minimum
6 requirements.

7 (5) Standards required at each polling place,
8 regardless of the age of the building or function of the
9 building, include:

10 (a) One or more signed accessible parking spaces for
11 disabled persons;

12 (b) Signage identifying an accessible path of travel
13 to the polling place if it differs from the primary route or
14 entrance;

15 (c) An unobstructed path of travel to the polling
16 place;

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

18 (e) An unobstructed area for voting; and

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

21 (6) Upon request, all ballots, instructions, and
22 printed materials at each polling place must also be available
23 in alternative formats.

24 (7) All methods used to cast a vote must allow a
25 person having a disability to cast a vote, whether assisted or
26 unassisted, at the voter's sole discretion, in a secret,
27 independent, and verifiable manner, during the same times and
28 under the same conditions available to other voters.

29 (8) Before the general election in 2002, each existing
30 polling place, and each newly designated polling place prior
31 to its use, should be surveyed by the supervisor of elections

1 for the purpose of determining accessibility and using a
2 survey developed by rule of the Department of State, after
3 first considering recommendations regarding the survey from
4 the Disability Advisory Council of the Department of State.

5 (9) At any time at least 60 days after a board of
6 county commissioners has received the survey performed under
7 subsection (8), a resident of the county has standing to sue
8 that board of county commissioners in circuit court to require
9 that a polling place be discontinued or, failing the selection
10 of an accessible substitute or the submission of an
11 application for a building permit to redress the deficiencies
12 identified in the survey, within 30 days after the filing to
13 require that county funds be used to correct all deficiencies
14 to make the polling place completely accessible within a
15 reasonable time set by the court. However, this subsection
16 does not authorize a board of county commissioners to
17 unreasonably delay making polling places accessible for all
18 voters having a disability.

19 (10) The Department of State shall adopt rules to
20 establish penalties to be imposed on counties that fail or
21 refuse to either correct accessibility deficiencies or
22 designate an alternative polling place within 60 days after
23 the board of county commissioners receives the survey
24 performed under subsection (8), which shall be in addition to
25 those penalties set forth in subsection (9). Such rules must
26 be adopted after first considering recommendations on such
27 penalties and exemptions by the Disability Advisory Council of
28 the Department of State. An exemption from the accessibility
29 standards set forth in this section may be effective only
30 during a recognized state of emergency which, for whatever
31 reason, renders fully accessible polling places temporarily

1 unavailable. Any exemption should be of an extremely limited
2 nature, be of very short duration, and does not in any way
3 excuse or reduce the requirement that all polling places be
4 fully accessible to all voters. The Secretary of State must
5 impose all penalties and approve or deny all applications for
6 exemptions from the accessibility standards set forth in this
7 section.

8 (11) The Department of State may adopt rules in
9 accordance with s. 120.54 necessary to administer this
10 section.

11 Section 18. Subsection (7) is added to section
12 102.014, Florida Statutes, to read:

13 102.014 Poll worker recruitment and training.--

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

29 Section 19. Section 104.20, Florida Statutes, is
30 amended to read:

31

1 104.20 Ballot not to be seen, and other offenses.--Any
2 elector who, except as provided by law, allows his or her
3 ballot to be seen by any person; takes or removes, or attempts
4 to take or remove, any ballot from the polling place before
5 the close of the polls; places any mark on his or her ballot
6 by which it may be identified; ~~remains longer than the~~
7 ~~specified time allowed by law in the booth or compartment~~
8 ~~after having been notified that his or her time has expired;~~
9 endeavors to induce any elector to show how he or she voted;
10 aids or attempts to aid any elector unlawfully; or prints or
11 procures to be printed, or has in his or her possession, any
12 copies of any ballot prepared to be voted is guilty of a
13 misdemeanor of the first degree, punishable as provided in s.
14 775.082 or s. 775.083.

15 Section 20. Paragraph (y) of subsection (1) of section
16 125.01, Florida Statutes, is amended to read:

17 125.01 Powers and duties.--

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

22 (y) Place questions or propositions on the ballot at
23 any primary election, general election, or otherwise called
24 special election, when agreed to by a majority vote of the
25 total membership of the legislative and governing body, so as
26 to obtain an expression of elector sentiment with respect to
27 matters of substantial concern within the county. No special
28 election may be called for the purpose of conducting a straw
29 ballot. Any election costs, as defined in s. 97.021(10)
30 ~~97.021(9)~~, associated with any ballot question or election
31 called specifically at the request of a district or for the

1 creation of a district shall be paid by the district either in
2 whole or in part as the case may warrant.

3 Section 21. Except as otherwise expressly provided in
4 this act and except for this section, which shall take effect
5 upon becoming a law, this act shall take effect July 1, 2002.

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8 SENATE SUMMARY

9 Revises various provisions of the Florida Election Code
10 to require that all polling places be accessible to
11 persons having a disability. Requires that certain forms
12 used under the code be made available in alternative
13 formats and on the Internet. Requires that elections
14 staff be trained in the use of a TTY/TDD device. Requires
15 the use of closed captioning and descriptive narrative in
16 all television broadcasts by candidates, political
17 parties, and political committees. Creates the Disability
18 Advisory Council within the Department of State. Repeals
19 provisions that limit the length of time a voter may
20 occupy a voting booth. Specifies standards for accessible
21 voting systems. Prohibits the use of state or federal
22 funds for a voting system or system components that do
23 not meet the accessibility standards. Requires the
24 supervisors of elections to survey polling places.
25 Authorizes legal action against a board of county
26 commissioners that fails to comply with accessibility
27 requirements. Requires that the Department of State adopt
28 by rule penalties against counties that fail to correct
29 deficiencies in accessibility. (See bill for details.)
30
31