

By the Committee on Governmental Oversight and Productivity;
and Senator Mitchell

302-2301-02

1 A bill to be entitled
2 An act relating to elections; amending s.
3 97.021, F.S.; defining the terms "alternative
4 formats," "tactile input device," and "voter
5 interface device" for purposes of the Florida
6 Election Code; creating s. 97.026, F.S.;
7 requiring that certain forms used under the
8 code be made available in alternative formats;
9 requiring the Secretary of State to make such
10 forms available via the Internet if possible;
11 amending s. 98.065, F.S.; requiring that the
12 maintenance of voter registration records be
13 nondiscriminatory with respect to persons
14 having a disability; creating s. 98.122, F.S.;
15 requiring candidates, political parties, and
16 political committees to use closed captioning
17 and descriptive narrative in all television
18 broadcasts; providing that failing to file a
19 statement of reasons for failing to do so is a
20 violation of the code; authorizing the
21 Department of State to adopt rules; amending
22 ss. 100.361, 100.371, F.S.; suggesting that a
23 recall petition be available in alternative
24 formats; requiring a constitutional amendment
25 proposed by initiative and other papers and
26 forms be available in alternative formats;
27 amending s. 101.017, F.S.; requiring that the
28 Bureau of Voting Systems Certification
29 cooperate and consult with the Disability
30 Advisory Council; creating s. 101.018, F.S.;
31 creating the Disability Advisory Council within

1 the Department of State; providing for
2 membership of the council; specifying duties of
3 the council; providing for terms of office;
4 providing that council members are entitled to
5 reimbursement for per diem and travel expenses;
6 providing for meetings of the council; amending
7 s. 101.051, F.S.; eliminating a requirement
8 that an elector give a reason under oath for
9 requesting assistance in voting; amending s.
10 101.51, F.S.; abolishing limitations on the
11 length of time a voter is allowed to occupy a
12 voting booth or compartment; creating s.
13 101.56062, F.S.; providing standards for
14 accessible voting systems; prohibiting the use
15 of state or federal funds for a voting system
16 or system components that do not meet the
17 accessibility standards; requiring any voting
18 system used after a specified date to have at
19 least one voter interface device that complies
20 with accessibility requirements in each
21 precinct; providing legislative intent with
22 respect to meeting or exceeding minimum federal
23 requirements for voting systems and
24 accessibility of polling places; creating s.
25 101.662, F.S.; authorizing the Department of
26 State to work with certain parties to develop
27 procedures to allow absentee ballots to be cast
28 in alternative formats; amending s. 101.71,
29 F.S.; authorizing supervisors of elections to
30 move a polling place that does not comply with
31 requirements for accessibility; amending s.

1 101.715, F.S.; requiring that all polling
2 places be accessible by persons having a
3 disability; providing for standards that are
4 required at each polling place; requiring the
5 supervisors of elections to survey polling
6 places by a specified date; providing for a
7 report of survey results to the Governor and
8 Legislature; allowing for variance for two
9 election cycles; authorizing the Department of
10 State to adopt rules; amending s. 102.014,
11 F.S.; requiring the Department of State to
12 develop a training program for poll workers
13 concerning voters having a disability;
14 providing requirements for the program;
15 requiring supervisors of elections to certify
16 completion of the program by poll workers;
17 amending s. 104.20, F.S., relating to penalties
18 imposed against an elector for remaining in a
19 voting booth longer than the specified time;
20 conforming provisions to changes made by the
21 act; amending s. 125.01, F.S., relating to
22 powers of the governing body of a county;
23 conforming a cross-reference to changes made by
24 the act; authorizing the Comptroller and the
25 State Board of Administration to develop a
26 consolidated financing mechanism for the
27 purchase or lease-purchase of voting equipment
28 for individuals having a disability; providing
29 effective dates.

30
31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Subsections (2) through (31) of section
2 97.021, Florida Statutes, as amended by section 2 of chapter
3 2001-40, Laws of Florida, are renumbered as subsections (3)
4 through (32), respectively, subsections (32) and (33) of that
5 section are renumbered as subsections (34) and (35),
6 respectively, subsections (34) through (36) of that section
7 are renumbered as subsections (37) through (38), respectively,
8 and new subsections (2), (33), and (36) are added to that
9 section to read:

10 97.021 Definitions.--For the purposes of this code,
11 except where the context clearly indicates otherwise, the
12 term:

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

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

22 (36) "Voter interface device" means any device that
23 communicates voting instructions and ballot information to a
24 voter and allows the voter to select and vote for candidates
25 and issues.

26 Section 2. Section 97.026, Florida Statutes, is
27 created to read:

28 97.026 Forms to be available in alternative formats
29 and via the Internet.--All forms required to be used in
30 chapters 97-106 shall be made available upon request, in
31 alternative formats. Such forms shall include absentee ballots

1 as alternative formats for absentee ballots become available
2 and the Division of Elections is able to certify systems that
3 provide them. Whenever possible, such forms, with the
4 exception of absentee ballots, shall be made available by the
5 Department of State via the Internet. Sections that contain
6 such forms include, but are not limited to, ss. 97.051,
7 97.052, 97.053, 97.057, 97.058, 97.0583, 97.071, 97.073,
8 97.1031, 98.055, 98.075, 99.021, 100.361, 100.371, 101.045,
9 101.171, 101.20, 101.6103, 101.62, 101.64, 101.65, 101.657,
10 105.031, 106.023, and 106.087.

11 Section 3. Subsection (1) of section 98.065, Florida
12 Statutes, is amended to read:

13 98.065 Registration list maintenance programs.--

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

22 Section 4. Section 98.122, Florida Statutes, is
23 created to read:

24 98.122 Use of closed captioning and descriptive
25 narrative in all television broadcasts.--Each candidate,
26 political party, and political committee must use closed
27 captioning and descriptive narrative in all television
28 broadcasts regulated by the Federal Communications Commission
29 which are on behalf of, or sponsored by, a candidate,
30 political party, or political committee or file a written
31 statement with the qualifying officer setting forth the

1 reasons for not doing so. Failure to file this statement with
2 the appropriate qualifying officer constitutes a violation of
3 the Florida Election Code and is under the jurisdiction of the
4 Florida Elections Commission. The Department of State may
5 adopt rules in accordance with s. 120.54 which are necessary
6 to administer this section.

7 Section 5. Paragraphs (a) and (d) of subsection (1) of
8 section 100.361, Florida Statutes, are amended to read:

9 100.361 Municipal recall.--

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

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

1 member is elected by the electors of a district or by the
2 electors of the municipality at-large, a separate recall
3 petition shall be prepared for each member sought to be
4 recalled. Upon request, the content of a petition should, but
5 is not required to, be provided by the proponent in
6 alternative formats.

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

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

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

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

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

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

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

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

1 subsequent papers or forms required or permitted to be filed
2 with the clerk in connection with this section must, upon
3 request, be made available in alternative formats.

4 Section 6. Subsection (3) of section 100.371, Florida
5 Statutes, is amended to read:

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

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

20 Section 7. Section 101.017, Florida Statutes, is
21 amended to read:

22 101.017 Bureau of Voting Systems Certification.--There
23 is created a Bureau of Voting Systems Certification within the
24 Division of Elections of the Department of State which shall
25 provide technical support to the supervisors of elections and
26 which is responsible for voting system standards and
27 certification. The bureau shall cooperate and consult with the
28 Disability Advisory Council as provided in s. 101.018.The
29 positions necessary for the bureau to accomplish its duties
30 shall be established through the budgetary process.

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1 Section 8. Section 101.018, Florida Statutes, is
2 created to read:

3 101.018 Disability Advisory Council.--There is created
4 the Disability Advisory Council within the Department of
5 State. The Secretary of State shall appoint the members of the
6 Disability Advisory Council, which shall consist of nine
7 persons, all of whom must be knowledgeable in the area of
8 voting accessibility for persons having a disability, and a
9 majority of whom must be persons having a disability. The
10 membership must include a representative who is
11 hearing-impaired, a representative who is blind, a
12 representative who has developmental disabilities, and a
13 representative who has physical disabilities.

14 (1) The council shall:

15 (a) Advise and consult with the Bureau of Voting
16 Systems Certification of the Division of Elections concerning
17 the implementation of accessibility standards for voting
18 systems and polling places, as such standards currently exist
19 or as subsequently adopted.

20 (b) Advise and consult with the Division of Elections
21 on the development of test procedures to verify compliance
22 with standards for the accessibility of new voting systems,
23 voting system components, and modules.

24 (c) Advise the Division of Elections on methods and
25 means to increase election participation by persons having a
26 disability.

27 (d) Develop an accessibility survey for use by all
28 supervisors of elections to determine compliance with the
29 accessibility standards for polling places.

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1 (e) Recommend to the Secretary of State standards for
2 exemptions from the application of the accessibility standards
3 for polling places provided in s. 101.715.

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

6 (g) Study and report to the Secretary of State on
7 voting using telephones or telephone components, including
8 TTY/TDD. It is the intent of the Legislature that the
9 inclusion of this study as a function of the Disability
10 Advisory Council not prevent or delay the certification of any
11 voting system that uses telephones or telephone components
12 that are otherwise certifiable before the study.

13 (h) Study and report to the Secretary of State on
14 whether the 5 pounds of force required to operate or activate
15 the controls on any voting system, as required in s.
16 101.56062, is low enough for persons who have limited strength
17 in their hands or fingers, including the elderly.

18 (i) Compare the accessibility standards set forth in
19 ss. 101.56062 and 101.715 with the voluntary Voting Systems
20 Standards adopted by the Federal Elections Commission, and
21 report to the Secretary of State on the results of the
22 comparison.

23 (j) Study and report to the Secretary of State, on an
24 ongoing basis, concerning the accessibility of absentee
25 ballots to voters having a disability. It is the intent of the
26 Legislature that all means of voting in this state, including
27 voting by absentee ballot, be fully accessible to voters who
28 have a disability.

29 (k) Report annually to the Legislature suggestions for
30 how voting systems and procedures may be improved to increase
31 access for persons who have a disability.

1 (1) Coordinate with the Division of Elections to
2 provide educational materials to the supervisors of elections
3 regarding the telecommunications relay system provided in s.
4 427.704.

5 (m) Perform any additional functions deemed
6 appropriate by the Secretary of State relating to voting
7 accessibility by persons having a disability.

8 (2) The terms for the first three council members
9 appointed after July 1, 2002, shall be for 4 years, the terms
10 for the next three council members appointed shall be for 3
11 years, and the terms for the next three members shall be for 2
12 years. Thereafter, all council member appointments shall be
13 for terms of 4 years. A council member may not serve more than
14 two 4-year terms. Any member of the council may be replaced by
15 the secretary after three unexcused absences.

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

19 (4) The council shall meet at least four times per
20 year until September 1, 2004, and thereafter at least two
21 times per year, at a time and place to be determined by the
22 council, but may meet more often, as the council members or
23 Division of Elections find necessary.

24 Section 9. Subsection (4) of section 101.051, Florida
25 Statutes, is amended to read:

26 101.051 Electors seeking assistance in casting
27 ballots; oath to be executed; forms to be furnished.--

28 (4) If an elector needs assistance in voting pursuant
29 to the provisions of this section, the clerk or one of the
30 inspectors shall require the elector requesting assistance in
31 voting to take the following oath:

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DECLARATION TO SECURE ASSISTANCE

State of Florida
County of
Date
Precinct

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

.....
.....

...(Signature of voter)...

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

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

Section 10. Section 101.51, Florida Statutes, is amended to read:

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

(1) When the elector presents himself or herself to vote, the election official shall ascertain whether the elector's name is upon the register of electors, and, if the elector's name appears and no challenge interposes, or, if interposed, be not sustained, one of the election officials stationed at the entrance shall announce the name of the elector and permit him or her to enter the booth or compartment to cast his or her vote, allowing only one elector at a time to pass through to vote. An ~~No~~ elector, while casting his or her ballot, may not ~~shall~~ occupy a booth or

1 ~~compartment longer than 5 minutes or be allowed to occupy a~~
2 ~~booth or compartment already occupied or to speak with anyone,~~
3 ~~except as provided by s. 101.051, while in the polling place.~~

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

14 Section 11. Effective upon this act becoming a law,
15 section 101.56062, Florida Statutes, is created to read:

16 101.56062 Standards for accessible voting systems.--

17 (1) Notwithstanding anything in this chapter to the
18 contrary, after November 30, 2002, each voting system
19 certified by the Department of State for use in local, state,
20 and federal elections must include accessible voter interface
21 devices in the system configuration which will allow the
22 system to meet the following minimum standards:

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

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

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

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

3 (e) If a nonaudio access approach is provided, the
4 system may not require color perception. The system must use
5 black text or graphics, or both, on white background or white
6 text or graphics, or both, on black background, unless the
7 office of the Secretary of State approves other high-contrast
8 color combinations that do not require color perception.

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

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

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

24 (i) For the safety of others, if the voting system has
25 the possibility of exceeding 120 dB SPL, then a mechanism must
26 be included to reset the volume automatically to the voting
27 system's default volume level after every use, for example
28 when the handset is replaced, but not before. Also, universal
29 precautions in the use and sharing of headsets should be
30 followed.

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1 (j) If sound cues and audible information such as
2 "beeps" are used, there must be simultaneous corresponding
3 visual cues and information.

4 (k) Controls and operable mechanisms must be operable
5 with one hand, including operability with a closed fist, and
6 operable without tight grasping, pinching, or twisting of the
7 wrist.

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

10 (m) Voting booths must have voting controls at a
11 minimum height of 36 inches above the finished floor with a
12 minimum knee clearance of 27 inches high, 30 inches wide, and
13 19 inches deep, or the accessible voter interface devices must
14 be designed so as to allow their use on top of a table to meet
15 these requirements. Tabletop installations must include
16 adequate privacy.

17 (n) Any audio ballot must provide the voter with the
18 following functionalities:

19 1. After the initial instructions that the system
20 requires election officials to provide to each voter, the
21 voter should be able to independently operate the voter
22 interface through the final step of casting a ballot without
23 assistance.

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

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

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

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

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

6 7. The system must communicate to the voter the fact
7 that the voter has failed to vote in a race or has failed to
8 vote the number of allowable candidates in any race and
9 require the voter to confirm his or her intent to undervote
10 before casting the ballot.

11 8. The system must prevent the voter from overvoting
12 any race.

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

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

18 11. There must be a clear, identifiable action that
19 the voter takes to "cast" the ballot. The system must make
20 clear to the voter how to take this action so that the voter
21 has minimal risk of taking the action accidentally but, when
22 the voter intends to cast the ballot, the action can be easily
23 performed.

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

27 13. Once the ballot is cast, the system must preclude
28 the voter from modifying the ballot cast or voting or casting
29 another ballot.

30 (2) For contracts entered into after November 30,
31 2002, state or federal funds may not be used by any county or

1 municipality to purchase voting systems or voting system
2 components that do not meet the accessibility standards
3 established by this section for use beginning in the 2004
4 election cycle.

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

7 (a) Any voting system used in any local, state, or
8 federal election after September 1, 2004, must have at least
9 one voter interface device installed in each precinct which
10 meets the requirements of this section, except for paragraph
11 (1)(d).

12 (b) For elections after November 30, 2004, the
13 Department of State in consultation with the Disability
14 Advisory Council and the supervisors of elections, shall adopt
15 rules establishing requirements and timeframes for the
16 installation of additional accessible voter interface devices
17 throughout the state.

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 polling
24 place accessibility must be maintained to assure the state's
25 eligibility to receive federal funds. It is the intent of the
26 Legislature that all state requirements meet or exceed the
27 minimum federal requirements for voting systems and polling
28 place accessibility.

29 Section 12. 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 work
5 with the Disability Advisory Council and the supervisors of
6 elections to develop and implement procedures and
7 technologies, as possible, which will include procedures for
8 providing absentee ballots, upon request, in alternative
9 formats that will allow all voters to cast a secret,
10 independent, and verifiable absentee ballot without the
11 assistance of another person.

12 Section 13. Effective July 1, 2004, subsection (2) of
13 section 101.71, Florida Statutes, as amended by section 25 of
14 chapter 2001-40, Laws of Florida, is amended to read:

15 101.71 Polling place.--

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

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

13 Section 14. Effective July 1, 2004, section 101.715,
14 Florida Statutes, is amended to read:

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

17 101.715 Accessibility of polling places for people
18 having a disability.--

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

21 (2) Only those polling places complying with the
22 Florida Accessibility Code for Building Construction, ss.
23 553.501-553.513, Florida Statutes, for all portions of the
24 polling place or the structure in which it is located that
25 voters traverse going to and from the polling place and during
26 the voting process, regardless of the age or function of the
27 building, shall be used for federal, state, and local
28 elections.

29 (3) 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 (4) Standards required at each polling place,
8 regardless of the age of the building or function of the
9 building, include:

10 (a) For polling places that provide parking spaces for
11 voters, one or more signed accessible parking spaces for
12 disabled persons;

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

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

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

19 (e) An unobstructed area for voting; and

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

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

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

30 (7) By September 1, 2003, each polling place should be
31 surveyed by the supervisor of elections for the purpose of

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

5 (8) The results of this survey shall be presented by
6 the Division of Elections by December 1, 2003, to the
7 Legislature and the Governor. The report must note any polling
8 places that are not accessible and state the specific reasons
9 why those polling places may not be brought into compliance.
10 For those polling places that may not be brought into
11 compliance, the supervisor of elections must certify that fact
12 to the Division of Elections and shall be granted a variance
13 for that polling place for one election cycle.

14 (9) The Department of State may adopt rules in
15 accordance with s. 120.54 which are necessary to administer
16 this section.

17 Section 15. 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 Centers for
30 Independent Living, Family Network on Disabilities, Deaf
31 Service Bureaus, or other such organizations 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 16. 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 17. 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 18. Pursuant to section 287.064, Florida
12 Statutes, the Comptroller and the State Board of
13 Administration, in coordination with the Department of State,
14 may develop a consolidated financing mechanism for the
15 purchase or lease-purchase of voting equipment for individuals
16 having a disability, as provided in this act. Financing may be
17 issued under one or more financing agreements at such
18 intervals and in such amounts to fund any approved purchase or
19 lease-purchase made under this act. The Department of State
20 may apply for federal funds to be used as reimbursement for
21 the cost of eligible purchases made under this act and may
22 apply such reimbursement, or its pro rata share, to satisfy
23 the obligations in whole or in part.

24 Section 19. Except as otherwise expressly provided in
25 this act, this act shall take effect July 1, 2002.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1504

Provides that forms, with the exception of absentee ballots, must be available whenever possible on the Internet.

Mandates that after November 30, 2002, the Division of Elections may not certify a voting system for use unless it meets certain disability requirements.

Provides that by 2004, each voting precinct must have at least one voting machine that would enable all voters, regardless of disability, to cast a secret, independent, and verifiable ballot.

Provides that no later than July 1, 2004, the portions of all polling places traversed by voters must be fully accessible to persons with disabilities, regardless of the function of the building in which they are housed.