

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 Department 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, for which there are  
21          penalties; authorizing the Department of State  
22          to adopt rules; amending ss. 100.361, 100.371,  
23          F.S.; suggesting that a recall petition be  
24          available in alternative formats; requiring a  
25          constitutional amendment proposed by initiative  
26          and other papers and forms be available in  
27          alternative formats; amending s. 101.051, F.S.;  
28          eliminating a requirement that an elector give  
29          a reason under oath for requesting assistance  
30          in voting; amending s. 101.51, F.S.; abolishing  
31          limitations on the length of time a voter is

1 allowed to occupy a voting booth or  
 2 compartment; creating s. 101.56062, F.S.;  
 3 providing standards for accessible voting  
 4 systems; prohibiting the use of state or  
 5 federal funds for a voting system or system  
 6 components that do not meet the accessibility  
 7 standards; requiring any voting system used  
 8 after a specified date to have at least one  
 9 accessible voter interface device installed in  
 10 each precinct; authorizing the Department of  
 11 State to adopt rules; providing legislative  
 12 intent with respect to meeting or exceeding  
 13 minimum federal requirements for voting systems  
 14 and accessibility of polling places; creating  
 15 s. 101.662, F.S.; authorizing the Department of  
 16 State to work with certain parties to develop  
 17 procedures to allow absentee ballots to be cast  
 18 in alternative formats; amending s. 101.71,  
 19 F.S.; authorizing supervisors of elections to  
 20 move a polling place that does not comply with  
 21 requirements for accessibility; amending s.  
 22 101.715, F.S.; requiring that all polling  
 23 places be accessible by persons having a  
 24 disability; providing for standards that are  
 25 required at each polling place; authorizing the  
 26 Department of State to adopt rules; requiring  
 27 the supervisors of elections to survey polling  
 28 places for accessibility by a specified date;  
 29 providing for a report of survey results to the  
 30 Governor and Legislature; allowing for variance  
 31 until a certain time; amending s. 102.014,

1 F.S.; requiring the Department of State to  
 2 develop a training program for poll workers  
 3 concerning voters having a disability;  
 4 providing requirements for the program;  
 5 requiring supervisors of elections to certify  
 6 completion of the program by poll workers;  
 7 amending s. 104.20, F.S., relating to penalties  
 8 imposed against an elector for remaining in a  
 9 voting booth longer than the specified time;  
 10 conforming provisions to changes made by the  
 11 act; amending s. 125.01, F.S., relating to  
 12 powers of the governing body of a county;  
 13 conforming a cross-reference to changes made by  
 14 the act; authorizing the Department of State to  
 15 apply for federal funds to be used as  
 16 reimbursement to counties for the cost of  
 17 eligible purchases made pursuant to this act;  
 18 providing effective dates.

19  
 20 Be It Enacted by the Legislature of the State of Florida:

21  
 22 Section 1. Subsections (2) through (31) of section  
 23 97.021, Florida Statutes, as amended by section 2 of chapter  
 24 2001-40, Laws of Florida, are renumbered as subsections (3)  
 25 through (32), respectively, present subsections (32) and (33)  
 26 of that section are renumbered as subsections (34) and (35),  
 27 respectively, present subsections (34) through (36) of that  
 28 section are renumbered as subsections (37) through (38),  
 29 respectively, and new subsections (2), (33), and (36) are  
 30 added to that section to read:

31

1           97.021 Definitions.--For the purposes of this code,  
2 except where the context clearly indicates otherwise, the  
3 term:

4           (2) "Alternative formats" has the meaning ascribed in  
5 the Americans with Disabilities Act of 1990, Pub. L. No.  
6 101-336, 42 U.S.C. ss. 12101 et seq., including specifically  
7 the technical assistance manuals promulgated thereunder, as  
8 amended.

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

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

17           Section 2. Section 97.026, Florida Statutes, is  
18 created to read:

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

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1 101.171, 101.20, 101.6103, 101.62, 101.64, 101.65, 101.657,  
2 105.031, 106.023, and 106.087.

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

5 98.065 Registration list maintenance programs.--

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

14 Section 4. Section 98.122, Florida Statutes, is  
15 created to read:

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

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

1           100.361 Municipal recall.--

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

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

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

1 or by 10 percent of the total number of registered electors of  
2 the municipality or district as of the preceding municipal  
3 election, whichever is greater.

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

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

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

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

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

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

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

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

29 100.371 Initiatives; procedure for placement on  
30 ballot.--

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

13           Section 7. Subsection (4) of section 101.051, Florida  
14 Statutes, is amended to read:

15           101.051 Electors seeking assistance in casting  
16 ballots; oath to be executed; forms to be furnished.--

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

21  
22                                   DECLARATION TO SECURE ASSISTANCE

23  
24 State of Florida  
25 County of ....  
26 Date ....  
27 Precinct ....

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

1 .....  
2 .....  
3 .....(Signature of voter)...

4  
5 Sworn and subscribed to before me this .... day of ....,  
6 ...(year)....

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

8 Section 8. Section 101.51, Florida Statutes, is  
9 amended to read:

10 101.51 Electors to occupy booth alone; ~~time allowed.~~--

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

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

1 ~~elector refuses to leave after the lapse of 5 minutes, he or~~  
2 ~~she shall be removed by the election officials.~~

3 Section 9. Effective upon this act becoming a law,  
4 section 101.56062, Florida Statutes, is created to read:

5 101.56062 Standards for accessible voting systems.--

6 (1) Notwithstanding anything in this chapter to the  
7 contrary, after November 30, 2002, each voting system  
8 certified by the Department of State for use in local, state,  
9 and federal elections must include the capability to install  
10 accessible voter interface devices in the system configuration  
11 which will allow the system to meet the following minimum  
12 standards:

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

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

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

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

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

30 (f) Any voting system that requires any visual  
31 perception must offer the election official who programs the

1 system, prior to its being sent to the polling place, the  
2 capability to set the font size, as it appears to the voter,  
3 from a minimum of 14 points to a maximum of 24 points.

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

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

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

21 (j) If sound cues and audible information such as  
22 "beeps" are used, there must be simultaneous corresponding  
23 visual cues and information.

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

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

30 (m) Voting booths must have voting controls at a  
31 minimum height of 36 inches above the finished floor with a

1 minimum knee clearance of 27 inches high, 30 inches wide, and  
2 19 inches deep, or the accessible voter interface devices must  
3 be designed so as to allow their use on top of a table to meet  
4 these requirements. Tabletop installations must include  
5 adequate privacy.

6 (n) Any audio ballot must provide the voter with the  
7 following functionalities:

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

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

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

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

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

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

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

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1           8. The system must prevent the voter from overvoting  
2 any race.

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

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

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

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

17           13. Once the ballot is cast, the system must preclude  
18 the voter from modifying the ballot cast or voting or casting  
19 another ballot.

20           (2) For contracts entered into after November 30,  
21 2002, state or federal funds may not be used by any county or  
22 municipality to purchase voting systems or voting system  
23 components that do not meet the accessibility standards  
24 established by this section for use beginning in the 2004  
25 election cycle.

26           (3) A voting system that was certified before the  
27 effective date of this section is not decertified. However,  
28 any voting system used in any local, state, or federal  
29 election after September 1, 2004, must have at least one  
30 accessible voter interface device installed in each precinct  
31

1 which meets the requirements of this section, except for  
2 paragraph (1)(d).

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

6 Section 10. It is the intent of the Legislature that  
7 this state be eligible for any funds that are available from  
8 the Federal Government to assist states in providing or  
9 improving accessibility of voting systems and polling places  
10 for persons having a disability. Accordingly, all state laws,  
11 rules, standards, and codes governing voting systems and  
12 polling place accessibility must be maintained to ensure the  
13 state's eligibility to receive federal funds. It is the intent  
14 of the Legislature that all state requirements meet or exceed  
15 the minimum federal requirements for voting systems and  
16 polling place accessibility. This section shall take effect  
17 upon this act becoming a law.

18 Section 11. Section 101.662, Florida Statutes, is  
19 created to read:

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

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

4           101.71 Polling place.--

5           (2) Notwithstanding the provisions of subsection (1),  
6 whenever the supervisor of elections of any county determines  
7 that the accommodations for holding any election at a polling  
8 place designated for any precinct in the county are  
9 unavailable,~~or~~ are inadequate for the expeditious and  
10 efficient housing and handling of voting and voting  
11 paraphernalia, or do not comply with the requirements of s.  
12 101.715, the supervisor shall ~~may provide~~, not less than 30  
13 days prior to the holding of an election, provide for ~~that~~ the  
14 voting place for such precinct to ~~shall~~ be moved to another  
15 site that is ~~which shall be~~ accessible to the public on  
16 election day in said precinct or, if such is not available, to  
17 another site that is ~~which shall be~~ accessible to the public  
18 on election day in a contiguous precinct. If such action of  
19 the supervisor results in the voting place for two or more  
20 precincts being located for the purposes of an election in one  
21 building, the voting places for the several precincts involved  
22 shall be established and maintained separate from each other  
23 in said building. When any supervisor moves any polling place  
24 pursuant to this subsection, the supervisor shall, not more  
25 than 30 days or fewer than 7 days prior to the holding of an  
26 election, give notice of the change of the polling place for  
27 the precinct involved, with clear description of the voting  
28 place to which changed, at least once in a newspaper of  
29 general circulation in said county. A notice of the change of  
30 the polling place involved shall be mailed, at least 14 days  
31



1 prior to an election, to each registered elector or to each  
2 household in which there is a registered elector.

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

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

7 101.715 Accessibility of polling places for people  
8 having a disability.--

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

11 (2) Only those polling places complying with the  
12 Florida Americans With Disabilities Accessibility  
13 Implementation Act, ss. 553.501-553.513, for all portions of  
14 the polling place or the structure in which it is located that  
15 voters traverse going to and from the polling place and during  
16 the voting process, regardless of the age or function of the  
17 building, shall be used for federal, state, and local  
18 elections.

19 (3) The selection of a polling site must ensure  
20 accessibility with respect to the following accessible  
21 elements, spaces, scope, and technical requirements:  
22 accessible route, space allowance and reach ranges, protruding  
23 objects, ground and floor surfaces, parking and passenger  
24 loading zones, curb ramps, ramps, stairs, elevators, platform  
25 lifts, doors, entrances, path of egress, controls and  
26 operating mechanisms, signage, and all other minimum  
27 requirements.

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

31

1           (a) For polling places that provide parking spaces for  
2 voters, one or more signed accessible parking spaces for  
3 disabled persons.

4           (b) Signage identifying an accessible path of travel  
5 to the polling place if it differs from the primary route or  
6 entrance.

7           (c) An unobstructed path of travel to the polling  
8 place.

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

10          (e) An unobstructed area for voting.

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

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

16          (6) The Department of State may adopt rules in  
17 accordance with s. 120.54 which are necessary to administer  
18 this section.

19          Section 14. (1) By September 1, 2003, each polling  
20 place in a county should be surveyed by the supervisor of  
21 elections of that county for the purpose of determining  
22 accessibility under the standards to be adopted pursuant to s.  
23 101.715, Florida Statutes, on July 1, 2004, using a survey  
24 developed by rule of the Department of State.

25          (2) The results of this survey shall be presented by  
26 the Division of Elections by December 1, 2003, to the  
27 Governor, the President of the Senate, and the Speaker of the  
28 House of Representatives. The report must note any polling  
29 places that will not meet the accessibility standards to be  
30 adopted on July 1, 2004, and shall state the specific reasons  
31 why those polling places may not be brought into compliance by

1 that date. For each polling place that may not be brought into  
2 compliance by that date, the supervisor of elections must  
3 certify that fact to the Division of Elections and shall be  
4 granted a variance for that polling place until the primary  
5 and general elections in 2006.

6 Section 15. Effective November 30, 2002, subsection  
7 (7) is added to section 102.014, Florida Statutes, to read:

8 102.014 Poll worker recruitment and training.--

9 (7) The Department of State shall develop a mandatory,  
10 statewide, and uniform program for training poll workers on  
11 issues of etiquette and sensitivity with respect to voters  
12 having a disability. The program must consist of approximately  
13 1 hour of the required number of hours set forth in paragraph  
14 (4)(a). The program must be conducted locally by each  
15 supervisor of elections, who shall periodically certify to the  
16 Department of State whether each poll worker has completed the  
17 program. The supervisor of elections shall contract with a  
18 recognized disability-related organization, such as a center  
19 for independent living, family network on disabilities, deaf  
20 service bureau, or other such organization, to develop and  
21 assist with training the trainers in the disability  
22 sensitivity programs. The program must include actual  
23 demonstrations of obstacles confronted by disabled persons  
24 during the voting process, including obtaining access to the  
25 polling place, traveling through the polling area, and using  
26 the voting system.

27 Section 16. Section 104.20, Florida Statutes, is  
28 amended to read:

29 104.20 Ballot not to be seen, and other offenses.--Any  
30 elector who, except as provided by law, allows his or her  
31 ballot to be seen by any person; takes or removes, or attempts

1 to take or remove, any ballot from the polling place before  
2 the close of the polls; places any mark on his or her ballot  
3 by which it may be identified; ~~remains longer than the~~  
4 ~~specified time allowed by law in the booth or compartment~~  
5 ~~after having been notified that his or her time has expired;~~  
6 endeavors to induce any elector to show how he or she voted;  
7 aids or attempts to aid any elector unlawfully; or prints or  
8 procures to be printed, or has in his or her possession, any  
9 copies of any ballot prepared to be voted is guilty of a  
10 misdemeanor of the first degree, punishable as provided in s.  
11 775.082 or s. 775.083.

12 Section 17. Paragraph (y) of subsection (1) of section  
13 125.01, Florida Statutes, is amended to read:

14 125.01 Powers and duties.--

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

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

31

1           Section 18. The Department of State may apply for  
2 federal funds to be used as reimbursement to counties for the  
3 cost of eligible purchases made pursuant to this act.

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

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