

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Gannon offered the following:

**Amendment to Amendment (152507) (with title amendment)**

On page 6, lines 8-9,  
remove: all of said lines

and insert:

Section 7. Effective July 1, 2002, subsections (2) through (31) of section 97.021, Florida Statutes, as amended by section 2 of chapter 2001-40, Laws of Florida, are renumbered as subsections (3) through (32), respectively, subsections (32) and (33) of that section are renumbered as subsections (34) and (35), respectively, subsections (34) through (36) of that section are renumbered as subsections (37) through (38), respectively, and new subsections (2), (33), and (36) are added to that section to read:

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

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

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

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

12 Section 8. Effective July 1, 2002, section 97.026,  
13 Florida Statutes, is created to read:

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

28 Section 9. Effective July 1, 2002, subsection (1) of  
29 section 98.065, Florida Statutes, is amended to read:

30 98.065 Registration list maintenance programs.--

31 (1) The supervisor must conduct a general registration

Amendment No. \_\_\_\_ (for drafter's use only)

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

8 Section 10. Effective July 1, 2002, section 98.122,  
9 Florida Statutes, is created to read:

10 98.122 Use of closed captioning and descriptive  
11 narrative in all television broadcasts.--Each candidate,  
12 political party, and political committee must use closed  
13 captioning and descriptive narrative in all television  
14 broadcasts regulated by the Federal Communications Commission  
15 which are on behalf of, or sponsored by, a candidate,  
16 political party, or political committee or file a written  
17 statement with the qualifying officer setting forth the  
18 reasons for not doing so. Failure to file this statement with  
19 the appropriate qualifying officer constitutes a violation of  
20 the Florida Election Code and is under the jurisdiction of the  
21 Florida Elections Commission. The Department of State may  
22 adopt rules in accordance with s. 120.54 which are necessary  
23 to administer this section.

24 Section 11. Effective July 1, 2002, paragraphs (a) and  
25 (d) of subsection (1) of section 100.361, Florida Statutes,  
26 are amended to read:

27 100.361 Municipal recall.--

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

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

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

30 2. In a municipality or district of 500 or more but  
31 fewer than 2,000 registered electors, the petition shall be

Amendment No. \_\_\_\_ (for drafter's use only)

1 signed by at least 100 electors or by 10 percent of the total  
2 number of registered electors of the municipality or district  
3 as of the preceding municipal election, whichever is greater.

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

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

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

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

21 Section 12. Effective July 1, 2002, subsection (3) of  
22 section 100.371, Florida Statutes, is amended to read:

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

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

Amendment No. \_\_\_\_ (for drafter's use only)

1 120.54 prescribing the style and requirements of such form.  
2 Upon filing with the Secretary of State, the text of the  
3 proposed amendment and all forms filed in connection with this  
4 section must, upon request, be made available in alternative  
5 formats.

6 Section 13. Effective July 1, 2002, section 101.017,  
7 Florida Statutes, is amended to read:

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

17 Section 14. Effective July 1, 2002, section 101.018,  
18 Florida Statutes, is created to read:

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

30 (1) The council shall:

31 (a) Advise and consult with the Bureau of Voting

Amendment No. \_\_\_\_ (for drafter's use only)

1 Systems Certification of the Division of Elections concerning  
2 the implementation of accessibility standards for voting  
3 systems and polling places, as such standards currently exist  
4 or as subsequently adopted.

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

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

12 (d) Develop an accessibility survey for use by all  
13 supervisors of elections to determine compliance with the  
14 accessibility standards for polling places.

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

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

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

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



Amendment No. \_\_\_\_ (for drafter's use only)

1           (i) Compare the accessibility standards set forth in  
2 ss. 101.56062 and 101.715 with the voluntary Voting Systems  
3 Standards adopted by the Federal Elections Commission, and  
4 report to the Secretary of State on the results of the  
5 comparison.

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

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

15           (l) Coordinate with the Division of Elections to  
16 provide educational materials to the supervisors of elections  
17 regarding the telecommunications relay system provided in s.  
18 427.704.

19           (m) 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 July 1, 2002, shall be for 4 years, the terms  
24 for the next three council members appointed shall be for 3  
25 years, and the terms for the next three members shall be for 2  
26 years. Thereafter, all council member appointments shall be  
27 for terms of 4 years. A council member may not serve more than  
28 two 4-year terms. Any member of the council may be replaced by  
29 the secretary after three unexcused absences.

30           (3) Members of the council shall serve without  
31 compensation, but are entitled to reimbursement for per diem

Amendment No. \_\_\_\_ (for drafter's use only)

1 and travel expenses as provided by s. 112.061.

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

7 Section 15. Effective July 1, 2002, subsection (4) of  
8 section 101.051, Florida Statutes, is amended to read:

9 101.051 Electors seeking assistance in casting  
10 ballots; oath to be executed; forms to be furnished.--

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

15  
16 DECLARATION TO SECURE ASSISTANCE

17  
18 State of Florida  
19 County of ....  
20 Date ....  
21 Precinct ....

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

26 .....  
27 .....

28 ...(Signature of voter)...

29  
30 Sworn and subscribed to before me this .... day of .....,  
31 ...(year)....

Amendment No. \_\_\_\_ (for drafter's use only)

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

2           Section 16. Effective July 1, 2002, section 101.51,  
3 Florida Statutes, is amended to read:

4           101.51 Electors to occupy booth alone; ~~time allowed.~~--

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

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

28           Section 17. Section 101.56062, Florida Statutes, is  
29 created to read:

30           101.56062 Standards for accessible voting systems.--

31           (1) Notwithstanding anything in this chapter to the

Amendment No. \_\_\_\_ (for drafter's use only)

1 contrary, after November 30, 2002, each voting system  
2 certified by the Department of State for use in local, state,  
3 and federal elections must include accessible voter interface  
4 devices in the system configuration which will allow the  
5 system to meet the following minimum standards:

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

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

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

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

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

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

28 (g) The voting system must provide audio information,  
29 including any audio output using synthetic or recorded human  
30 speech or any auditory feedback tones that are important for  
31 the use of the audio approach, through at least one mode, by

Amendment No. \_\_\_\_ (for drafter's use only)

1 handset or headset, in enhanced auditory fashion (increased  
2 amplification), and must provide incremental volume control  
3 with output amplification up to a level of at least 97 dB SPL.

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

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

14 (j) If sound cues and audible information such as  
15 "beeps" are used, there must be simultaneous corresponding  
16 visual cues and information.

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

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

23 (m) Voting booths must have voting controls at a  
24 minimum height of 36 inches above the finished floor with a  
25 minimum knee clearance of 27 inches high, 30 inches wide, and  
26 19 inches deep, or the accessible voter interface devices must  
27 be designed so as to allow their use on top of a table to meet  
28 these requirements. Tabletop installations must include  
29 adequate privacy.

30 (n) Any audio ballot must provide the voter with the  
31 following functionalities:

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

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

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

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

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

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

24           8. The system must prevent the voter from overvoting  
25 any race.

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

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

31           11. There must be a clear, identifiable action that

Amendment No. \_\_\_\_ (for drafter's use only)

1 the voter takes to "cast" the ballot. The system must make  
2 clear to the voter how to take this action so that the voter  
3 has minimal risk of taking the action accidentally but, when  
4 the voter intends to cast the ballot, the action can be easily  
5 performed.

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

9 13. Once the ballot is cast, the system must preclude  
10 the voter from modifying the ballot cast or voting or casting  
11 another ballot.

12 (2) For contracts entered into after November 30,  
13 2002, state or federal funds may not be used by any county or  
14 municipality to purchase voting systems or voting system  
15 components that do not meet the accessibility standards  
16 established by this section for use beginning in the 2004  
17 election cycle.

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

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

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

31 (4) It is the intent of the Legislature that this

Amendment No. \_\_\_\_ (for drafter's use only)

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

11 Section 18. Effective July 1, 2002, section 101.662,  
12 Florida Statutes, is created to read:

13 101.662 Accessibility of absentee ballots.--It is the  
14 intent of the Legislature that voting by absentee ballot be by  
15 methods that are fully accessible to all voters, including  
16 voters having a disability. The Department of State shall work  
17 with the Disability Advisory Council and the supervisors of  
18 elections to develop and implement procedures and  
19 technologies, as possible, which will include procedures for  
20 providing absentee ballots, upon request, in alternative  
21 formats that will allow all voters to cast a secret,  
22 independent, and verifiable absentee ballot without the  
23 assistance of another person.

24 Section 19. Effective July 1, 2004, subsection (2) of  
25 section 101.71, Florida Statutes, as amended by section 25 of  
26 chapter 2001-40, Laws of Florida, is amended to read:

27 101.71 Polling place.--

28 (2) Notwithstanding the provisions of subsection (1),  
29 whenever the supervisor of elections of any county determines  
30 that the accommodations for holding any election at a polling  
31 place designated for any precinct in the county are



Amendment No. \_\_\_\_ (for drafter's use only)

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

25 Section 20. Effective July 1, 2004, section 101.715,  
26 Florida Statutes, is amended to read:

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

29 101.715 Accessibility of polling places for people  
30 having a disability.--

31 (1) All polling places must be accessible and usable

Amendment No. \_\_\_\_ (for drafter's use only)

1 by people with disabilities, as provided in this section.

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

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

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

22 (a) For polling places that provide parking spaces for  
23 voters, one or more signed accessible parking spaces for  
24 disabled persons;

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

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

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

31 (e) An unobstructed area for voting; and

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

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

11           (7) The Department of State may adopt rules in  
12 accordance with s. 120.54 which are necessary to administer  
13 this section.

14           Section 21. (1) By September 1, 2003, each polling  
15 place should be surveyed by the supervisor of elections for  
16 the purpose of determining accessibility using a survey  
17 developed by rule of the Department of State, after first  
18 considering recommendations regarding the survey from the  
19 Disability Advisory Council of the Department of State.

20           (2) The results of this survey shall be presented by  
21 the Division of Elections by December 1, 2003, to the  
22 Legislature and the Governor. The report must note any polling  
23 places that are not accessible and state the specific reasons  
24 why those polling places may not be brought into compliance.  
25 For those polling places that may not be brought into  
26 compliance, the supervisor of elections must certify that fact  
27 to the Division of Elections and shall be granted a variance  
28 for that polling place for one election cycle.

29           (3) This section shall take effect July 1, 2002.

30           Section 22. Effective November 30, 2002, subsection  
31 (7) is added to section 102.014, Florida Statutes, to read:

Amendment No. \_\_\_\_ (for drafter's use only)

1           102.014 Poll worker recruitment and training.--  
2           (7) The Department of State shall develop a mandatory,  
3 statewide, and uniform program for training poll workers on  
4 issues of etiquette and sensitivity with respect to voters  
5 having a disability. The program must consist of approximately  
6 1 hour of the required number of hours set forth in paragraph  
7 (4)(a). The program must be conducted locally by each  
8 supervisor of elections, who shall periodically certify to the  
9 Department of State whether each poll worker has completed the  
10 program. The supervisor of elections shall contract with a  
11 recognized disability related organization such as Centers for  
12 Independent Living, Family Network on Disabilities, Deaf  
13 Service Bureaus, or other such organizations to develop and  
14 assist with training the trainers in the disability  
15 sensitivity programs. The program must include actual  
16 demonstrations of obstacles confronted by disabled persons  
17 during the voting process, including obtaining access to the  
18 polling place, traveling through the polling area, and using  
19 the voting system.

20           Section 23. Effective July 1, 2002, section 104.20,  
21 Florida Statutes, is amended to read:

22           104.20 Ballot not to be seen, and other offenses.--Any  
23 elector who, except as provided by law, allows his or her  
24 ballot to be seen by any person; takes or removes, or attempts  
25 to take or remove, any ballot from the polling place before  
26 the close of the polls; places any mark on his or her ballot  
27 by which it may be identified; ~~remains longer than the~~  
28 ~~specified time allowed by law in the booth or compartment~~  
29 ~~after having been notified that his or her time has expired;~~  
30 endeavors to induce any elector to show how he or she voted;  
31 aids or attempts to aid any elector unlawfully; or prints or

Amendment No. \_\_\_\_ (for drafter's use only)

1 procures to be printed, or has in his or her possession, any  
2 copies of any ballot prepared to be voted is guilty of a  
3 misdemeanor of the first degree, punishable as provided in s.  
4 775.082 or s. 775.083.

5 Section 24. Effective July 1, 2002, paragraph (y) of  
6 subsection (1) of section 125.01, Florida Statutes, is amended  
7 to read:

8 125.01 Powers and duties.--

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

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

25 Section 25. Pursuant to section 287.064, Florida  
26 Statutes, the Comptroller and the State Board of  
27 Administration, in coordination with the Department of State,  
28 may develop a consolidated financing mechanism for the  
29 purchase or lease-purchase of voting equipment for individuals  
30 having a disability, as provided in this act. Financing may be  
31 issued under one or more financing agreements at such

Amendment No. \_\_\_\_ (for drafter's use only)

1 intervals and in such amounts to fund any approved purchase or  
2 lease-purchase made under this act. The Department of State  
3 may apply for federal funds to be used as reimbursement for  
4 the cost of eligible purchases made under this act and may  
5 apply such reimbursement, or its pro rata share, to satisfy  
6 the obligations in whole or in part. This section shall take  
7 effect July 1, 2002.

8 Section 26. Except as otherwise expressly provided in  
9 this act, this act shall take effect upon becoming a law.

10

11

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

13 And the title is amended as follows:

14 On page 6, line 18, through page 7, line 17, of the  
15 amendment

16 remove: all of said lines

17

18 and insert:

19 An act relating to elections; amending s.  
20 97.052, F.S.; authorizing private individuals  
21 and groups to reproduce voter registration  
22 applications under certain conditions; amending  
23 s. 97.057, F.S.; requiring the Department of  
24 Highway Safety and Motor Vehicles to forward  
25 copies of unsigned voter registration  
26 applications within a specified period to the  
27 appropriate supervisors of elections; amending  
28 s. 97.058, F.S.; requiring voter registration  
29 agencies to forward copies of incompletd voter  
30 registration applications within a specified  
31 period to the appropriate supervisors of

Amendment No. \_\_\_\_ (for drafter's use only)

1 elections; amending s. 97.071, F.S.; requiring  
2 voter registration identification cards to have  
3 the name, rather than the signature, of the  
4 supervisor of elections; amending s. 97.1031,  
5 F.S.; revising notice requirements for change  
6 of residence within the same county; amending  
7 s. 98.0977, F.S.; revising duties of the  
8 supervisor of elections relating to maintenance  
9 of the voter registration rolls; providing for  
10 a hearing, as an alternative to notice, to  
11 determine the eligibility of voters convicted  
12 of a felony or adjudicated mentally  
13 incapacitated with respect to voting; requiring  
14 removal of a person's name from the  
15 registration books upon a determination of  
16 sufficient evidence; providing for appeal and  
17 for payment of the costs thereof; amending s.  
18 97.021, F.S.; defining the terms "alternative  
19 formats," "tactile input device," and "voter  
20 interface device" for purposes of the Florida  
21 Election Code; creating s. 97.026, F.S.;  
22 requiring that certain forms used under the  
23 code be made available in alternative formats;  
24 requiring the Secretary of State to make such  
25 forms available via the Internet if possible;  
26 amending s. 98.065, F.S.; requiring that the  
27 maintenance of voter registration records be  
28 nondiscriminatory with respect to persons  
29 having a disability; creating s. 98.122, F.S.;  
30 requiring candidates, political parties, and  
31 political committees to use closed captioning

Amendment No. \_\_\_\_ (for drafter's use only)

1 and descriptive narrative in all television  
2 broadcasts; providing that failing to file a  
3 statement of reasons for failing to do so is a  
4 violation of the code; authorizing the  
5 Department of State to adopt rules; amending  
6 ss. 100.361, 100.371, F.S.; suggesting that a  
7 recall petition be available in alternative  
8 formats; requiring a constitutional amendment  
9 proposed by initiative and other papers and  
10 forms be available in alternative formats;  
11 amending s. 101.017, F.S.; requiring that the  
12 Bureau of Voting Systems Certification  
13 cooperate and consult with the Disability  
14 Advisory Council; creating s. 101.018, F.S.;  
15 creating the Disability Advisory Council within  
16 the Department of State; providing for  
17 membership of the council; specifying duties of  
18 the council; providing for terms of office;  
19 providing that council members are entitled to  
20 reimbursement for per diem and travel expenses;  
21 providing for meetings of the council; amending  
22 s. 101.051, F.S.; eliminating a requirement  
23 that an elector give a reason under oath for  
24 requesting assistance in voting; amending s.  
25 101.51, F.S.; abolishing limitations on the  
26 length of time a voter is allowed to occupy a  
27 voting booth or compartment; creating s.  
28 101.56062, F.S.; providing standards for  
29 accessible voting systems; prohibiting the use  
30 of state or federal funds for a voting system  
31 or system components that do not meet the



Amendment No. \_\_\_\_ (for drafter's use only)

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

Amendment No. \_\_\_\_ (for drafter's use only)

1           amending s. 104.20, F.S., relating to penalties  
2           imposed against an elector for remaining in a  
3           voting booth longer than the specified time;  
4           conforming provisions to changes made by the  
5           act; amending s. 125.01, F.S., relating to  
6           powers of the governing body of a county;  
7           conforming a cross-reference to changes made by  
8           the act; authorizing the Comptroller and the  
9           State Board of Administration to develop a  
10          consolidated financing mechanism for the  
11          purchase or lease-purchase of voting equipment  
12          for individuals having a disability; providing  
13          effective dates.

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