

26 requiring a governmental entity responsible for
 27 redistricting to provide certain translation services
 28 and translations; providing requirements for such
 29 translation services; authorizing certain parties to
 30 bring certain actions against a supervisor of
 31 elections or a political subdivision; requiring the
 32 court to provide an expedited hearing; requiring a
 33 court to grant certain relief and implement certain
 34 remedies upon making certain findings; providing that
 35 certain parties are liable for damages; providing for
 36 the award of attorney fees and costs in certain
 37 circumstances; requiring supervisors of elections and
 38 certain political subdivisions to collect certain
 39 data; requiring supervisors of elections and political
 40 subdivisions to publish a certain report annually;
 41 requiring certain translation services to be in
 42 compliance with certain federal laws; creating the
 43 Language Assistance Task Force; providing the purposes
 44 of the task force; providing for membership of the
 45 task force; requiring the task force to submit a
 46 certain report to the Department of State; providing
 47 for the expiration of the task force; providing an
 48 effective date.

49
 50 Be It Enacted by the Legislature of the State of Florida:

51
 52 Section 1. Section 97.027, Florida Statutes, is created to
 53 read:

54 97.027 Limited English-proficient voter assistance.-

55 (1) DEFINITIONS.-As used in this section, the term:

56 (a) "Covered language" means the language of a member of a
 57 language minority group.

58 (b) "Election materials" means materials relating to
 59 elections which are intended to be read by a voter and which are
 60 provided by a supervisor of elections or political subdivision,
 61 including, but not limited to, ballots, sample ballots, vote-by-
 62 mail ballots, vote-by-mail ballot requests, voting guides,
 63 voting instructions, voter registration applications and
 64 materials, polling place signage, notices, websites containing
 65 election-related information, and electronic communications,
 66 including social media communications.

67 (c) "Language minority group" has the same meaning as in
 68 s. 203 of the Voting Rights Act of 1965, as amended, and
 69 includes a group of persons whose primary language is Haitian-
 70 Creole or Brazilian-Portuguese.

71 (d) "Limited English-proficient voter" means a member of a
 72 language minority group who does not speak or understand English
 73 adequately to participate in the electoral process. A person who
 74 has not completed the fifth grade is presumed to not speak or
 75 understand English adequately to participate in the electoral

76 process.

77 (e) "Political subdivision" means a county, municipality,
 78 or special district.

79 (2) ASSISTANCE FOR LIMITED ENGLISH-PROFICIENT VOTERS.—A
 80 supervisor of elections or political subdivision that
 81 administers an election shall provide language-related
 82 assistance in a covered language to a limited English-proficient
 83 voter if, based on data from the United States Census Bureau
 84 American Community Survey or data of comparable quality
 85 collected by a governmental entity:

86 (a) More than 2 percent of the residents of voting age in
 87 the political subdivision in which the election is held are
 88 members of a single-language minority group and limited English-
 89 proficient voters, if that percentage equals 300 or more
 90 persons; or

91 (b) For an election held in a political subdivision that
 92 contains any part of a Native American reservation, more than 2
 93 percent of the Native American residents of voting age in the
 94 Native American reservation are members of a single language
 95 minority group and limited English-proficient voters. For
 96 purposes of this paragraph, the term "Native American" means a
 97 person recognized by the United States Census Bureau or the
 98 state as an American Indian.

99 (3) ELECTION MATERIALS.—

100 (a) A supervisor of elections or a political subdivision

101 shall provide to a limited English-proficient voter election
 102 materials in his or her covered language that are the same
 103 quality as comparable English language election materials.

104 (b) English language text must be manually translated.
 105 Automatic translation services may only be used when manual
 106 translation is not possible.

107 (c) Election materials prepared in a covered language must
 108 be made available at the same time as comparable English
 109 language election materials.

110 (4) ASSISTANCE HOTLINE.—A supervisor of elections shall
 111 operate and provide public notice of an assistance hotline that
 112 provides language assistance to limited English-proficient
 113 voters which is staffed during early voting hours, all hours
 114 during which a polling place is open on election day, and all
 115 hours of the period after election day during which a voter may
 116 cure a vote-by-mail ballot or provisional ballot deficiency. The
 117 hotline must, upon connecting with a caller, provide a prompt
 118 that allows the caller to meaningfully access language
 119 assistance in the caller's covered language. The hotline must
 120 also provide assistance to voters who require assistance by
 121 reason of blindness, disability, or inability to read or write.

122 (5) NOTICES.—

123 (a) A supervisor of elections who is required to provide
 124 language-related assistance in a covered language under
 125 subsection (2) shall provide, in such covered language, notice

126 of:

127 1. Election materials in covered languages for limited
128 English-proficient voters by prominently displaying signage at
129 the main office and branch offices of the supervisor, making
130 printed materials available to voters, and posting information
131 on the supervisor's public website.

132 2. The addresses and operating hours of early voting
133 sites, secure ballot intake station locations, and polling
134 places by prominently displaying signage at the main office and
135 branch offices of the supervisor, making printed materials
136 available to voters, and posting information on the supervisor's
137 public website.

138 3. Any change in the address or operating hours of an
139 early voting site, a secure ballot intake station location, or a
140 polling place by the same means as such notice is provided to
141 voters in English.

142 (b) An English language sign or poster containing
143 election-related information which is displayed or distributed
144 by a supervisor of elections or a political subdivision must be
145 replicated in each covered language for which the supervisor or
146 political subdivision is required to provide language-related
147 assistance under subsection (2). A replicated sign or poster
148 must be displayed or distributed in the same form and manner and
149 must use the same font size for any printed text as the English
150 language sign or poster.

151 (6) TRANSLATIONS RELATING TO REDISTRICTING.—A governmental
 152 entity responsible for a redistricting process must provide
 153 translation services at meetings and hearings related to
 154 redistricting and translations of redistricting materials in
 155 each covered language in which a supervisor of elections or
 156 political subdivision within an affected geographical area is
 157 required to provide election materials. The translation services
 158 provided by the governmental entity must be sufficient to allow
 159 a member of a language minority group who speaks such a covered
 160 language to testify at such meeting or hearing for an amount of
 161 time equal to that allowed to an English-language speaker,
 162 notwithstanding the amount of time used to translate the covered
 163 language.

164 (7) ACTION FOR DECLARATORY JUDGMENT AND INJUNCTIVE
 165 RELIEF.—

166 (a) Any limited English-proficient voter, organization
 167 whose membership includes limited English-proficient voters, or
 168 organization with the mission of ensuring voting access which is
 169 affected by a violation of this section may bring an action
 170 against a supervisor of elections or a political subdivision in
 171 a court of competent jurisdiction for declaratory judgment and
 172 injunctive relief to enforce the requirements of this section.

173 (b) The court shall provide an expedited hearing for any
 174 action brought under this subsection.

175 (c) The court shall grant injunctive relief upon finding

176 that the plaintiff is more likely than not to succeed on the
177 merits and that it is possible to implement an appropriate
178 remedy resolving the alleged violation before an upcoming
179 election.

180 (d) Upon finding by a preponderance of the evidence that a
181 violation of this section has occurred, the court shall
182 implement appropriate remedies. Appropriate remedies include,
183 but are not limited to, the following:

184 1. Extending the voting period for additional hours or
185 days.

186 2. Requiring a special election.

187 3. Expanding the opportunities for voter registration and
188 early voting.

189 4. Requiring additional voter education outreach.

190 5. Requiring the provision of requested translation
191 services.

192 6. Any reasonable remedy proposed by the prevailing party.

193 (e) The court shall consider remedies proposed by the
194 parties to the action and interested nonparties, but may not
195 provide automatic deference or priority to a remedy proposed by
196 a supervisor of elections or a political subdivision.

197 (f) A party found to be in violation of this section is
198 liable for damages, including compensatory and punitive damages
199 for an intentional violation.

200 (g) The court shall award reasonable attorney fees and

201 costs to the prevailing party, except that attorney fees and
 202 costs may not be awarded to a prevailing defendant unless the
 203 court finds that the action against the defendant was frivolous,
 204 unreasonable, or without merit. A plaintiff is deemed to have
 205 prevailed in an action when, as a result of the action, the
 206 court grants most or all of the specific relief sought by the
 207 plaintiff.

208 (8) DATA COLLECTION.-

209 (a) Supervisors of elections and political subdivisions
 210 that administer elections shall collect data on language-related
 211 assistance and translation services provided to limited English-
 212 proficient voters. Data collection shall include:

213 1. Documentation of all encounters with limited English-
 214 proficient voters.

215 2. Tracking the Department of State's frequency of contact
 216 with limited English-proficient voters, including proactive
 217 outreach conducted by a supervisor of elections or a political
 218 subdivision and responsive contact to limited English-proficient
 219 voters.

220 3. A record of each limited English-proficient voter's
 221 covered language, which must be stored with the voter's voter
 222 registration record.

223 4. The number of requests for translation services made
 224 within each political subdivision.

225 5. The number of requests for language-related assistance

226 made to each supervisor of elections and each political
227 subdivision.

228 6. The number of limited English-proficient voters within
229 each political subdivision.

230 7. Documentation of specific language assistance resources
231 that are available.

232 8. The frequency of encounters a supervisor of elections
233 or political subdivision has with limited English-proficient
234 voters.

235 9. The results of surveys provided to limited English-
236 proficient voters to determine whether the available language
237 assistance resources are meeting voter needs.

238 (b) Each supervisor of elections and political subdivision
239 that administers elections shall publish by July 1, 2025, and
240 annually thereafter a report containing the data collected under
241 paragraph (a).

242 (9) COMPLIANCE WITH FEDERAL LAW.—Translation services
243 provided under this section must be uniform, nondiscriminatory,
244 and in compliance with the Voting Rights Act of 1965, the
245 National Voter Registration Act of 1993, the Help America Vote
246 Act of 2002, and the Voting Accessibility for the Elderly and
247 Handicapped Act of 1984.

248 Section 2. Language Assistance Task Force.—

249 (1) The Language Assistance Task Force, a task force as
250 defined in s. 20.03(5), Florida Statutes, is created within the

251 Department of State for the purpose of providing recommendations
252 to the department for the development and implementation of the
253 language-related assistance and translation services required
254 under s. 97.0275, Florida Statutes. Except as otherwise provided
255 in this section, the task force shall comply with the
256 requirements of s. 20.052, Florida Statutes.

257 (2) The task force shall be composed of the following
258 members, appointed by the Secretary of State:

259 (a) For each covered language as defined in s. 97.027(1),
260 Florida Statutes, a member fluent in such language.

261 (b) Representatives of community-based organizations that
262 are involved in ensuring voting access for limited English-
263 proficient voters.

264
265 In appointing members to the task force, the Secretary of State
266 shall consider whether the persons and organizations have
267 experience with limited English-proficient voters in the state
268 or relevant political subdivisions and shall prioritize
269 selecting members from diverse backgrounds.

270 (3) The task force shall submit a report of its
271 recommendations to the department by June 30, 2025. Upon
272 submission of the report, the task force shall expire.

273 Section 3. This act shall take effect July 1, 2024.