

By Senator Torres

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1 A bill to be entitled
2 An act relating to limited English-proficient voter
3 assistance; creating s. 97.027, F.S.; defining terms;
4 requiring a supervisor of elections or a political
5 subdivision that administers an election to provide
6 certain language-related assistance to a limited
7 English-proficient voter under certain circumstances,
8 record such voter's language preference, and conduct
9 specified surveys of such voters; requiring a
10 supervisor of elections or political subdivision to
11 provide elections and voting materials of a certain
12 quality in a covered language; requiring the manual
13 translation of English language text; authorizing the
14 use of automatic translation services under certain
15 circumstances; requiring that elections and voting
16 materials prepared in a covered language be made
17 available at the same time as comparable English
18 language materials; requiring a supervisor of
19 elections and a political subdivision to operate and
20 provide public notice of a language assistance
21 hotline; providing requirements for the hotline;
22 requiring a supervisor of elections and a political
23 subdivision to provide certain notices in a covered
24 language under certain circumstances; requiring a
25 supervisor of elections or a political subdivision to
26 replicate certain signs and posters in certain covered
27 languages and display or distribute such signs and
28 posters in the same form and manner as English
29 language signs and provide specified voter

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30 registration status and information to limited
31 English-proficient voters; requiring a governmental
32 entity responsible for redistricting to provide
33 certain translation services and translated materials;
34 providing requirements for such translation services;
35 requiring that translation services provided under the
36 act be in compliance with certain federal laws;
37 authorizing voters and specified entities to bring an
38 action against a supervisor of elections or a
39 political subdivision; providing that such actions are
40 subject to expedited pretrial and trial proceedings
41 and must receive a calendar preference to avoid
42 prejudice with regard to the limited English-
43 proficient voter; requiring a court to grant certain
44 relief upon making specified determinations; requiring
45 the court to order the implementation of specified
46 remedies; authorizing the plaintiff to recover
47 attorney fees and costs if the plaintiff prevails
48 under a specified circumstance; prohibiting a
49 prevailing defendant from recovering attorney fees and
50 costs unless certain circumstances exist; requiring a
51 supervisor of elections or a political subdivision to
52 collect specified data and annually, by a specified
53 date, publish a report including the data collected;
54 creating the Language Access Advisory Council within
55 the Department of State; providing the purpose of the
56 council; requiring the Secretary of State to appoint
57 certain members to the council; requiring the
58 Secretary of State to consider specified criteria in

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59 making such appointments; providing an effective date.

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

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63 Section 1. Section 97.027, Florida Statutes, is created to
64 read:

65 97.027 Limited English-proficient voter assistance.-

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

67 (a) "Covered language" means the language of a member of a
68 language minority group.

69 (b) "Elections and voting materials" means materials
70 relating to elections which are intended to inform, instruct, or
71 be used by a voter and which are provided by a supervisor of
72 elections or political subdivision, including, but not limited
73 to, ballots, sample ballots, vote-by-mail ballots, vote-by-mail
74 ballot requests, secrecy envelopes, voting guides, voting
75 instructions, voter registration applications and materials,
76 polling place signage and notices, and websites and electronic
77 communications, including social media posts, containing
78 election-related information.

79 (c) "Language minority group" has the same meaning as in s.
80 203 of the Voting Rights Act of 1965, as amended, and includes a
81 group of persons whose primary language is Haitian Creole or
82 Brazilian Portuguese.

83 (d) "Limited English-proficient voter" means a member of a
84 language minority group who does not speak or understand English
85 adequately to participate in the electoral process. A person who
86 has not completed the 5th grade is presumed not to speak or
87 understand English adequately to participate in the electoral

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88 process.

89 (e) "Political subdivision" means a county, municipality,
90 or special district.

91 (2) DUTY TO ASSIST LIMITED ENGLISH-PROFICIENT VOTERS.—
92 Supervisors of elections and political subdivisions that
93 administer an election must do all of the following:

94 (a) Provide language-related assistance in a covered
95 language to a limited English-proficient voter if, based on data
96 from the American Community Survey or data of comparable quality
97 collected by a governmental entity:

98 1. More than 2 percent of the citizens of voting age in the
99 political subdivision in which the election is held are members
100 of a single language minority group if that percentage equals
101 300 or more persons; or

102 2. For an election held in a political subdivision that
103 contains any part of a Native American reservation, more than 2
104 percent of the Native American residents of voting age in the
105 Native American reservation are members of a single language
106 minority group and are limited English-proficient voters. For
107 purposes of this paragraph, the term "Native American" means a
108 person recognized by the United States Census Bureau or the
109 state as an American Indian.

110 (b) Record the preferred language of a limited English-
111 proficient voter to ensure that future contact includes the
112 appropriate language accommodation.

113 (c) Conduct surveys to determine whether the needs of
114 limited English-proficient voters are being met.

115 (3) ELECTIONS AND VOTING MATERIALS.—

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

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117 that administers an election shall provide to a limited English-
118 proficient voter elections and voting materials in his or her
119 covered language which are of the same quality as comparable
120 English language elections and voting materials.

121 (b) English language text must be translated manually.
122 Automatic translation services may only be used when manual
123 translation is not possible.

124 (c) Elections and voting materials prepared in a covered
125 language must be made available at the same time as comparable
126 English language elections and voting materials.

127 (4) LANGUAGE ASSISTANCE HOTLINE.—A supervisor of elections
128 and a political subdivision that administers an election shall
129 operate and provide public notice of a language assistance
130 hotline that provides language assistance to limited English-
131 proficient voters. The hotline must be staffed during early
132 voting hours, all hours during which a polling place is open on
133 election day, and all hours of the period after election day
134 during which a voter may cure a vote-by-mail ballot or
135 provisional ballot deficiency. The hotline must, upon a person's
136 call connecting, provide an initial prompt that allows the
137 caller to instantly access language assistance in his or her
138 covered language. Each supervisor and political subdivision that
139 administers an election shall provide such telephonic assistance
140 in a covered language to voters who are visually impaired or who
141 cannot read or write.

142 (5) NOTICES.—

143 (a) A supervisor of elections or a political subdivision
144 that administers an election which is required to provide
145 language-related assistance in a covered language under

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146 subsection (2) must provide, in such covered language, notice of
147 all of the following:

148 1. Elections and voting materials in covered languages for
149 limited English-proficient voters, by prominently displaying
150 signage at the main office and branch offices of the supervisor,
151 making printed materials available to voters, and posting
152 information on the supervisor's public website.

153 2. The addresses and operating hours of early voting sites,
154 secure ballot intake station locations, and polling places, by
155 prominently displaying signage at the main office and branch
156 offices of the supervisor, making printed materials available to
157 voters, and posting information on the supervisor's public
158 website.

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

163 (b) An English language sign or poster containing election-
164 related information which is displayed or distributed by a
165 supervisor of elections or a political subdivision must be
166 replicated in each covered language for which the supervisor or
167 political subdivision is required to provide language-related
168 assistance under subsection (2). A replicated sign or poster
169 must be displayed or distributed in the same form and manner as
170 the English language sign or poster.

171 (c) A supervisor of elections or a political subdivision
172 that administers elections must provide in a covered language
173 information relating to a limited English-proficient voter's
174 registration status. Such notice must include eligibility

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175 information or an eligibility determination, any change in voter
176 registration status, and any notification regarding the voter's
177 registration status.

178 (6) TRANSLATIONS RELATING TO REDISTRICTING.—A governmental
179 entity responsible for a redistricting process must provide
180 translation services at meetings and hearings related to
181 redistricting and provide translations of redistricting
182 materials in each covered language in which a supervisor of
183 elections or political subdivision within an affected
184 geographical area is required to provide elections and voting
185 materials. The translation services provided by the governmental
186 entity must be sufficient to allow a member of a language
187 minority group who speaks a covered language to testify at such
188 meeting or hearing.

189 (a) Translation services provided by a governmental entity
190 responsible for a redistricting process must include, but are
191 not limited to, access to a translator in the preferred covered
192 language of the limited English-proficient voter. Translated
193 materials must include, but are not limited to, redistricting
194 websites, meeting notices, testimony options, and instructions
195 regarding scheduled public hearings.

196 (b) During the course of testimony before a governmental
197 entity involved in redistricting, a limited English-proficient
198 voter is entitled to the same amount of time as an English-
199 speaking voter, notwithstanding the additional time needed for
200 simultaneous or concurrent interpretation of the limited
201 English-proficient voter's testimony.

202 (7) COMPLIANCE WITH FEDERAL LAW.—Translation services
203 provided under this section must be uniform, nondiscriminatory,

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204 and in compliance with the Voting Rights Act of 1965, the
205 National Voter Registration Act of 1993, the Help America Vote
206 Act of 2002, and the Voting Accessibility for the Elderly and
207 Handicapped Act of 1984, as amended.

208 (8) ENFORCEMENT ACTIONS.—

209 (a) An aggrieved voter, an organization whose membership
210 includes an aggrieved voter or member of a protected class, or
211 an organization whose mission includes ensuring voting or
212 language assistance access that would be hindered by a violation
213 of this section may file an action against the supervisor of
214 elections or political subdivision in the county or judicial
215 circuit in which the alleged violation occurred.

216 (b) Actions brought pursuant to this section must be
217 subject to expedited pretrial and trial proceedings and must
218 receive an automatic calendar preference to avoid prejudice with
219 regard to the rights of limited English-proficient voters. In an
220 action alleging a violation of this section in which a plaintiff
221 seeks preliminary relief with respect to an upcoming election,
222 the court must grant such relief if it determines that:

223 1. The plaintiff is more likely than not to succeed on the
224 merits; and

225 2. It is possible to implement an appropriate remedy that
226 would resolve the alleged violation in the upcoming election.

227 (c) Upon a finding of a violation of any provision of this
228 section by a preponderance of the evidence, the court must
229 implement appropriate remedies.

230 1. Such remedies may include, but are not limited to:

231 a. Designating additional voting hours or days.

232 b. Ordering special elections.

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233 c. Requiring expanded opportunities for voter registration
234 or early voting.

235 d. Requiring additional voter education or outreach.

236 e. Modifying the election calendar, including moving the
237 dates of regular elections to be concurrent with primary or
238 general election dates for the state, county, or municipal
239 office as established.

240 f. Providing translation services or translated elections
241 and voting materials as requested by the plaintiff.

242 2. The court may consider proposed remedies by any party to
243 the action and by interested nonparties but may not indicate
244 deference to or prioritize proposed remedies offered by the
245 political subdivision or supervisor.

246 (d) In an action to enforce any provision of this section,
247 the court must allow a plaintiff who prevails to recover
248 reasonable attorney fees and litigation expenses.

249 1. A plaintiff will be deemed to have prevailed when, as a
250 result of litigation, the defendant agrees to much if not all of
251 the relief sought in the action.

252 2. A prevailing defendant may not recover attorney fees and
253 litigation expenses unless the court finds the action to be
254 frivolous, unreasonable, or without any merit.

255 (9) DATA COLLECTION AND REPORTING.—A supervisor of
256 elections or a political subdivision shall collect data on
257 services provided to limited English-proficient voters.
258 Beginning January 1, 2025, and every January 1 thereafter, the
259 supervisor or political subdivision must publish a report that
260 includes all of the following data they collected:

261 (a) The number of encounters between a supervisor or a

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262 political subdivision and limited English-proficient voters.

263 (b) The frequency of contact a supervisor or a political
264 subdivision has with limited English-proficient voters,
265 including both proactive and responsive contact by the
266 supervisor or the political subdivision.

267 (c) The number of requests for translation or
268 interpretation assistance made within the supervisor's or
269 political subdivision's jurisdiction.

270 (d) The populations of limited English-proficient voters
271 within the supervisor's or political subdivision's jurisdiction.

272 (e) The viability and availability of language assistance
273 resources.

274 (f) Whether the assistance offered is meeting the needs of
275 limited English-proficient voters, as determined by surveys
276 conducted by the supervisor or the political subdivision as
277 required pursuant to subsection (2).

278 (10) LANGUAGE ACCESS ADVISORY COUNCIL.—

279 (a) There is established the Language Access Advisory
280 Council within the department to provide recommendations for the
281 development and implementation of the language access services
282 required in this section.

283 (b)1. The Secretary of State shall appoint the following
284 members to the council:

285 a. At least one member fluent in Spanish.

286 b. At least one member fluent in Haitian Creole.

287 c. At least one member fluent in Brazilian Portuguese.

288 d. At least one member fluent in any of the other covered
289 languages.

290 e. Members from community-based groups whose mission is

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291 dedicated to advancing language access for limited English-
292 proficient voters.

293 2. In selecting council members, the Secretary of State
294 must consider whether individuals or groups have expertise in
295 language accessibility or experience in working with limited
296 English-proficient voters at the state, county, or municipal
297 level and if the individuals are from diverse backgrounds.

298 Section 2. This act shall take effect July 1, 2024.