

Committee Substitute for Senate Bill No. 1350

An act relating to elections; amending s. 106.08, F.S.; clarifying requirements for soliciting and accepting charitable contributions; re-enacting a prohibition against indirect campaign contributions; amending s. 97.021, F.S.; defining the terms “alternative formats,” “tactile input device,” and “voter interface device” for purposes of the Florida Election Code; creating s. 97.026, F.S.; stating the legislature’s intent that certain forms used under the code be made available in alternative formats; requiring the Department of State to make such forms available via the Internet if possible; amending s. 98.065, F.S.; requiring that the maintenance of voter registration records be nondiscriminatory with respect to persons having a disability; creating s. 98.122, F.S.; requiring candidates, political parties, and political committees to use closed captioning and descriptive narrative in all television broadcasts; providing that failing to file a statement of reasons for failing to do so is a violation of the code, for which there are penalties; authorizing the Department of State to adopt rules; amending ss. 100.361, 100.371, F.S.; suggesting that a recall petition be available in alternative formats; requiring a constitutional amendment proposed by initiative and other papers and forms be available in alternative formats; amending s. 101.051, F.S.; eliminating a requirement that an elector give a reason under oath for requesting assistance in voting; amending s. 101.51, F.S.; abolishing limitations on the length of time a voter is allowed to occupy a voting booth or compartment; creating s. 101.56062, F.S.; providing standards for accessible voting systems; requiring any voting system to have at least one accessible voter interface device installed in each precinct; authorizing the Department of State to adopt rules; providing legislative intent with respect to meeting or exceeding minimum federal requirements for voting systems and accessibility of polling places; creating s. 101.662, F.S.; authorizing the Department of State to work with certain parties to develop procedures to allow absentee ballots to be cast in alternative formats; amending s. 101.71, F.S.; authorizing supervisors of elections to move a polling place that does not comply with requirements for accessibility; amending s. 101.715, F.S.; requiring that all polling places be accessible by persons having a disability; providing for standards that are required at each polling place; authorizing the Department of State to adopt rules; requiring the supervisors of elections to survey polling places for accessibility by a specified date; providing for a report of survey results to the Governor and Legislature; allowing for variance until a certain time; amending s. 102.014, F.S.; requiring the Department of State to develop a training program for poll workers concerning voters having a disability; providing requirements for the program; requiring supervisors of elections to certify completion of the program by poll workers; amending s. 104.20, F.S., relating to penalties imposed against an elector for remaining in a voting booth longer than the specified time; conforming provisions to changes made by the act; amending s. 125.01, F.S.,

relating to powers of the governing body of a county; conforming a cross-reference to changes made by the act; authorizing the State to apply for federal funds to be used to fund this act; amending s. 106.09, F.S.; increasing penalties for making or accepting certain illegal campaign contributions; amending s. 106.24, F.S.; providing for restrictions on the membership of the Florida Elections Commission; providing exceptions; providing effective dates.

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

Section 1. Effective upon becoming a law, subsection (5) of section 106.08, Florida Statutes, is reenacted and amended to read:

106.08 Contributions; limitations on.—

(5)(a) A person may not make any contribution through or in the name of another, directly or indirectly, in any election.

(b) Candidates, political committees, and political parties may not solicit contributions from ~~or make contributions to~~ any religious, charitable, civic, or other causes or organizations established primarily for the public good.

(c) Candidates, political committees, and political parties may not make contributions, in exchange for political support, to any religious, charitable, civic, or other cause or organization established primarily for the public good. ~~However, It is not a violation of this paragraph subsection for:~~

1. A candidate, political committee, or political party executive committee to make gifts of money in lieu of flowers in memory of a deceased person; ~~or for~~

2. A candidate to continue membership in, or make regular donations from personal or business funds to, religious, political party, civic, or charitable groups of which the candidate is a member or to which the candidate has been a regular donor for more than 6 months; ~~or-~~

3. A candidate ~~to may~~ purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, political party, or charitable groups.

Section 2. Effective July 1, 2002, section 106.09, Florida Statutes, is amended to read:

106.09 Cash contributions and contribution by cashier's checks.—

(1) ~~A No person may not shall~~ make or accept a cash contribution or contribution by means of a cashier's check in excess of \$100.

(2)(a) Any person who makes or accepts a contribution in excess of \$100 in violation of this section commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who knowingly and willfully makes or accepts a contribution in excess of \$5,000 in violation of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 3. Effective upon becoming a law, subsection (1) of section 106.24, Florida Statutes, is amended to read:

106.24 Florida Elections Commission; membership; powers; duties.—

(1)(a) There is created within the Department of Legal Affairs, Office of the Attorney General, a Florida Elections Commission, hereinafter referred to as the commission. The commission shall be a separate budget entity, and its director shall be the agency head for all purposes. The commission shall not be subject to control, supervision, or direction by the Department of Legal Affairs or the Attorney General in the performance of its duties, including, but not limited to, personnel, purchasing transactions involving real or personal property, and budgetary matters.

(b) The commission shall be composed of nine members. The President of the Senate, the Speaker of the House of Representatives, the minority leader of the Senate, and the minority leader of the House of Representatives shall each provide a list of six nominees to the Governor for initial appointment to the commission. The Governor may appoint two members to the commission from each list. If the Governor refuses to appoint two members from any of the respective lists, the Governor shall so inform the nominating officer and the nominating officer shall submit a new list of six nominees within 30 days. The new list must contain at least three nominees not included on the prior nominating list. The ninth commission member, who shall serve as chair of the commission, shall be appointed by the Governor. Each member of the commission is subject to confirmation by the Senate. The chair of the commission shall serve for a maximum term of 4 years, such term to run concurrently with the term of the appointing Governor and until a future successor is appointed. Other members of the commission shall serve for 4-year terms and until their successors are appointed. An individual who is a lobbyist at the state or local government level may not serve as a member of the commission, except that this prohibition shall not apply to an individual who is a member of the commission on July 1, 2002, until the expiration of his or her current term. A member of the commission is prohibited from lobbying state or local government while he or she is a member of the commission, except that this prohibition shall not apply to an individual who is a member of the commission on July 1, 2002, until the expiration of his or her current term.

(c) As the terms of members expire, excluding the chair, successors shall be appointed to 4-year terms and shall serve until their successors are appointed. Six months prior to the expiration of a commission member's term, the ranking officer of the political party in the respective house originally nominating the commission member shall submit a list of three nominees to the Governor. The Governor may appoint one of the listed nominees to the commission. If no nominee is selected from the list, the Governor shall so inform the nominating officer, who shall submit a list of three different nominees to the Governor within 30 days. Vacancies on the commission shall expeditiously be filled for the unexpired terms in the same manner.

(d) As the term of the chair of the commission expires or becomes vacant, a successor shall be appointed in the manner of the original appointment,

and shall serve for a maximum of 4 years, such term to run concurrently with the term of the appointing Governor and until a future successor is appointed.

(e) In no event may any member of the commission serve more than two full terms. Members of the commission shall be paid travel and per diem as provided in s. 112.061 while in performance of their duties and in traveling to, from, and upon same. Of the nine members of the commission, no more than five members shall be from the same political party at any one time.

Section 4. 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, present subsections (32) and (33) of that section are renumbered as subsections (34) and (35), respectively, present 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. 101-336, 42 U.S.C. ss. 12101 et seq., including specifically the technical assistance manuals promulgated thereunder, as amended.

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

(36) “Voter interface device” means any device that communicates voting instructions and ballot information to a voter and allows the voter to select and vote for candidates and issues.

Section 5. Section 97.026, Florida Statutes, is created to read:

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

Section 6. Subsection (1) of section 98.065, Florida Statutes, is amended to read:

98.065 Registration list maintenance programs.—

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

Section 7. Effective July 1, 2004, section 98.122, Florida Statutes, is created to read:

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

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

100.361 Municipal recall.—

(1) RECALL PETITION.—Any member of the governing body of a municipality or charter county, hereinafter referred to in this section as “municipality,” may be removed from office by the electors of the municipality. When the official represents a district and is elected only by electors residing in that district, only electors from that district are eligible to sign the petition to recall that official and are entitled to vote in the recall election. When the official represents a district and is elected at-large by the electors of the municipality, all electors of the municipality are eligible to sign the petition to recall that official and are entitled to vote in the recall election. Where used in this section, the term “district” shall be construed to mean the area or region of a municipality from which a member of the governing body is elected by the electors from such area or region. Members may be removed from office by the following procedure:

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

1. In a municipality or district of fewer than 500 electors, the petition shall be signed by at least 50 electors or by 10 percent of the total number

of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

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

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

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

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

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

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

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

Section 9. Subsection (3) of section 100.371, Florida Statutes, is amended to read:

100.371 Initiatives; procedure for placement on ballot.—

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

Section 10. Subsection (4) of section 101.051, Florida Statutes, is amended to read:

101.051 Electors seeking assistance in casting ballots; oath to be executed; forms to be furnished.—

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

DECLARATION TO SECURE ASSISTANCE

State of Florida
County of
Date
Precinct

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

.....
.....

...(Signature of voter)...

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

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

Section 11. Section 101.51, Florida Statutes, is amended to read:

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

(1) When the elector presents himself or herself to vote, the election official shall ascertain whether the elector’s name is upon the register of electors, and, if the elector’s name appears and no challenge interposes, or, if interposed, be not sustained, one of the election officials stationed at the entrance shall announce the name of the elector and permit him or her to enter the booth or compartment to cast his or her vote, allowing only one elector at a time to pass through to vote. An ~~No~~ elector, while casting his or her ballot, may not ~~shall~~ occupy a booth or compartment ~~longer than 5 minutes or be allowed to occupy a booth or compartment already occupied~~

or to speak with anyone, except as provided by s. 101.051, while in the polling place.

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

Section 12. Section 101.56062, Florida Statutes, is created to read:

101.56062 Standards for accessible voting systems.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. The system must prevent the voter from overvoting any race.
 9. The voter must be able to input a candidate's name in each race that allows a write-in candidate.
 10. The voter must be able to review his or her write-in input to the interface, edit that input, and confirm that the edits meet the voter's intent.
 11. There must be a clear, identifiable action that the voter takes to "cast" the ballot. The system must make clear to the voter how to take this action so that the voter has minimal risk of taking the action accidentally but, when the voter intends to cast the ballot, the action can be easily performed.
 12. Once the ballot is cast, the system must confirm to the voter that the action has occurred and that the voter's process of voting is complete.
 13. Once the ballot is cast, the system must preclude the voter from modifying the ballot cast or voting or casting another ballot.
- (2) Such voting system must include at least one accessible voter interface device installed in each precinct which meets the requirements of this section, except for paragraph (1)(d).
- (3) The Department of State may adopt rules in accordance with s. 120.54 which are necessary to administer this section.

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

Section 14. Section 101.662, Florida Statutes, is created to read:

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

Section 15. Effective July 1, 2004, subsection (2) of section 101.71, Florida Statutes, as amended by section 25 of chapter 2001-40, Laws of Florida, is amended to read:

101.71 Polling place.—

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

Section 16. Effective July 1, 2004, section 101.715, Florida Statutes, is amended to read:

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

101.715 Accessibility of polling places for people having a disability.—

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

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

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

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

- (a) For polling places that provide parking spaces for voters, one or more signed accessible parking spaces for disabled persons.
- (b) Signage identifying an accessible path of travel to the polling place if it differs from the primary route or entrance.
- (c) An unobstructed path of travel to the polling place.
- (d) Level, firm, stable, and slip-resistant surfaces.
- (e) An unobstructed area for voting.
- (f) Sufficient lighting along the accessible path of travel and within the polling place.
- (5) The Department of State may adopt rules in accordance with s. 120.54 which are necessary to administer this section.

Section 17. (1) By September 1, 2003, each polling place in a county should be surveyed by the supervisor of elections of that county for the purpose of determining accessibility under the standards to be adopted pursuant to s. 101.715, Florida Statutes, on July 1, 2004, using a survey developed by rule of the Department of State.

(2) The results of this survey shall be presented by the Division of Elections by December 1, 2003, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must note any polling places that will not meet the accessibility standards to be adopted on July 1, 2004, and shall state the specific reasons why those polling places may not be brought into compliance by that date. For each polling place that may not be brought into compliance by that date, the supervisor of elections must certify that fact to the Division of Elections and shall be granted a variance for that polling place until the primary and general elections in 2006.

Section 18. Effective November 30, 2002, subsection (7) is added to section 102.014, Florida Statutes, to read:

102.014 Poll worker recruitment and training.—

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

Section 19. Section 104.20, Florida Statutes, is amended to read:

104.20 Ballot not to be seen, and other offenses.—Any elector who, except as provided by law, allows his or her ballot to be seen by any person; takes or removes, or attempts to take or remove, any ballot from the polling place before the close of the polls; places any mark on his or her ballot by which it may be identified; ~~remains longer than the specified time allowed by law in the booth or compartment after having been notified that his or her time has expired;~~ endeavors to induce any elector to show how he or she voted; aids or attempts to aid any elector unlawfully; or prints or procures to be printed, or has in his or her possession, any copies of any ballot prepared to be voted is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 20. Paragraph (y) of subsection (1) of section 125.01, Florida Statutes, is amended to read:

125.01 Powers and duties.—

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

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

Section 21. The State may apply for all available federal funds to be used to pay for the costs associated with this act.

Section 22. Except as otherwise expressly provided in this act, this act shall take effect one year after the legislature adopts the general appropriations act specifically appropriating to the Department of State, for distribution to the counties, \$8.7 million or such other amounts as it determines and appropriates for the specific purpose of funding this act.

Approved by the Governor May 24, 2002.

Filed in Office Secretary of State May 24, 2002.