



Minority Language Designation in Florida

DE Reference Guide 0004 (Updated 10/2018—supersedes all prior versions)

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Jurisdiction	Minority Language	Voting Rights Act Language Provisions
State of Florida	Spanish	Section 203 , Voting Rights Act (52 USCA 10503)
Broward	Spanish	Section 203 , Voting Rights Act (52 USCA 10503)
DeSoto	Spanish	Section 203 , Voting Rights Act (52 USCA 10503)
Hardee	Spanish	Section 203 , Voting Rights Act (52 USCA 10503)
Hendry	Spanish	Section 203 , Voting Rights Act (52 USCA 10503)
Hillsborough	Spanish	Section 203 , Voting Rights Act (52 USCA 10503)
Lee	Spanish	Section 203 , Voting Rights Act (52 USCA 10503)
Miami-Dade	Spanish	Section 203 , Voting Rights Act (52 USCA 10503) - County offers Creole
Orange	Spanish	Section 203 , Voting Rights Act (52 USCA 10503)
Osceola	Spanish	Section 203 , Voting Rights Act (52 USCA 10503); County previously offered Spanish based on 2002 consent order based on alleged violations of Section 208, Voting Rights Act (52 USCA 10508) and Section 2, Voting Rights Act (52 USCA 10301) which was released in 2005 but federal monitoring still occurs in county resulting from subsequent cases
Palm Beach	Spanish	Section 203 , Voting Rights Act (52 USCA 10503)
Pinellas	Spanish	Section 203 , Voting Rights Act (52 USCA 10503)
Polk	Spanish	Section 203 , Voting Rights Act (52 USCA 10503)
Seminole	Spanish	Section 203 , Voting Rights Act (52 USCA 10503)
Volusia	Spanish	Section “(e)” , Voting Rights Act (52 USCA 10303 (e)) - Volusia County, 2009 entered into a stipulation to provide expanded assistance and bilingual materials including ballots based on allegations by Puerto-Rican born residents U.S. citizens in American-flag schools where Spanish was the dominant language. (Formerly referred to as 4(e) until renumbered) –Completion of requisite grade level education in American-flag schools in which predominate classroom language was other than English
32 counties -Alachua, Bay, Brevard, Charlotte, Citrus, Clay, Columbia, Duval, Escambia, Flagler, Hernando, Highlands, Indian River, Jackson, Lake, Leon, Levy, Manatee, Marion, Martin, Monroe, Okaloosa, Okeechobee, Pasco, Putnam, St. Johns, St. Lucie, Santa Rosa, Sarasota, Sumter, Taylor, and Wakulla	Spanish	Section “(e)” , Voting Rights Act (52 USCA 10303 (e)) - Madera v. Detzner. No. 1:18-cv-152-MW/GRJ (N.D. Fla., Sep. 7, 2018) (preliminary injunction issued) (Requires Spanish Sample Ballots/Assistance only)

Provisions of Voting Rights Act Relating to Minority Language Requirements¹

All Florida counties should be familiar with these provisions that may apply now or may be triggered in the future for bilingual or limited English proficiency issue within their county:

- **Section 203, Voting Rights Act (52 USCA 10503):** Under this section, the U.S. Census Bureau (see www.census.gov) designates covered jurisdictions for language based on decennial census data and subsequent survey data in 5-year periods, or comparable census data based on any 1 of 4 formulas (voting age population, racial/ethnic composition and illiteracy rate) A jurisdiction is covered under Section 203 where the number of United States citizens of voting age is a single language group within the jurisdiction:
 - Is more than 10,000, or
 - Is more than five percent of all voting age citizens, or
 - On an Indian reservation, exceeds five percent of all reservation residents; and
 - The illiteracy rate of the group is higher than the national illiteracy rate

Covered language minorities are limited to American Indians, Asian Americans, Alaskan Natives, and Spanish-heritage citizens - the groups that Congress found to have faced barriers in the political process. If a county is subject to a minority language requirement under section 203, the Supervisor must make voting materials and information relating to the electoral process (including registration or voting notices, forms, ballot, instructions, etc.) and provide minority language assistance in all elections.

After the 2010 census, covered jurisdictions changed as follow: Broward, Collier and Glades counties were no longer covered jurisdictions for American Indian language but Broward remained covered for Spanish. Lee, Osceola, Palm Beach and Polk counties became newly covered jurisdictions for Spanish as did the State of Florida. Florida must now make statewide issued/produced voter registration-voting materials in Spanish. In 2016, the U.S. Census Bureau added Desoto, Pinellas, and Seminole counties as covered jurisdictions for Spanish language. See [Federal Register/Vol. 81, No.233](#)

- **Section 208, Voting Rights Act (52 USCA 10508):** This section provides that "any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union." This provision could apply to a voter who is illiterate or has limited English proficiency and apply in an absentee or polling place/voting booth scenario. This federal law is codified in sections [101.051](#), [101.655](#), and [101.661](#), Fla. Stat.)
- **Section 2, Voting Rights Act (52 USCA 10301):** This section prohibits voting and election-related practices and procedures that discriminate on the basis of race, color or membership in a language minority group.
- **Section "(e)"*, Voting Rights Act (52 USCA 10303 (e))** This section entitled "Completion of requisite grade level education in American-flag schools in which predominate classroom language was other than English" pertains to the right to vote of United States citizens educated through at least 6th grade in American-flag schools in any state, territory, the District of Columbia, and Puerto Rico, in a language other than English because of such citizens' inability to read, write, understand, or interpret English. (*Commonly referred to as 4(e))

¹ **Historical Background:** Florida contained previously 5 counties designated under Section 5 'preclearance. Section 4(f)(4), Voting Rights Act required "covered" jurisdictions for alleged language discrimination to get "preclearance" from the U.S. Department of Justice or a 3-judge panel in DC pursuant to Section 5 before changing their voting laws. A coverage formula determined the designation. From 1975-76 until 2013, Collier, Hardee, Hendry, Hillsborough and Monroe counties were designated for Spanish language minority. In 2013, the U.S. Supreme Court struck down the formula. See [Shelby County v. Holder, 570 U.S. 2 \(2013\)](#). These five counties are no longer covered jurisdictions for Section 5.

Required or Recommended Best Practices

To ensure compliance if required or anticipated, consider the following, including but not limited to:

- Review of the U.S. Department of Justice’s online guidance on practical steps to achieving compliance at: <https://www.justice.gov/crt/about-language-minority-voting-rights> and published guidelines <https://www.justice.gov/crt/about-language-minority-voting-rights#langguide> - 28 C.F.R. Part 55
- Conducting outreach to minority groups regarding appropriate timing, adequacy of materials/assistance and targeting to needs of communities.
- Budgeting for existing requirements or building in contingency for annual expenses associated with minority language materials and assistance.
- Recruiting/hiring/training bilingual election personnel and/or professional interpreter services (e.g., poll workers who can read, write or speak the minority language, and/or designate a language coordinator).
- Providing for professional translational services and effective availability/distribution of translated materials.
- Coordinating/partnering with other government agencies for translation phone services.
- Implementing early voting and Election Day practices (e.g., make translated materials –visible, accessible and available)
- Allowing limited-English proficient voter to bring someone to polls to assist with language translation
- Publicizing minority language assistance at, have poll workers wear bilingual identity badges, etc.
- Incorporating clauses in agreements/contracts/purchase orders for bilingual requirements for election services or products, if applicable.
- Making website materials/information available in the designated minority language.
- Preparing for future, i.e., monitoring county specific demographics shifts which may trigger future Section 203 designation or other limited-English proficiency requirements for population- see e.g., <https://www.justice.gov/civil/language-access-plan>; <https://www.lep.gov/> (Limited English Proficiency); and <https://www.census.gov/programs-surveys/decennial-census/decade.2010.html> (Decennial Census of Population and Housing)
- Adjusting and improving minority language programs as county demographics change.
- Consulting with other election officials for guidance in other long-time designated counties (e.g., BRO, DAD, HIL, ORA counties) which have historically had to comply and plan for resources, staff & budget.