

By Senator Davis

5-00318A-25

20251582__

A bill to be entitled

An act relating to elections; amending s. 20.10, F.S.; requiring that the Secretary of State be elected rather than appointed and serve a specified term; specifying when such election must occur; amending s. 20.32, F.S.; requiring the Florida Commission on Offender Review to develop and maintain a database for a specified purpose; specifying database requirements; requiring specified entities to provide specified information to the commission on a monthly basis; requiring the Department of Management Services, acting through the Florida Digital Service, to provide technical assistance to the commission in developing and maintaining the database; authorizing the Department of Management Services to adopt rules; requiring the commission to make the database publicly available on a website by a specified date; requiring the commission to update the database monthly; requiring the commission to publish certain instructions on the website; requiring the commission to submit a certain comprehensive plan to the Governor and the Legislature by a specified date; specifying requirements for the comprehensive plan; providing that certain persons who register to vote are prohibited from being charged with certain crimes as a result of such registration or voting; requiring the commission to adopt rules; amending s. 97.021, F.S.; defining terms; providing construction; repealing s. 97.022, F.S., relating to the Office of Election

5-00318A-25

20251582__

Crimes and Security; repealing s. 97.0291, F.S., relating to prohibiting the use of private funds for election-related expenses; creating s. 97.0556, F.S.; authorizing a person who meets certain requirements to register to vote at an early voting site or at his or her polling place and to cast a ballot immediately thereafter; amending s. 97.057, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to preregister certain individuals to vote; providing that driver license or identification card applications, driver license or identification card renewal applications, and applications for changes of address for existing driver licenses or identification cards submitted to the department serve as voter registration applications; providing that an applicant is deemed to have consented to the use of his or her signature for voter registration purposes unless a declination is made; requiring that specified applications include a voter registration component, subject to approval by the Department of State; providing requirements for the voter registration component; requiring the Department of Highway Safety and Motor Vehicles to transmit voter registration information electronically to the Department of State within a specified timeframe; requiring the Department of State to provide such information to supervisors of elections; deleting provisions prohibiting persons providing voter registration services for a driver license office from making changes to an applicant's

5-00318A-25

20251582__

party affiliation without the applicant's consent and separate signature; deleting obsolete language; making technical changes; amending s. 97.0575, F.S.; revising the information a third-party voter registration organization is required to provide to the Division of Elections of the Department of State; deleting a provision that provides for the expiration of such organization's registration at the conclusion of the general election cycle for which the organization is registered; deleting provisions requiring such organizations to provide a specified receipt to applicants; revising the timeframe within which such organizations must deliver completed applications to the division or a supervisor of elections; revising certain penalties; revising the aggregate limit of such penalties; deleting provisions providing criminal penalties for the unlawful copying of voter registration applications or retaining of a voter's personal information; deleting provisions providing criminal and administrative penalties; deleting provisions requiring the division to adopt certain rules; deleting provisions that prohibit providing applicants a pre-filled voter registration application and a specified fine for such action; deleting provisions providing for retroactive application; creating part III of ch. 97, F.S., entitled "Florida Voting Rights Act"; creating s. 97.21, F.S.; prohibiting local governments, state agencies, and state officials from implementing, imposing, or

5-00318A-25

20251582__

enforcing election policies, practices, or actions
that result in, will result in, or are intended to
result in specified disparities or impairments;
providing that it is not a violation if such entities
demonstrate by a specified evidentiary standard
certain conditions; providing that it is always a
violation if specified circumstances exist;
prohibiting local governments from employing methods
of election that have the effect, will likely have the
effect, or are motivated in part by the intent of
diluting the vote of protected class members;
providing the requirements to establish a violation;
providing the relevant factors to evaluate the
totality of circumstances related to voter suppression
and vote dilution; providing construction; providing
that such factors are most probative under a specified
condition; providing the circumstances used to
determine whether elections in the local government
exhibit racially polarized voting; providing
construction; providing the circumstances that are
never relevant to violations of specified provisions;
providing that a state interest in preventing voter
fraud or bolstering voter confidence in the integrity
of elections is relevant under specified
circumstances; providing that evidence concerning the
intent of electors, elected officials, and public
officials is not required for such violations;
providing that voting habits of protected class
members may be relevant to certain violations;

5-00318A-25

20251582__

117 requiring a prospective plaintiff, before filing a
118 certain action against a local government, to send a
119 notification letter, by specified means, to the local
120 government; prohibiting a party from filing an action
121 under specified circumstances; authorizing a local
122 government to adopt a specified resolution within a
123 specified timeframe; providing that if the proposed
124 remedy in such resolution is barred by state or local
125 law, or a legislative body lacks the authority or the
126 local government is a covered jurisdiction, the
127 proposed remedy may be approved by the Florida Voting
128 Rights Act Commission if certain conditions are met;
129 authorizing a party that sent a notification letter to
130 seek reimbursement from the local government under
131 specified circumstances; authorizing a party to bring
132 a cause of action for a specified violation under
133 specified circumstances; requiring local governments
134 to take certain action; requiring the commission to
135 post notification letters and resolutions on its
136 website; authorizing the commission to adopt certain
137 rules; prohibiting local governments from asserting
138 specified defenses; authorizing specified entities to
139 file certain enforcement actions; prohibiting certain
140 entities from being compelled to disclose the identity
141 of a member; providing construction; creating s.
142 97.22, F.S.; creating the Florida Voting Rights Act
143 Commission within the Department of State; providing
144 that such commission is a separate budget entity and
145 must submit a budget in accordance with specified

5-00318A-25

20251582__

provisions; providing duties and responsibilities of the commission; providing for the composition of the commission; providing that such commissioners serve staggered terms; requiring that commissioners be compensated at a specified hourly rate; requiring the formation of a nominating committee; providing for the appointment and removal of nominating committee members; requiring the nominating committee to select a chair; requiring that commissioners be selected using a specified process; requiring that commissioners initially be selected by lot and randomly assigned term lengths for purposes of achieving staggered terms; authorizing the commission to take specified actions in any action or investigation to enforce specified provisions; authorizing the commission to hire staff and make expenditures for a specified purpose; authorizing the commission to adopt rules; creating s. 97.23, F.S.; requiring the commission to enter into agreements with one or more postsecondary educational institutions to create the Florida Voting and Elections Database and Institute for a specified purpose; requiring the parties to the agreement to enter into a memorandum of understanding that includes the process for selecting a director; authorizing the database and institute to perform specified actions; requiring the database and institute to make election and voting data records for a specified timeframe available to the public at no cost and to maintain such records in an electronic

5-00318A-25

20251582__

format; requiring the database and institute to use certain methodologies when preparing estimates; specifying the data and records that must be maintained; requiring state agencies and local governments to provide any information requested by the director of the database and institute; requiring local governments to transmit specified information to the database and institute within a certain timeframe; requiring specified entities to provide data, statistics, and other information annually to the database and institute; authorizing specified entities to file enforcement actions; prohibiting certain entities from being compelled to disclose the identity of a member for a certain purpose; providing construction; providing that enforcement actions may be filed in accordance with the Florida Rules of Civil Procedure or in a specified venue; requiring the database and institute to publish a certain report; requiring the database and institute to provide nonpartisan technical assistance to specified entities; providing that a rebuttable presumption exists that data, estimates, or other information from the database and institute is valid; creating s. 97.24, F.S.; defining terms; requiring the Florida Voting Rights Act Commission to designate languages other than English for which language assistance must be provided by a local government, if certain conditions exist; providing the circumstances under which the commission must designate languages other

5-00318A-25

20251582__

than English for voting and elections; requiring the commission to publish specified information annually on its website and distribute such information to local governments; requiring local governments to provide language assistance for specified purposes if the commission makes a certain determination; specifying the materials that must be provided in such language; requiring that certain information be given orally to voters; requiring that translated materials convey a specified intent and meaning; prohibiting local governments from relying on automatic translation services; requiring that live translation be used if available; requiring the commission to establish a specified review process; providing requirements for such review process; authorizing specified entities to file enforcement actions; prohibiting certain entities from being compelled to disclose the identity of a member for a certain purpose; providing construction; requiring that enforcement actions be filed in accordance with the Florida Rules of Civil Procedure or in a specified venue; creating s. 97.25, F.S.; providing that the enactment or implementation of a covered policy by a covered jurisdiction is subject to preclearance by the commission; specifying actions by a local government which are covered policies; requiring that if a covered jurisdiction does not make changes to its method of election, such method is deemed a covered policy that must be submitted to the commission;

5-00318A-25

20251582__

specifying which local governments are covered jurisdictions; requiring the commission to determine and publish annually a list of local governments that are covered jurisdictions on its website; requiring a covered jurisdiction, if seeking preclearance, to submit the covered policy to the commission in writing; requiring the commission to review the covered policy and grant or deny preclearance; providing that the covered jurisdiction bears the burden of proof in the preclearance process; providing that the commission may deny preclearance only if it makes a certain determination; providing that if preclearance is denied, the covered policy may not be enacted or implemented; requiring the commission to provide a written explanation for a denial; authorizing a covered jurisdiction to immediately enact or implement a covered policy granted preclearance; providing that such determination is not admissible and may not be considered by a court in a subsequent action challenging the covered policy; providing that a covered policy is deemed precleared and may be implemented or enacted by the covered jurisdiction if the commission fails to approve or deny the covered policy within specified timeframes; requiring the commission to grant or deny preclearance within specified timeframes; authorizing the commission to invoke a specified number of extensions of a specified timeframe to determine preclearance; providing that any denial of preclearance may be

5-00318A-25

20251582__

262 appealed only by the covered jurisdiction in a
263 specified venue; authorizing specified entities to
264 enjoin the enactment or implementation of specified
265 policies and seek sanctions against covered
266 jurisdictions in specified circumstances; authorizing
267 specified entities to file enforcement actions;
268 prohibiting certain entities from being compelled to
269 disclose the identity of a member for a certain
270 purpose; providing construction; specifying that
271 enforcement actions must be filed in accordance with
272 the Florida Rules of Civil Procedure or in a specified
273 venue; requiring the commission to adopt rules;
274 creating s. 97.26, F.S.; prohibiting a person from
275 engaging in acts of intimidation, deception, or
276 obstruction or any other tactic that has the effect,
277 or will reasonably have the effect, of interfering
278 with another person's right to vote; specifying acts
279 that are deemed a violation; providing a rebuttable
280 presumption; authorizing specified entities to file a
281 civil action to enforce specified provisions;
282 prohibiting certain entities from being compelled to
283 disclose the identity of a member for a certain
284 purpose; providing construction; requiring that courts
285 order specified remedies; creating s. 97.27, F.S.;
286 providing construction; providing applicability;
287 creating s. 97.28, F.S.; requiring a court to order
288 specified appropriate remedies for violations of the
289 act; requiring the court to consider remedies proposed
290 by specified parties; prohibiting the court from

5-00318A-25

20251582__

giving deference to a remedy proposed by the state or local government; providing that the court is empowered to require local governments to implement certain remedies under specified conditions; requiring the courts to grant a temporary injunction or other preliminary relief requested under specified conditions; requiring the court to award attorney fees and litigation costs in actions to enforce specified provisions; amending s. 98.045, F.S.; conforming a cross-reference; amending s. 98.255, F.S.; revising the standards the Department of State is required to prescribe by rule for nonpartisan voter education; requiring that supervisors provide public-facing voter information in plain language to be understood by certain persons; creating s. 100.51, F.S.; establishing General Election Day as a paid holiday; providing that a voter may absent himself or herself from service or employment at a specific time on General Election Day and may not be penalized or have salary or wages deducted for such absence; creating s. 101.016, F.S.; requiring the Division of Elections to maintain a strategic elections equipment reserve of voting systems and other equipment for specified purposes; requiring that such reserve include specified equipment; authorizing the division to contract with specified entities rather than physically maintain such reserve; repealing s. 101.019, F.S., relating to the prohibition of ranked-choice voting; amending s. 101.048, F.S.; providing

5-00318A-25

20251582__

that a voter may cast a provisional ballot at any precinct in the county in which the voter claims to be registered; making technical changes; amending s. 101.62, F.S.; providing that a request for a vote-by-mail ballot is valid until the voter cancels the request; revising the timeframe during which the supervisor must mail vote-by-mail ballots before election day; deleting requirements for a person designated by a voter to pick up the voter's vote-by-mail ballot; providing for extension of deadlines under certain conditions; amending s. 101.64, F.S.; requiring supervisors of elections to enclose a postage prepaid mailing envelope with each vote-by-mail ballot; providing that vote-by-mail ballot voter certificates may be signed with the last four digits of the voter's social security number; making technical changes; amending s. 101.65, F.S.; revising the instructions that must be provided with a vote-by-mail ballot; amending s. 101.68, F.S.; requiring supervisors of elections to compare the signature or last four digits of the social security number on a voter's certificate with the signature or last four digits of the social security number in the registration books or precinct register when canvassing a vote-by-mail ballot; requiring a canvassing board to compare the signature or last four digits of the social security number on a voter's certificate or vote-by-mail ballot cure affidavit with the signature or last four digits of the social

5-00318A-25

20251582__

security number in the registration books or precinct register when canvassing a vote-by-mail ballot; deleting the authorization for certain persons to file a protest against the canvass of a ballot; amending s. 101.69, F.S.; deleting provisions providing that specified secure ballot intake stations be used only during specified timeframes and be monitored by an employee of the supervisor's office; requiring that secure ballot intake stations be monitored by the supervisor's office during specified timeframes instead of continuously monitored in person by an employee; deleting a provision authorizing a certain civil penalty; making technical changes; amending s. 104.42, F.S.; conforming a provision to changes made by the act; providing an effective date.

WHEREAS, Harry T. and Harriette V. Moore were the first true civil rights activists of the modern civil rights era in this state, and

WHEREAS, the Moores, and the organizations they helped found and lead, were instrumental in registering more than 100,000 black voters in this state, and

WHEREAS, the Moores paid the ultimate price for the freedoms they fought to secure for their community when members of the Ku Klux Klan bombed their home in Mims on Christmas Day in 1951, and

WHEREAS, at the time of their death, Florida had the most registered black voters, outpacing any other state in the South, and

5-00318A-25

20251582__

WHEREAS, the purpose of this act is to encourage maximum participation of all eligible voters in this state's electoral process, and

WHEREAS, electoral systems that deny race, color, or language minority groups an equal opportunity to elect candidates of their choice and influence the outcome of an election are inconsistent with the right to equal treatment before the law as provided in Articles I and II of the State Constitution as well as protections found in the 14th and 15th Amendments to the United States Constitution, and

WHEREAS, this act expands voting rights granted under the federal Voting Rights Act of 1965 and reaffirms the well-established principle of "one person, one vote," and

WHEREAS, following decisions by the United States Supreme Court in *Shelby County v. Holder* and *Brnovich v. Democratic National Committee*, the landmark Voting Rights Act of 1965 has been severely diminished in its ability to protect the freedom and opportunity of black and brown voters to participate fully in the political process of our democratic republic, and

WHEREAS, this act builds on the historical work of the named and nameless Floridians who fought for their right to the elective franchise, NOW, THEREFORE,

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

Section 1. Subsection (1) of section 20.10, Florida Statutes, is amended to read:

20.10 Department of State.—There is created a Department of State.

5-00318A-25

20251582__

(1) The head of the Department of State is the Secretary of State. The Secretary of State shall be elected at the statewide general election at which the Governor, Lieutenant Governor, and Cabinet officers are elected as provided in s. 5, Art. IV of the State Constitution, and shall serve a term of 4 years beginning on the first Tuesday after the first Monday in January of the year following such election ~~appointed by the Governor, subject to confirmation by the Senate, and shall serve at the pleasure of the Governor.~~ The Secretary of State shall perform the functions conferred by the State Constitution upon the custodian of state records.

Section 2. Subsection (4) is added to section 20.32, Florida Statutes, to read:

20.32 Florida Commission on Offender Review.—

(4) (a) For the purpose of assisting a person who has been disqualified from voting based on a felony conviction, other than a conviction for murder or a felony sexual offense, in determining whether he or she has met the requirements under s. 98.0751 to have his or her voting rights restored pursuant to s. 4, Art. VI of the State Constitution, the commission shall develop and maintain a database that contains for each such person all of the following information:

1. His or her name and any other personal identifying information.

2. The remaining length of any term of supervision, including, but not limited to, probation, community control, or parole, ordered by a court as part of his or her sentence.

3. The remaining amount of any restitution he or she owes to a victim as ordered by a court as part of his or her

5-00318A-25

20251582__

436 sentence.

437 4. The remaining amount due of any fines or fees that were
438 initially ordered by a court as part of his or her sentence or
439 as a condition of any form of supervision, including, but not
440 limited to, probation, community control, or parole.

441 5. The completion status of any other term ordered by a
442 court as a part of his or her sentence.

443 6. Any other information needed to determine whether he or
444 she has met the requirements for restoration of voting rights
445 under s. 98.0751.

446 (b) The Department of State, the Department of Corrections,
447 the clerks of the circuit court, the county comptrollers, and
448 the Board of Executive Clemency shall provide to the commission
449 on a monthly basis any information required under paragraph (a).

450 (c) The Department of Management Services, acting through
451 the Florida Digital Service, shall provide any technical
452 assistance necessary for the commission to develop and maintain
453 the database. The Department of Management Services may adopt
454 rules governing the provision of such assistance.

455 (d) By July 1, 2027, the commission shall make the database
456 available on a public website. The commission must update the
457 database monthly with the information received from each
458 governmental entity under paragraph (b). The commission shall
459 publish on the website clear instructions that a person who has
460 been disqualified from voting based on a felony conviction,
461 other than for murder or a felony sexual offense, may follow to
462 have his or her voting rights restored and to register to vote.

463 (e) By July 1, 2025, the commission shall provide a
464 comprehensive plan to the Governor, the President of the Senate,

5-00318A-25

20251582__

and the Speaker of the House of Representatives which includes
all of the following:

1. The governmental entities from which and the methods by
which the commission shall collect, centralize, analyze, and
secure the information required to be included in the database.

2. A description of any infrastructure and services,
including, but not limited to, software, hardware, and
information technology services, which may be necessary to
create and maintain the database.

3. The anticipated number of additional employees necessary
for:

a. The commission to develop and maintain the database.

b. A governmental entity to provide the information
required under paragraph (b).

c. The Florida Digital Service to provide the assistance
required under paragraph (c).

4. The anticipated initial cost to develop the database;
the annual cost to maintain the database; and the annual
appropriation required to fund the anticipated costs incurred by
the commission, each governmental entity, and the Florida
Digital Service.

5. Any legal authority necessary for the commission to
develop and maintain the database.

6. Draft legislation to implement the comprehensive plan.

(f) Notwithstanding any other law, a person who registers
to vote or who votes in reasonable reliance on information
contained in the database indicating that his or her voting
rights have been restored pursuant to s. 4, Art. VI of the State
Constitution has an affirmative right to register and to vote

5-00318A-25

20251582__

and may not be charged with a violation of any criminal law of
this state related to fraudulently voting or registering to
vote.

(g) The commission shall adopt rules to implement this
subsection.

Section 3. Section 97.021, Florida Statutes, is amended to
read:

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

(1) "Absent elector" means any registered and qualified
voter who casts a vote-by-mail ballot.

(2) "Absent uniformed services voter" means:

(a) A member of a uniformed service on active duty who, by
reason of such active duty, is absent from the place of
residence where the member is otherwise qualified to vote;

(b) A member of the merchant marine who, by reason of
service in the merchant marine, is absent from the place of
residence where the member is otherwise qualified to vote; or

(c) A spouse or dependent of a member referred to in
paragraph (a) or paragraph (b) who, by reason of the active duty
or service of the member, is absent from the place of residence
where the spouse or dependent is otherwise qualified to vote.

(3) "Address of legal residence" means the legal
residential address of the elector and includes all information
necessary to differentiate one residence from another,
including, but not limited to, a distinguishing apartment,
suite, lot, room, or dormitory room number or other identifier.

(4) "Alternative formats" has the meaning ascribed in the
Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 42

5-00318A-25

20251582__

U.S.C. ss. 12101 et seq., including specifically the technical assistance manuals promulgated thereunder, as amended.

(5) "Automatic tabulating equipment" means an apparatus that automatically examines, counts, and records votes.

(6) "Ballot" or "official ballot" when used in reference to:

(a) "Electronic or electromechanical devices" means a ballot that is voted by the process of electronically designating, including by touchscreen, or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.

(b) "Marksense ballots" means that printed sheet of paper, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her vote.

(7) "Candidate" means any person to whom any one or more of the following applies:

(a) Any person who seeks to qualify for nomination or election by means of the petitioning process.

(b) Any person who seeks to qualify for election as a write-in candidate.

(c) Any person who receives contributions or makes expenditures, or gives his or her consent for any other person to receive contributions or make expenditures, with a view to bringing about his or her nomination or election to, or retention in, public office.

5-00318A-25

20251582__

(d) Any person who appoints a treasurer and designates a primary depository.

(e) Any person who files qualification papers and subscribes to a candidate's oath as required by law.

However, this definition does not include any candidate for a political party executive committee.

(8) "Database and institute" means the Florida Voting and Elections Database and Institute.

(9) "Department" means the Department of State.

(10)~~(9)~~ "Division" means the Division of Elections of the Department of State.

(11)~~(10)~~ "Early voting" means casting a ballot prior to election day at a location designated by the supervisor of elections and depositing the voted ballot in the tabulation system.

(12)~~(11)~~ "Early voting area" means the area designated by the supervisor of elections at an early voting site at which early voting activities occur, including, but not limited to, lines of voters waiting to be processed, the area where voters check in and are processed, and the area where voters cast their ballots.

(13)~~(12)~~ "Early voting site" means those locations specified in s. 101.657 and the building in which early voting occurs.

(14)~~(13)~~ "Election" means any primary election, special primary election, special election, general election, or presidential preference primary election.

(15)~~(14)~~ "Election board" means the clerk and inspectors

5-00318A-25

20251582__

appointed to conduct an election.

~~(16)~~~~(15)~~ "Election costs" shall include, but not be limited to, expenditures for all paper supplies such as envelopes, instructions to voters, affidavits, reports, ballot cards, ballot booklets for vote-by-mail voters, postage, notices to voters; advertisements for registration book closings, testing of voting equipment, sample ballots, and polling places; forms used to qualify candidates; polling site rental and equipment delivery and pickup; data processing time and supplies; election records retention; and labor costs, including those costs uniquely associated with vote-by-mail ballot preparation, poll workers, and election night canvass.

(17) "Election policy or practice" includes any qualification to be an elector, prerequisite to voting, or method of election, as well as any law, statute, ordinance, resolution, charter code or provision, regulation, rule, policy, practice, procedure, standard, or action, with respect to voting or the administration or schedule of elections.

~~(18)~~~~(16)~~ "Elector" is synonymous with the word "voter" or "qualified elector or voter," except where the word is used to describe presidential electors.

(19) "Federal Voting Rights Act" means the federal Voting Rights Act of 1965, 52 U.S.C. s. 10301 et seq., as amended.

(20) "FLVRA Commission" means the Florida Voting Rights Act Commission.

~~(21)~~~~(17)~~ "General election" means an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional

5-00318A-25

20251582__

amendments not otherwise provided for by law.

(22) "Government enforcement action" means any denial of administrative or judicial preclearance by the state or the Federal Government; pending litigation filed by a state or federal entity; or final judgment or adjudication, consent decree, or other similar formal action.

(23) "Legislative body" means the commission, council, school board, or other similar body, by whatever name known, of local government.

(24)~~(18)~~ "Lists of registered electors" means names and associated information of registered electors maintained by the department in the statewide voter registration system or generated or derived from the statewide voter registration system. Lists may be produced in printed or electronic format.

(25) "Local government" means any county, municipality, school district, special district, supervisor of elections or other governmental entity that administers elections, or any other political subdivision in this state in which elections are conducted.

(26)~~(19)~~ "Member of the Merchant Marine" means an individual, other than a member of a uniformed service or an individual employed, enrolled, or maintained on the Great Lakes for the inland waterways, who is:

(a) Employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States; or

(b) Enrolled with the United States for employment or training for employment, or maintained by the United States for

5-00318A-25

20251582__

emergency relief service, as an officer or crew member of such vessel.

(27) "Method of election" means the method by which candidates are elected to a governmental body of a local government, and includes any at-large, district-based, share-based, or other method of election, as well as any districting or redistricting plan used to elect candidates to the governmental body. Methods of election include:

(a) "At-large method of election" means a method of election in which candidates are voted on by all voters in the local government's jurisdiction, voters are allowed or required to cast as many votes as there are seats to fill, and voters may not cast more than one vote for a given candidate.

(b) "District-based method of election" means a method of election in which the local government is divided into districts, each district is represented by a single representative, and a candidate is voted on only by voters residing in his or her district.

(c) "Other method of election" means a method of election other than an at-large, district-based, or share-based method of election, or any combination of methods of election.

(d) "Share-based method of election" means a method of election in which more than one candidate is to be elected and different groups of voters may each elect their preferred candidates to the seats to fill based on their relative share of the votes cast. Share-based methods of election include, but are not limited to, the single transferable vote, cumulative voting, limited voting, and party-list or state-list systems.

(28) ~~(20)~~ "Minor political party" is any group as specified

5-00318A-25

20251582__

in s. 103.095 which on January 1 preceding a primary election does not have registered as members 5 percent of the total registered electors of the state.

(29)~~(21)~~ "Newspaper of general circulation" means a newspaper printed in the language most commonly spoken in the area within which it circulates and which is readily available for purchase by all inhabitants in the area of circulation, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper the primary function of which is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

(30)~~(22)~~ "Nominal value" means having a retail value of \$10 or less.

(31)~~(23)~~ "Nonpartisan office" means an office for which a candidate is prohibited from campaigning or qualifying for election or retention in office based on party affiliation.

(32)~~(24)~~ "Office that serves persons with disabilities" means any state office that takes applications either in person or over the telephone from persons with disabilities for any program, service, or benefit primarily related to their disabilities.

(33) "Organization" means a person other than an individual.

(34)~~(25)~~ "Overseas voter" means:

(a) An absent uniformed services voter who, by reason of active duty or service, is absent from the United States on the date of the election involved;

(b) A person who resides outside the United States and is

5-00318A-25

20251582__

qualified to vote in the last place in which the person was domiciled before leaving the United States; or

(c) A person who resides outside the United States and, but for such residence, would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

(35)~~(26)~~ "Overvote" means that the elector marks or designates more names than there are persons to be elected to an office or designates more than one answer to a ballot question, and the tabulator records no vote for the office or question.

(36)~~(27)~~ "Persons with disabilities" means individuals who have a physical or mental impairment that substantially limits one or more major life activities.

(37)~~(28)~~ "Petition circulator" means an entity or individual who collects signatures for compensation for the purpose of qualifying a proposed constitutional amendment for ballot placement.

(38)~~(29)~~ "Polling place" is the building which contains the polling room where ballots are cast.

(39)~~(30)~~ "Polling room" means the actual room in which ballots are cast on election day and during early voting.

(40)~~(31)~~ "Primary election" means an election held preceding the general election for the purpose of nominating a party nominee to be voted for in the general election to fill a national, state, county, or district office.

(41) "Protected class" means a class of citizens who are members of a race, color, or language minority group, as referenced in the federal Voting Rights Act.

(42)~~(32)~~ "Provisional ballot" means a conditional ballot,

5-00318A-25

20251582__

the validity of which is determined by the canvassing board.

~~(43)(33)~~ "Public assistance" means assistance provided through the food assistance program under the federal Supplemental Nutrition Assistance Program; the Medicaid program; the Special Supplemental Food Program for Women, Infants, and Children; and the Temporary Cash Assistance Program.

~~(44)(34)~~ "Public office" means any federal, state, county, municipal, school, or other district office or position which is filled by vote of the electors.

~~(45)(35)~~ "Qualifying educational institution" means any public or private educational institution receiving state financial assistance which has, as its primary mission, the provision of education or training to students who are at least 18 years of age, provided such institution has more than 200 students enrolled in classes with the institution and provided that the recognized student government organization has requested this designation in writing and has filed the request with the office of the supervisor of elections in the county in which the institution is located.

(46) "Racially polarized voting" means voting in which the candidate or electoral choice preferred by protected class members diverges from the candidate or electoral choice preferred by voters who are not protected class members.

~~(47)(36)~~ "Special election" is a special election called for the purpose of voting on a party nominee to fill a vacancy in the national, state, county, or district office.

~~(48)(37)~~ "Special primary election" is a special nomination election designated by the Governor, called for the purpose of nominating a party nominee to be voted on in a general or

5-00318A-25

20251582__

special election.

~~(49)(38)~~ "Supervisor" means the supervisor of elections.

~~(50)(39)~~ "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).

~~(51)(40)~~ "Third-party registration organization" means any person, entity, or organization soliciting or collecting voter registration applications. A third-party voter registration organization does not include:

(a) A person who seeks only to register to vote or collect voter registration applications from that person's spouse, child, or parent; or

(b) A person engaged in registering to vote or collecting voter registration applications as an employee or agent of the division, supervisor of elections, Department of Highway Safety and Motor Vehicles, or a voter registration agency.

~~(52)(41)~~ "Undervote" means that the elector does not properly designate any choice for an office or ballot question, and the tabulator records no vote for the office or question.

~~(53)(42)~~ "Uniformed services" means the Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(54) "Vote" or "voting" includes any action necessary to cast a ballot and make such ballot effective in any election or primary election, which actions include, but are not limited to, registering to vote, requesting a vote-by-mail ballot, and any

5-00318A-25

20251582__

other action required by law as a prerequisite to casting a ballot and having such ballot counted, canvassed, or certified properly and included in the appropriate totals of votes cast with respect to candidates for election or nomination and to referendum questions.

(55)~~(43)~~ "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. A voter interface device may not be used to tabulate votes. Any vote tabulation must be based upon a subsequent scan of the marked marksense ballot or the voter-verifiable paper output after the voter interface device process has been completed.

(56)~~(44)~~ "Voter registration agency" means any office that provides public assistance, any office that serves persons with disabilities, any center for independent living, or any public library.

(57)~~(45)~~ "Voter registration official" means any supervisor of elections or individual authorized by the Secretary of State to accept voter registration applications and execute updates to the statewide voter registration system.

(58)~~(46)~~ "Voting booth" or "booth" means that booth or enclosure wherein an elector casts his or her ballot for tabulation by an electronic or electromechanical device.

(59)~~(47)~~ "Voting system" means a method of casting and processing votes that functions wholly or partly by use of electromechanical or electronic apparatus or by use of marksense ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating

5-00318A-25

20251582__

manuals, supplies, printouts, and other software necessary for the system's operation.

Terms used in this code which are not defined in this section but are used in the federal Voting Rights Act and interpreted in relevant case law, including, but not limited to, "political process" and "prerequisite to voting," must be construed in a manner consistent with such usage and interpretation.

Section 4. Section 97.022, Florida Statutes, is repealed.

Section 5. Section 97.0291, Florida Statutes, is repealed.

Section 6. Section 97.0556, Florida Statutes, is created to read:

97.0556 Same-day voter registration.—A person who meets the qualifications specified in s. 97.041 to register to vote and who provides the information required under s. 97.052 for the uniform statewide voter registration application may register at an early voting site or at his or her polling place and immediately thereafter cast a ballot.

Section 7. Section 97.057, Florida Statutes, is amended to read:

97.057 Voter registration by the Department of Highway Safety and Motor Vehicles.—

(1)(a) Each of the following serves as an application ~~The Department of Highway Safety and Motor Vehicles shall provide the opportunity to preregister to vote, register to vote, or to update a voter registration record when submitted to the Department of Highway Safety and Motor Vehicles to each individual who comes to an office of that department to:~~

1.(a) An application for or renewal of ~~Apply for or renew a~~

5-00318A-25

20251582__

driver license;

2.~~(b)~~ An application for or renewal of ~~Apply for or renew~~
an identification card pursuant to chapter 322; or

3.~~(c)~~ An application for a change of ~~an~~ address on an
existing driver license or identification card.

(b) Unless the applicant declines to register or
preregister to vote, he or she is deemed to have consented to
the use of the signature from his or her driver license or
identification card application for voter registration purposes.

(2) An application for a driver license or an
identification card must include a voter registration component.
The voter registration component must be approved by the
Department of State and must include all of the following:

(a) The minimum amount of information necessary to prevent
duplicate voter registrations and to preserve the ability of the
department and supervisors of elections to assess the
eligibility of the applicant and administer voter registration
and other provisions of this code.

(b) A statement setting forth voter eligibility
requirements.

(c) An explanation that the applicant is consenting to the
use of his or her signature from the applicant's driver license
or identification card application for voter registration
purposes. By consenting to the use of his or her signature, the
applicant is deemed to have subscribed to the oaths required by
s. 3, Art. VI of the State Constitution and s. 97.051 and to
have sworn and affirmed that the voter registration information
contained in the application is true under penalty for false
swearing pursuant to s. 104.011.

5-00318A-25

20251582__

871 (d) An option that allows the applicant to choose or update
872 a party affiliation. An applicant who is initially registering
873 to vote and does not exercise such option must be sent a notice
874 by the supervisor of elections in accordance with s.
875 97.053(5)(b).

876 (e) An option that allows the applicant to decline to
877 register to vote or preregister to vote. The Department of
878 Highway Safety and Motor Vehicles shall note any such
879 declination in its records and forward the declination to the
880 Department of State. A declination may be used only for voter
881 registration purposes and is confidential and exempt from public
882 records requirements as provided in s. 97.0585.

883 (3) The Department of Highway Safety and Motor Vehicles
884 shall:

885 (a) Develop a voter registration component for applications
886 which meets the requirements set forth in subsection (2).

887 (b) Electronically transmit the voter registration
888 component of an applicant's driver license or identification
889 card application to the Department of State within 24 hours
890 after receipt. Upon receipt of the voter registration component,
891 the Department of State shall provide the information to the
892 supervisor of the county in which the applicant is registering
893 or preregistering to vote or updating his or her voter
894 registration record.

895 ~~(2) The Department of Highway Safety and Motor Vehicles~~
896 ~~shall:~~

897 ~~(a) Notify each individual, orally or in writing, that:~~
898 ~~1. Information gathered for the completion of a driver~~
899 ~~license or identification card application, renewal, or change~~

5-00318A-25

20251582__

~~of address can be automatically transferred to a voter
registration application;~~

~~2. If additional information and a signature are provided,
the voter registration application will be completed and sent to
the proper election authority;~~

~~3. Information provided can also be used to update a voter
registration record, except that party affiliation will not be
changed unless the individual designates a change in party
affiliation and separately consents to such change in writing;~~

~~4. All declinations will remain confidential and may be
used only for voter registration purposes; and~~

~~5. The particular driver license office in which the person
applies to register to vote or updates a voter registration
record will remain confidential and may be used only for voter
registration purposes.~~

~~(b) Require a driver license examiner to inquire orally or,
if the applicant is hearing impaired, inquire in writing whether
the applicant wishes to register to vote or update a voter
registration record during the completion of a driver license or
identification card application, renewal, or change of address.~~

~~1. If the applicant chooses to register to vote or to
update a voter registration record:~~

~~a. All applicable information received by the Department of
Highway Safety and Motor Vehicles in the course of filling out
the forms necessary under subsection (1) must be transferred to
a voter registration application.~~

~~b. The additional necessary information must be obtained by
the driver license examiner and must not duplicate any
information already obtained while completing the forms required~~

5-00318A-25

20251582__

929 ~~under subsection (1).~~

930 ~~e. A voter registration application with all of the~~
931 ~~applicant's voter registration information required to establish~~
932 ~~the applicant's eligibility pursuant to s. 97.041 must be~~
933 ~~presented to the applicant to review and verify the voter~~
934 ~~registration information received and provide an electronic~~
935 ~~signature affirming the accuracy of the information provided.~~

936 ~~d. The voter registration application may not be used to~~
937 ~~change the party affiliation of the applicant unless the~~
938 ~~applicant designates a change in party affiliation and provides~~
939 ~~a separate signature consenting to the party affiliation change.~~

940 ~~e. After verifying the voter registration information and~~
941 ~~providing his or her electronic signature, the applicant must be~~
942 ~~provided with a printed receipt that includes such information~~
943 ~~and documents any change in party affiliation.~~

944 ~~2. If the applicant declines to register to vote, update~~
945 ~~the applicant's voter registration record, or change the~~
946 ~~applicant's address by either orally declining or by failing to~~
947 ~~sign the voter registration application, the Department of~~
948 ~~Highway Safety and Motor Vehicles must note such declination on~~
949 ~~its records and shall forward the declination to the statewide~~
950 ~~voter registration system.~~

951 ~~(3) For the purpose of this section, the Department of~~
952 ~~Highway Safety and Motor Vehicles, with the approval of the~~
953 ~~Department of State, shall prescribe:~~

954 ~~(a) A voter registration application that is the same in~~
955 ~~content, format, and size as the uniform statewide voter~~
956 ~~registration application prescribed under s. 97.052; and~~

957 ~~(b) A form that will inform applicants under subsection (1)~~

5-00318A-25

20251582__

of the information contained in paragraph (2) (a).

~~(4) The Department of Highway Safety and Motor Vehicles must electronically transmit completed voter registration applications within 24 hours after receipt to the statewide voter registration system. Completed paper voter registration applications received by the Department of Highway Safety and Motor Vehicles shall be forwarded within 5 days after receipt to the supervisor of the county where the office that processed or received that application is located.~~

~~(5) The Department of Highway Safety and Motor Vehicles must send, with each driver license renewal extension application authorized pursuant to s. 322.18(8), a uniform statewide voter registration application, the voter registration application prescribed under paragraph (3) (a), or a voter registration application developed especially for the purposes of this subsection by the Department of Highway Safety and Motor Vehicles, with the approval of the Department of State, which must meet the requirements of s. 97.052.~~

(4) ~~(6)~~ A person providing voter registration services for a driver license office may not:

(a) ~~Make any change to an applicant's party affiliation unless the applicant provides a separate signature consenting to the party affiliation change or discuss or~~ Seek to influence an applicant's political preference or party registration;

(b) Display any political preference or party allegiance;

(c) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(d) Disclose any applicant's voter registration information

5-00318A-25

20251582__

except as needed for the administration of voter registration.

(5)~~(7)~~ The Department of Highway Safety and Motor Vehicles shall collect data determined necessary by the Department of State for program evaluation and reporting to the Election Assistance Commission pursuant to federal law.

(6)~~(8)~~ The Department of Highway Safety and Motor Vehicles shall ~~must~~ ensure that all voter registration services provided by driver license offices are in compliance with the federal Voting Rights Act ~~of 1965~~.

(7)~~(9)~~ The Department of Highway Safety and Motor Vehicles shall retain complete records of voter registration information received, processed, and submitted to the Department of State ~~statewide voter registration system~~ by the Department of Highway Safety and Motor Vehicles. The retention of such ~~These~~ records is ~~shall be~~ for the explicit purpose of supporting audit and accounting controls established to ensure accurate and complete electronic transmission of records between the Department of State ~~statewide voter registration system~~ and the Department of Highway Safety and Motor Vehicles.

(8)~~(10)~~ The Department of State shall provide the Department of Highway Safety and Motor Vehicles with an electronic database of street addresses valid for use as the address of legal residence as required in s. 97.053(5). The Department of Highway Safety and Motor Vehicles shall compare the address provided by the applicant against the database of valid street addresses. If the address provided by the applicant does not match a valid street address in the database, the applicant will be asked to verify the address provided. The Department of Highway Safety and Motor Vehicles may ~~shall~~ not

5-00318A-25

20251582__

reject any application for voter registration for which a valid match cannot be made.

(9)~~(11)~~ The Department of Highway Safety and Motor Vehicles shall enter into an agreement with the Department of State to match information in the statewide voter registration system with information in the database of the Department of Highway Safety and Motor Vehicles to the extent required to verify the accuracy of the driver license number, Florida identification number, or last four digits of the social security number provided on applications for voter registration as required in s. 97.053.

(10)~~(12)~~ The Department of Highway Safety and Motor Vehicles shall enter into an agreement with the Commissioner of Social Security as required by the Help America Vote Act of 2002 to verify the last four digits of the social security number provided in applications for voter registration as required in s. 97.053.

(11)~~(13)~~ The Department of Highway Safety and Motor Vehicles shall ~~must~~ assist the Department of State in regularly identifying changes in residence address on the driver license or identification card of a voter. The Department of State shall ~~must~~ report each such change to the appropriate supervisor of elections who must change the voter's registration records in accordance with s. 98.065(4).

~~(14) The Department of Highway Safety and Motor Vehicles shall ensure that information technology processes and updates do not alter an applicant's party affiliation without the written consent of the applicant.~~

Section 8. Section 97.0575, Florida Statutes, is amended to

5-00318A-25

20251582__

read:

97.0575 Third-party voter registration organizations.—

(1) Before engaging in any voter registration activities, a third-party voter registration organization must register and provide to the division, in an electronic format, the following information:

(a) The names of the officers of the organization and the name and permanent address of the organization.

(b) The name and address of the organization's registered agent in the state.

(c) The names, permanent addresses, and temporary addresses, if any, of each registration agent registering persons to vote in this state on behalf of the organization. This paragraph does not apply to persons who only solicit applications and do not collect or handle voter registration applications.

~~(d) Beginning November 6, 2024, the specific general election cycle for which the third-party voter registration organization is registering persons to vote.~~

~~(e) An affirmation that each person collecting or handling voter registration applications on behalf of the third-party voter registration organization has not been convicted of a felony violation of the Election Code, a felony violation of an offense specified in s. 825.103, a felony offense specified in s. 98.0751(2)(b) or (c), or a felony offense specified in chapter 817, chapter 831, or chapter 837. A third-party voter registration organization is liable for a fine in the amount of \$50,000 for each such person who has been convicted of a felony violation of the Election Code, a felony violation of an offense~~

5-00318A-25

20251582__

specified in s. 825.103, a felony offense specified in s.
98.0751(2) (b) or (c), or a felony offense specified in chapter
817, chapter 831, or chapter 837 who is collecting or handling
voter registration applications on behalf of the third-party
voter registration organization.

~~(f)~~ An affirmation that each person collecting or handling
voter registration applications on behalf of the third-party
voter registration organization is a citizen of the United
States of America. A third-party voter registration organization
is liable for a fine in the amount of \$50,000 for each such
person who is not a citizen and is collecting or handling voter
registration applications on behalf of the third-party voter
registration organization.

(2) Beginning November 6, 2024, the registration of a
third-party voter registration organization automatically
expires at the conclusion of the specific general election cycle
for which the third-party voter registration organization is
registered.

~~(3)~~ The division or the supervisor of elections shall make
voter registration forms available to third-party voter
registration organizations. All such forms must contain
information identifying the organization to which the forms are
provided. The division shall maintain a database of all third-
party voter registration organizations and the voter
registration forms assigned to the third-party voter
registration organization. Each supervisor of elections shall
provide to the division information on voter registration forms
assigned to and received from third-party voter registration
organizations. The information must be provided in a format and

5-00318A-25

20251582__

at times as required by the division by rule. The division shall update information on third-party voter registrations daily and make the information publicly available.

~~(4) A third-party voter registration organization that collects voter registration applications shall provide a receipt to an applicant upon accepting possession of his or her application. The division shall adopt by rule a uniform format for the receipt by October 1, 2023. The format must include, but need not be limited to, the name of the applicant, the date the application is received, the name of the third-party voter registration organization, the name of the registration agent, the applicant's political party affiliation, and the county in which the applicant resides.~~

(3) (a) ~~(5) (a)~~ A third-party voter registration organization that collects voter registration applications serves as a fiduciary to the applicant and shall ensure that any voter registration application entrusted to the organization, irrespective of party affiliation, race, ethnicity, or gender, is promptly delivered to the division or the supervisor of elections ~~in the county in which the applicant resides~~ within 14 ~~10~~ days after the application is completed by the applicant, but not after registration closes for the next ensuing election. If a voter registration application collected by any third-party voter registration organization is not promptly delivered to the division or supervisor of elections ~~in the county in which the applicant resides~~, the third-party voter registration organization is liable for the following fines:

1. A fine in the amount of \$50 ~~per each day late, up to \$2,500,~~ for each application received by the division or the

5-00318A-25

20251582__

1132 supervisor of elections in the county in which the applicant
1133 resides more than 10 days after the applicant delivered the
1134 completed voter registration application to the third-party
1135 voter registration organization or any person, entity, or agent
1136 acting on its behalf. A fine in the amount of \$250 ~~\$2,500~~ for
1137 each application received if the third-party voter registration
1138 organization or person, entity, or agency acting on its behalf
1139 acted willfully.

1140 2. A fine in the amount of \$100 ~~per each day late, up to~~
1141 ~~\$5,000~~, for each application collected by a third-party voter
1142 registration organization or any person, entity, or agent acting
1143 on its behalf, before book closing for any given election for
1144 federal or state office and received by the division or the
1145 supervisor of elections in the county in which the applicant
1146 resides after the book-closing deadline for such election. A
1147 fine in the amount of \$500 ~~\$5,000~~ for each application received
1148 if the third-party voter registration organization or any
1149 person, entity, or agency acting on its behalf acted willfully.

1150 3. A fine in the amount of \$500 for each application
1151 collected by a third-party voter registration organization or
1152 any person, entity, or agent acting on its behalf, which is not
1153 submitted to the division or supervisor of elections in the
1154 county in which the applicant resides. A fine in the amount of
1155 \$1,000 ~~\$5,000~~ for any application not submitted if the third-
1156 party voter registration organization or person, entity, or
1157 agency acting on its behalf acted willfully.

1158
1159 The aggregate fine which may be assessed pursuant to this
1160 paragraph against a third-party voter registration organization,

5-00318A-25

20251582__

including affiliate organizations, for violations committed in a calendar year is \$1,000 ~~\$250,000~~.

(b) A showing by the third-party voter registration organization that the failure to deliver the voter registration application within the required timeframe is based upon force majeure or impossibility of performance shall be an affirmative defense to a violation of this subsection. The secretary may waive the fines described in this subsection upon a showing that the failure to deliver the voter registration application promptly is based upon force majeure or impossibility of performance.

~~(6) If a person collecting voter registration applications on behalf of a third-party voter registration organization alters the voter registration application of any other person, without the other person's knowledge and consent, in violation of s. 104.012(4) and is subsequently convicted of such offense, the applicable third-party voter registration organization is liable for a fine in the amount of \$5,000 for each application altered.~~

~~(7) If a person collecting voter registration applications on behalf of a third-party voter registration organization copies a voter's application or retains a voter's personal information, such as the voter's Florida driver license number, Florida identification card number, social security number, or signature, for any reason other than to provide such application or information to the third-party voter registration organization in compliance with this section, the person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

5-00318A-25

20251582__

1190 (4)~~(8)~~ If the Secretary of State reasonably believes that a
1191 person has committed a violation of this section, the secretary
1192 may refer the matter to the Attorney General for enforcement.
1193 The Attorney General may institute a civil action for a
1194 violation of this section or to prevent a violation of this
1195 section. An action for relief may include a permanent or
1196 temporary injunction, a restraining order, or any other
1197 appropriate order.

1198 ~~(9) The division shall adopt by rule a form to elicit~~
1199 ~~specific information concerning the facts and circumstances from~~
1200 ~~a person who claims to have been registered to vote by a third-~~
1201 ~~party voter registration organization but who does not appear as~~
1202 ~~an active voter on the voter registration rolls. The division~~
1203 ~~shall also adopt rules to ensure the integrity of the~~
1204 ~~registration process, including controls to ensure that all~~
1205 ~~completed forms are promptly delivered to the division or a~~
1206 ~~supervisor in the county in which the applicant resides.~~

1207 (5)~~(10)~~ The date on which an applicant signs a voter
1208 registration application is presumed to be the date on which the
1209 third-party voter registration organization received or
1210 collected the voter registration application.

1211 ~~(11) A third-party voter registration organization may not~~
1212 ~~mail or otherwise provide a voter registration application upon~~
1213 ~~which any information about an applicant has been filled in~~
1214 ~~before it is provided to the applicant. A third-party voter~~
1215 ~~registration organization that violates this section is liable~~
1216 ~~for a fine in the amount of \$50 for each such application.~~

1217 ~~(12) The requirements of this section are retroactive for~~
1218 ~~any third-party voter registration organization registered with~~

5-00318A-25

20251582__

~~the department as of July 1, 2023, and must be complied with within 90 days after the department provides notice to the third-party voter registration organization of the requirements contained in this section. Failure of the third-party voter registration organization to comply with the requirements within 90 days after receipt of the notice shall automatically result in the cancellation of the third-party voter registration organization's registration.~~

Section 9. Part III of chapter 97, Florida Statutes, consisting of sections 97.21-97.28, Florida Statutes, is created and entitled "Florida Voting Rights Act."

Section 10. Section 97.21, Florida Statutes, is created to read:

97.21 Prohibitions on voter suppression and vote dilution.-

(1) PROHIBITING VOTER SUPPRESSION.-

(a) A local government, state agency, or state official may not implement, impose, or enforce any election policy or practice, or take any other action or fail to take any action, which results in, will result in, or is intended to result in any of the following:

1. A material disparity in voter participation, access to voting opportunities, or the opportunity or ability to participate in the political process between protected class members and other members of the electorate.

2. Based on the totality of the circumstances, an impairment of the equal opportunity or ability of protected class members to participate in any stage of the political process.

(b) It is not a violation of paragraph (a) if a local

5-00318A-25

20251582__

government, state agency, or state official demonstrates by
clear and convincing evidence that:

1. The election policy or practice is necessary to
significantly further an important and particularized
governmental interest; and

2. There is no alternative election policy or practice that
results in a smaller disparity between protected class members
and other members of the electorate.

(c) Notwithstanding paragraph (b), a violation always
exists under paragraph (a) if:

1. The local government, state agency, or state official
takes action intended to result in a material disparity; or

2. The material disparity results from:

a. The closure, relocation, or consolidation of, or failure
to provide, one or more polling places, early voting sites, or
secure ballot intake stations; or the reassignment of voters to
precincts or polling places or of precincts to polling places;

b. The local government's selection of or change to the
time or date of an election;

c. The local government conducting elections on dates that
do not align with federal or state elections;

d. The date the local government selects for a special
election, and there exists an alternate date in a reasonable
timeframe in which the disparity would be materially less
significant; or

e. The failure to schedule a special election in a
reasonable timeframe, allowing a vacancy in an office where
protected class members are generally able to elect candidates
of their choice.

5-00318A-25

20251582__

(2) PROHIBITING VOTE DILUTION.—

(a) A local government may not employ an at-large method of election, a district-based method of election, a share-based method of election, or other method of election for any office which has the effect, will likely have the effect, or is motivated in part by the intent of diluting the vote of protected class members.

(b) To establish a violation under paragraph (a), it must be established that:

1.a. Elections in the local government exhibit racially polarized voting resulting in an impairment of the equal opportunity or ability of protected class members to nominate or elect candidates of their choice; or

b. Based on the totality of the circumstances, the equal opportunity or ability of protected class members to nominate or elect candidates of their choice is impaired; and

2. Another method of election or changes to the existing method of election which could be constitutionally adopted or ordered under s. 97.28 would likely mitigate the impairment. For the purpose of satisfying such requirement, it is not necessary for the total number or share of protected class members to exceed any numerical threshold in any district or in the local government as a whole.

(3) GUIDELINES AND RELEVANT CIRCUMSTANCES FOR EVALUATING VOTER SUPPRESSION AND VOTE DILUTION.—

(a)1. To evaluate the totality of circumstances under subparagraph (1)(a)2. or sub-subparagraph (2)(b)1.b., the following factors may be relevant:

a. The history of discrimination;

5-00318A-25

20251582__

b. The extent to which the protected class members have been elected to office;

c. The use of any election policy or practice that may enhance the dilutive effective of a method of election in the local government.

d. The extent to which protected class members or candidates experienced any history of unequal access to election-administration or campaign finance processes that determine which candidates will receive access to the ballot or receive financial or other support in a given election for an office of the local government;

e. The extent to which protected class members have historically made expenditures as defined in s. 106.011 at lower rates than other voters;

f. The extent to which protected class members vote at lower rates than other voters;

g. The extent to which protected class members are disadvantaged or otherwise bear the effects of public or private discrimination in areas that may hinder their ability to participate effectively in any stage of the political process, such as education, employment, health, criminal justice, housing, transportation, land use, or environmental protection;

h. The use of overt or subtle racial appeals in political campaigns by governmental officials or in connection with the adoption or maintenance of the election policy or practice;

i. The extent to which candidates face hostility or barriers while campaigning due to their membership in a protected class;

j The lack of responsiveness by elected officials to the

5-00318A-25

20251582__

particular needs of protected class members or a community of protected class members;

k. Whether the election policy or practice was designed to advance, and does materially advance, a valid and substantial state interest; and

1. Other factors deemed relevant.

2. A set number or combination of the factors in subparagraph 1. are not required to determine that a violation occurred.

3. Evidence of these factors is most probative if it relates to the local government in which the alleged violation occurred, but still holds probative value if it relates to the geographic region in which the local government is located or to this state.

(b) To determine whether elections in the local government exhibit racially polarized voting under sub-subparagraph (2) (b) 1.a.:

1. Racially polarized voting must be assessed based on relevant election results, which may include, but are not limited to, elections for offices of the local government; elections held in the local government for other offices, such as state or federal offices; ballot measures; and other electoral choices that bear on the rights and privileges of the protected class.

a. A set number or combination of elections may not be required to establish the existence of racially polarized voting.

b. Evidence of nonpolarized voting in election for offices outside the local government may not preclude a finding of

5-00318A-25

20251582__

1364 racially polarized voting based on elections for offices of the
1365 local government.

1366 c. Nonstatistical or nonquantitative evidence may not
1367 preclude a finding of racially polarized voting based on
1368 statistical or quantitative evidence.

1369 d. Low turnout or registration rates among protected class
1370 members may not preclude a finding of racially polarized voting.

1371 2. Racially polarized voting may be assessed based only on
1372 the combined electoral preferences of members of a protected
1373 class or classes. There is no requirement that the electoral
1374 preferences of each protected class or any subgroup within a
1375 protected class be separately polarized from those of other
1376 voters.

1377 3. The causes of or reasons for racially polarized voting,
1378 including partisan explanations or discriminatory intent, are
1379 not relevant.

1380 (c)1. If evaluating whether a violation of subsection (1)
1381 or subsection (2) is present, the following circumstances are
1382 never relevant to such a violation:

1383 a. The total number or share of protected class members on
1384 whom the election policy or practice does not impose a material
1385 burden;

1386 b. The degree to which the election policy or practice has
1387 a long pedigree or was in widespread use at some earlier date;

1388 c. The use of an identical or similar election policy or
1389 practice in other jurisdictions;

1390 d. The availability of forms of voting unimpacted by the
1391 election policy or practice.

1392 2. A state interest in preventing voter fraud or bolstering

5-00318A-25

20251582__

voter confidence in the integrity of elections is not relevant to an evaluation of whether a violation of subsection (1) or subsection (2) occurred unless there is substantial evidence of a number of instances that criminal activity by individual electors has occurred in the local government and the connection between the election policy or practice and a state interest in preventing voter fraud or bolstering voter confidence in the integrity of elections is supported by substantial evidence.

3. Evidence concerning the intent of electors, elected officials, or public officials to discriminate against protected class members is never required under subsections (1) and (2).

4. Whether protected class members typically elect candidates of their choice to the governmental body of a local government in approximate proportion to their total number or share of the population may be relevant under subsection (2).

(4) Before filing an action against a local government pursuant to this section, a prospective plaintiff must send, by certified mail, return receipt requested, a notification letter to the local government asserting that the local government may be in violation of the provisions of this act. Such letter must be referred to as an "FLVRA notification letter."

(a) Except as noted in paragraph (e), a party may not file an action against a local government pursuant to this section earlier than 50 days after sending an FLVRA notification letter to the local government.

(b) Before receiving an FLVRA notification letter, or not later than 50 days after any FLVRA notification letter is sent to a local government, a local government may adopt a resolution that must be referred to as the "FLVRA Resolution" and that does

5-00318A-25

20251582__

all of the following:

1. Identifies a potential violation of this section by the local government.

2. Identifies a specific remedy to the potential violation.

3. Affirms the local government's intent to enact and implement a remedy for a potential violation.

4. Sets forth specific measures the local government will take to enact and implement the remedy.

5. Provides a schedule for the enactment and implementation of the remedy.

(c) Except as noted in paragraph (e), a party that has sent an FLVRA notification letter may not file an action pursuant to this section earlier than 90 days after the adoption of an FLVRA Resolution.

(d) If the remedy identified in an FLVRA Resolution is barred by state or local law, or a legislative body of a local government lacks authority under state or local law to enact or implement a remedy identified in an FLVRA Resolution within 90 days after the adoption of such resolution, or if the local government is a covered jurisdiction under s. 97.25, the local government may nonetheless enact and implement the remedy identified in such resolution upon approval of the FLVRA Commission, which may provide approval only if it finds that the local government may be in violation of this act, the proposed remedy would address a potential violation, and implementation of the proposed remedy is feasible. The approval of a remedy by the FLVRA Commission does not bar an action to challenge the remedy.

(e) If, pursuant to this subsection, a local government

5-00318A-25

20251582__

enacts or implements a remedy or the FLVRA Commission approves a proposed remedy, a party that sent an FLVRA notification letter may submit a claim for reimbursement from the local government for the costs associated with producing and sending such notification letter. The party must submit the claim in writing and substantiate the claim with financial documentation, including a detailed invoice for any demography services or analysis of voting patterns in the local government. If a party and local government fail to agree to a reimbursement amount, either the party or local government may file an action for a declaratory judgment for a clarification of rights.

(f) Notwithstanding this subsection, a party may bring a cause of action for a violation of this section under any of the following circumstances:

1. The action is commenced within 1 year after the adoption of a challenged method of election, ordinance, resolution, rule, policy, standard, regulation, procedure, or law.

2. The prospect of obtaining relief under this section would be futile.

3. Another party has already submitted a notification letter under this subsection alleging a substantially similar violation and that party is eligible to bring a cause of action under this subsection.

4. Following the party's submission of an FLVRA notification letter, the local government has adopted an FLVRA Resolution that identifies a remedy that would not cure the violation identified in the notification letter.

5. The party is seeking preliminary relief with respect to an upcoming election in accordance with s. 97.28.

5-00318A-25

20251582__

1480 (g) Any local government that receives an FLVRA
1481 notification letter or adopts an FLVRA Resolution must provide a
1482 copy to the FLVRA Commission within 1 day after receipt or
1483 adoption. The FLVRA Commission shall promptly post all FLVRA
1484 notification letters and FLVRA Resolutions on its website. The
1485 FLVRA Commission may adopt rules identifying other materials and
1486 information that must be provided to the FLVRA Commission by
1487 local governments, as well as procedures for transmittal of
1488 materials and information from local governments to the FLVRA
1489 Commission.

1490 (5) A local government may not assert the doctrine of
1491 laches as a defense to claims brought under this section. A
1492 local government may not assert that plaintiffs have failed to
1493 comply with any notice, exhaustion, or other procedural
1494 requirements under state law, other than the requirements in
1495 this section, as a defense to claims brought under this section.

1496 (6) An individual or entity aggrieved by a violation of
1497 this section, the Attorney General, or the FLVRA Commission may
1498 file an action alleging a violation of this section to enforce
1499 compliance with this section. An entity aggrieved by a violation
1500 of this section includes, but is not limited to, any entity
1501 whose membership includes individuals aggrieved by a violation
1502 of this section or whose mission would be frustrated by a
1503 violation of this section, including, but not limited to, an
1504 entity that would expend or divest resources to fulfill its
1505 mission as a result of such violation or must expend greater
1506 resources or efforts to advocate before an elected body that is
1507 less responsible to the entity or its members due to the alleged
1508 violation. An entity may not be compelled to disclose the

5-00318A-25

20251582__

identity of any specific member to pursue a claim on behalf of its members. This subsection shall be liberally construed to confer standing as broadly as the State Constitution allows. Such a claim may be filed pursuant to the Florida Rules of Civil Procedure or in the Second Judicial Circuit of Florida. Members of two or more protected classes that are politically cohesive in a local government may jointly file an action. In an action involving a districting plan, any individual who resides in the defendant jurisdiction and is a member of the affected class or classes, whether he or she resides in any particular district, may challenge the districting plan as a whole.

Section 11. Section 97.22, Florida Statutes, is created to read:

97.22 Florida Voting Rights Act Commission.—

(1) There is created the Florida Voting Rights Act (FLVRA) Commission within the Department of State. The FLVRA Commission is a separate budget entity, as provided in the General Appropriations Act, and shall prepare and submit a budget request in accordance with chapter 216. The FLVRA Commission is responsible for administering the Florida Voting Rights Act. The FLVRA Commission must have its own staff, including management, research, and enforcement personnel, and is not subject to control, supervision, or direction by the Department of State.

(2)(a) The FLVRA Commission shall be composed of five commissioners, each of whom shall serve a staggered 5-year term. Commissioners must be compensated for their actual time spent on the FLVRA Commission's business at an hourly rate equivalent to the rate of an assistant attorney general.

1. A nominating committee shall identify qualified

5-00318A-25

20251582__

1538 candidates to serve as commissioners. The nominating committee
1539 shall be composed of nominating organizations that are selected
1540 as follows:

1541 a. Organizations may apply to the Secretary of State to be
1542 certified as organizational nominators for 5-year terms, after
1543 which the organizations may be recertified. The Secretary of
1544 State must certify any organization that applies to be an
1545 organizational nominator if it meets all of the following
1546 qualifications:

1547 (I) Has demonstrated commitment to the purposes of this act
1548 and securing the voting rights of protected class members, such
1549 as referencing such class members in the organization's mission
1550 statement, involvement in numerous voting rights cases brought
1551 in this state on behalf of members of protected classes, or
1552 advocacy in support of this act.

1553 (II) Is registered as a nonprofit corporation with the
1554 Secretary of State.

1555 (III) Has been in continuous operation as a nonprofit
1556 organization under s. 501(c)(3) of the Internal Revenue Code or
1557 as a nonprofit corporation registered with the Secretary of
1558 State for at least 20 years.

1559 b. If the Secretary of State fails to timely certify an
1560 organization that satisfies the qualifications specified in sub-
1561 paragraph a. following the organization's application as an
1562 organizational nominator, the organization may file an action
1563 against the Secretary of State for a declaratory judgment
1564 certifying the organization as an organizational nominator.

1565 2. An organizational nominator may be removed for cause by
1566 a majority vote of all fellow nominators.

5-00318A-25

20251582__

3. If there are fewer than 16 organizational nominators certified by the Secretary of State, the nominating committee must be composed of all such organizational nominators. If there are 16 or more organizational nominators certified by the Secretary of State, the nominating committee must be composed of 15 organizational nominators randomly selected from all the nominators by lot on an annual basis.

4. The nominating committee shall select its own chair to preside over meetings and votes.

(b) Commissioners shall be selected as follows:

1. The nominating committee shall solicit applications to serve on the FLVRA Commission from across this state. A commissioner must satisfy all of the following criteria:

a. Is a resident of this state.

b. Is a member in good standing of The Florida Bar with at least 5 years of legal experience.

c. Has experience representing or advocating on behalf of members of protected classes.

d. Has not served in elected office within the preceding 5 years.

e. Is not currently serving in any governmental office or holding any political party office.

2. The nominating committee shall maintain a qualified candidate pool composed of 30 candidates to serve on the FLVRA Commission. Individuals may be added to the qualified applicant pool only upon a vote of three-fifths of the nominating committee.

3. All members of the FLVRA Commission must be randomly selected from the qualified candidate pool. Upon the initial

5-00318A-25

20251582__

1596 formation of the FLVRA Commission, five commissioners must be
1597 selected by lot from the qualified candidate pool and randomly
1598 assigned to term lengths of 5 years, 4 years, 3 years, 2 years,
1599 and 1 year. At least 60 days in advance of the conclusion of
1600 each commissioner's term, a new commissioner must be randomly
1601 selected by lot from the qualified candidate pool to serve a 5-
1602 year term upon the conclusion of the commissioner's term. If a
1603 vacancy occurs, a new commissioner must be randomly selected by
1604 lot from the qualified candidate pool within 30 days after the
1605 vacancy occurring to complete the vacated term.

1606 (3) In any action or investigation to enforce this section,
1607 the FLVRA Commission may subpoena witnesses; administer oaths;
1608 examine individuals under oath; determine material facts; and
1609 compel the production of records, books, papers, contracts, and
1610 other documents in accordance with the Florida Rules of Civil
1611 Procedure.

1612 (4) The FLVRA Commission may hire any staff and make any
1613 expenditure necessary to fulfill its responsibilities.

1614 (5) The FLVRA Commission may adopt rules to administer and
1615 enforce this part.

1616 Section 12. Section 97.23, Florida Statutes, is created to
1617 read:

1618 97.23 Statewide database and institute.—

1619 (1) The FLVRA Commission shall enter into an agreement with
1620 one or more postsecondary educational institutions in this state
1621 to create the Florida Voting and Elections Database and
1622 Institute, to maintain and administer a central repository of
1623 elections and voting data available to the public from all local
1624 governments in this state, and to foster, pursue, and sponsor

5-00318A-25

20251582__

research on existing laws and best practices in voting and elections. The parties to that agreement shall enter into a memorandum of understanding that includes the process for selecting the director of the database and institute.

(2) The database and institute shall provide a center for research, training, and information on voting systems and election administration. The database and institute may do any of the following:

(a) Conduct noncredit classes and classes for credit.

(b) Organize interdisciplinary groups of scholars to research voting and elections in this state.

(c) Conduct seminars involving voting and elections.

(d) Establish a nonpartisan centralized database in order to collect, archive, and make publicly available, at no cost, accessible data pertaining to elections, voter registration, and ballot access in this state.

(e) Assist in the dissemination of election data to the public.

(f) Publish books and periodicals on voting and elections in this state.

(g) Provide nonpartisan technical assistance to local governments, scholars, and the general public seeking to use the resources of the database and institute.

(3) The database and institute shall make available, and maintain in an electronic format, all relevant election and voting data and records for at least the previous 12-year period. The data, information, and estimates maintained by the database and institute must be posted online and made available to the public at no cost. Maps, polling places, and vote-by-mail

5-00318A-25

20251582__

ballot secure intake stations must be made available in a geospatial file format. The database and institute shall prepare any estimates made under this section by applying the most advanced and validated peer-reviewed methodologies available. Data and records that must be maintained include, but are not limited to, all of the following:

(a) Estimates of the total population, voting age population, and citizen voting age population by racial, color, or language minority group and disability status, broken down by precinct level on a year-by-year basis, for every local government in this state, based on data from the United States Census Bureau or the American Community Survey or data of comparable quality collected by a public office.

(b) Election results at the precinct level for every federal, state, and local election held in every local government in this state.

(c) Contemporaneous voter registration lists, voter history files, polling places, and vote-by-mail secure ballot intake stations for every election in every local government in this state.

(d) Contemporaneous maps or other documentation of the configuration of precincts.

(e) Lists of polling places, including, but not limited to, lists of precincts assigned to each polling place, if applicable.

(f) Adopted district or redistricting plans for every election in every local government in this state.

(g) A current record, updated monthly, of persons eligible to register to vote who have a prior criminal conviction and

5-00318A-25

20251582__

whose eligibility has been restored in compliance with s.
98.0751.

(h) Any other data that the director of the database and institute considers necessary to maintain in furtherance of the purposes of the database and institute.

(4) All state agencies and local governments shall timely provide the director of the database and institute with any information requested by the director. No later than 90 days after an election, each local government shall transmit to the database and institute copies of all of the following:

(a) Election results at the precinct level.

(b) Contemporaneous voter registration lists.

(c) Voter history files.

(d) Maps, descriptions, and shapefiles for election districts.

(e) Lists of polling places, shapefiles, or descriptions of the precincts assigned to each polling place.

(f) Any other data as requested by the database and institute.

(5) Any state entity identified by the director of the database and institute as possessing data, statistics, or other information required by the database and institute to carry out its duties and responsibilities shall provide such data, statistics, or information annually to the database and institute at the request of the director.

(6) If a state agency or local government fails to provide any information to the database and institute as required by this section, the director of the database and institute, the Attorney General, or the FLVRA Commission may file an action to

5-00318A-25

20251582__

1712 enforce compliance with this section. An entity aggrieved by a
1713 violation of this section includes, but is not limited to, any
1714 entity whose membership includes individuals aggrieved by this
1715 section or whose mission would be frustrated by a violation of
1716 this section, including, but not limited to, an entity that
1717 would expend or divest resources to fulfill its mission as a
1718 result of such violation or must expend greater resources or
1719 efforts to advocate before an elected body that is less
1720 responsive to the entity or its members due to the alleged
1721 violation. An entity may not be compelled to disclose the
1722 identity of any specific member to pursue a claim on behalf of
1723 its members. This section must be liberally construed to confer
1724 standing as broadly as the State Constitution allows. Such claim
1725 may be filed pursuant to the Florida Rules of Civil Procedure or
1726 in the Second Judicial Circuit.

1727 (7) No later than 90 days after the end of each state
1728 fiscal year, the database and institute shall publish a report
1729 on the priorities and finances of the database and institute.

1730 (8) The database and institute shall provide nonpartisan
1731 technical assistance to local governments, researchers, and
1732 members of the public seeking to use the resources of the
1733 database.

1734 (9) There is a rebuttable presumption that the data,
1735 estimates, or other information maintained by the database and
1736 institute is valid.

1737 Section 13. Section 97.24, Florida Statutes, is created to
1738 read:

1739 97.24 Language access.—

1740 (1) As used in this section, the term:

5-00318A-25

20251582__

1741 (a) "Limited English proficient individual" means an
1742 individual who does not speak English as his or her primary
1743 language and who speaks, reads, or understands the English
1744 language other than "very well" in accordance with United States
1745 Census Bureau data or data of comparable quality collected by a
1746 governmental entity.

1747 (b) "Native American" includes any person recognized by the
1748 United States Census Bureau or the state as "American Indian."

1749 (2) The FLVRA Commission must designate one or more
1750 languages, other than English, for which assistance in voting
1751 and elections must be provided in a local government if the
1752 FLVRA Commission finds that a significant and substantial need
1753 exists for such assistance.

1754 (3) Based on the best available data, which may include
1755 information from the United States Census Bureau's American
1756 Community Survey or data of comparable quality collected by a
1757 governmental entity, the FLVRA Commission must find that a
1758 significant and substantial need exists if:

1759 (a) More than 2 percent, but no fewer than 200 citizens of
1760 voting age, of a local government speak a language other than
1761 English and are limited English proficient individuals.

1762 (b) More than 4,000 citizens of voting age of a local
1763 government speak a language other than English and are limited
1764 English proficient individuals.

1765 (4) In the case of a local government that contains any
1766 part of a Native American reservation, if more than 2 percent of
1767 the Native American citizens of voting age within the Native
1768 American reservation are proficient in a language other than
1769 English and are limited English proficient individuals, the

5-00318A-25

20251582__

1770 local government must provide materials in such language.

1771 (5) (a) On an annual basis, the FLVRA Commission shall
1772 publish on its website a list of all of the following:

1773 1. Each local government in which assistance in voting and
1774 elections in a language other than English must be provided.

1775 2. Each language in which such assistance must be provided
1776 in each local government.

1777 (b) The FLVRA Commission's determinations under this
1778 section are effective upon publication, and the FLVRA Commission
1779 must distribute this information to each affected local
1780 government.

1781 (6) Each local government described in paragraph (5) (a)
1782 must provide assistance in voting and elections, including
1783 related materials, in any language designated by the FLVRA
1784 Commission under paragraph (5) (a) to voters in a local
1785 government who are limited English proficient individuals.

1786 (7) Whenever the FLVRA Commission determines that, pursuant
1787 to this section, language assistance must be provided by a local
1788 government, the local government must provide competent
1789 assistance in each designated language and provide related
1790 materials in English and in each designated language, including
1791 voter registration or voting notices, forms, instructions,
1792 assistance, ballots, or other materials or information relating
1793 to the electoral process. However, in the case of a language
1794 that is oral or unwritten, including historically unwritten
1795 languages, as may be the case for some Native Americans, a local
1796 government may provide only oral instructions, assistance, or
1797 other information on the electoral process in such language. All
1798 materials provided in a designated language must be of an equal

5-00318A-25

20251582__

1799 quality to the corresponding English materials. All provided
1800 translations must convey the intent and essential meaning of the
1801 original text or communication and may not rely solely on
1802 automatic translation services. If available, language
1803 assistance must include live translation.

1804 (8) The FLVRA Commission shall establish a review process
1805 under which the FLVRA Commission determines, upon receipt of a
1806 request submitted under this subsection, whether a significant
1807 and substantial need exists in a local government for a language
1808 to be designated for language access and assistance in voting
1809 and elections if such need has not been found under subsection
1810 (3) or subsection (4). Such process, at a minimum, must include
1811 an opportunity for any voter or entity to submit a request for
1812 the commission to consider designating a language in a local
1813 government; an opportunity for public comment; and a procedure
1814 for determining that a local government must provide language
1815 assistance.

1816 (9) Any individual or entity aggrieved by a violation of
1817 this section, the Attorney General, or the FLVRA Commission may
1818 file an action alleging a violation of this section. An entity
1819 aggrieved by a violation of this section includes, but is not
1820 limited to, any entity whose membership includes individuals
1821 aggrieved by this section or whose mission would be frustrated
1822 by a violation of this section, including, but not limited to,
1823 an entity that would expend or divest resources to fulfill its
1824 mission as a result of such violation or must expend greater
1825 resources or efforts to advocate before an elected body that is
1826 less responsive to the entity or its members due to the alleged
1827 violation. An entity may not be compelled to disclose the

5-00318A-25

20251582__

identity of any specific member to pursue a claim on behalf of
its members. This section must be liberally construed to confer
standing as broadly as the State Constitution allows. Such a
claim may be filed pursuant to the Florida Rules of Civil
Procedure or in the Second Judicial Circuit.

Section 14. Section 97.25, Florida Statutes, is created to
read:

97.25 Preclearance.—

(1) The enactment or implementation of a covered policy by
a covered jurisdiction is subject to preclearance by the FLVRA
Commission.

(2) For purposes of this section, a covered policy includes
any new or modified:

(a) Election policy or practice.

(b) Method of election, including districting or
redistricting.

(c) Form of government.

(d) Annexation, incorporation, dissolution, consolidation,
or division of a local government.

(e) Removal of individuals from registry lists or
enrollment lists and other activities concerning any such list.

(f) Hours of any early voting site, or location or number
of early voting sites, polling places, or secure ballot intake
stations.

(g) Assignment of voting precincts to polling places or
secure ballot intake station locations.

(h) Assistance offered to protected class members.

(i) Any additional subject matter the FLVRA Commission may
identify for inclusion in this subsection, pursuant to FLVRA

5-00318A-25

20251582__

Commission rule, if the FLVRA Commission determines that any election policy or practice may have the effect of diminishing the right to vote of any protected class member or have the effect of violating this act.

(3) Following each decennial census, if a covered jurisdiction does not make changes to its method of election, including, but not limited to, maintaining an at-large method of election or not making revisions to a district-based method of election, the method of election must be deemed a covered policy and must be submitted to the FLVRA Commission pursuant to this section.

(4) A covered jurisdiction includes any of the following:

(a) A local government that, within the preceding 25 years, has been subject to a court order, government enforcement action, court-approved consent decree, or other settlement in which the local government conceded liability, based upon a violation of this act, the federal Voting Rights Act, the 15th Amendment to the United States Constitution, a voting-related violation of the 14th Amendment to the United States Constitution, or any violation of any other state or federal election law, concerning discrimination against members of a protected class.

(b) A local government that, within the preceding 25 years, has been subject to any court order, government enforcement action, court-approved consent decree, or any other settlement in which the local government conceded liability, based upon a violation of any state or federal civil rights law or the 14th Amendment to the United States Constitution, concerning discrimination against members of a protected class.

5-00318A-25

20251582__

1886 (c) A local government that, during the preceding 3 years,
1887 has failed to comply with its obligation to provide data or
1888 information to the database pursuant to s. 97.23.

1889 (d) A local government that, during the preceding 25 years,
1890 was found to have enacted or implemented a covered policy
1891 without obtaining preclearance for that policy pursuant to this
1892 section.

1893 (e) A local government that contains at least 1,000
1894 eligible voters of any protected class, or in which members of
1895 any protected class constitute at least 10 percent of the
1896 eligible voter population of the local government, and in which,
1897 in any year in the preceding 10 years, the percentage of voters
1898 of any protected class in a local government which participated
1899 in any general election for any local government office was at
1900 least 10 percentage points lower than the percentage of all
1901 voters in the local government who participated in such
1902 election.

1903 (f) A local government that contains at least 1,000
1904 eligible voters of any protected class, or in which members of
1905 any protected class constitute at least 10 percent of the
1906 eligible voter population of the local government, and in which,
1907 in any year in the preceding 10 years, the percentage of
1908 eligible voters of that protected class who were registered to
1909 vote was at least 10 percentage points lower than the percentage
1910 of all eligible voters in the local government who registered to
1911 vote.

1912 (g) A local government that contains at least 1,000
1913 eligible voters of any protected class, or in which members of
1914 any protected class constitute at least 10 percent of the

5-00318A-25

20251582__

1915 eligible voter population of the local government, and in which,
1916 in any year in the preceding 10 years, based on data made
1917 available by the United States Census, the dissimilarity index
1918 of such protected class, calculated using census tracts, was in
1919 excess of 50 percent with respect to the race, color, or
1920 language minority group that comprises a plurality within the
1921 local government.

1922 (h) A local government that contains at least 1,000
1923 eligible voters of any protected class, or in which members of
1924 any protected class constitute at least 10 percent of the
1925 eligible voter population of the local government, and in which,
1926 in any year in the preceding 10 years, the poverty rate among
1927 the population of such protected class exceeded the poverty rate
1928 among the population of the local government as a whole by at
1929 least 10 percentage points.

1930 (i) A county that contains at least 1,000 eligible voters
1931 of any protected class, or in which members of any protected
1932 class constitute at least 10 percent of the eligible voter
1933 population of the county, and in which, in any year in the
1934 preceding 10 years, the arrest rate among members of such
1935 protected class exceeded the arrest rate among the population of
1936 the county as a whole by at least 10 percentage points.

1937 (j) Any school district that contains at least 1,000
1938 eligible voters of any protected class, or in which members of
1939 any protected class constitute at least 10 percent of the
1940 eligible voter population of the school district, and in which,
1941 in any year in the preceding 10 years, the graduation rate of
1942 such protected class was lower than the graduation rate of the
1943 entire district student population by at least 10 percentage

5-00318A-25

20251582__

points.

(5) The FLVRA Commission shall determine on an annual basis which local governments are covered jurisdictions and publish a list of such jurisdictions on its website.

(6) If a covered jurisdiction seeks preclearance from the FLVRA Commission for the adoption or implementation of any covered policy, the covered jurisdiction must submit the covered policy to the FLVRA Commission in writing and may obtain preclearance in accordance with this section.

(a) The FLVRA Commission shall review the covered policy submitted for preclearance, including any comments submitted by members of the public, and make a determination to grant or deny preclearance. The covered jurisdiction bears the burden of proof in any preclearance determinations.

(b)1. The FLVRA Commission may deny preclearance to a submitted covered policy only if it determines that:

a. The covered policy is more likely than not to diminish the opportunity or ability of protected class members to participate in the political process and elect candidates of their choice or otherwise influence the outcome of elections; or

b. The covered policy is more likely than not to violate this act.

2. If the FLVRA Commission denies preclearance, the applicable covered jurisdiction may not enact or implement the covered policy. The FLVRA Commission shall provide a written explanation for a denial.

(c) If the FLVRA Commission grants preclearance to a covered policy, the covered jurisdiction may immediately enact or implement the covered policy. A determination by the FLVRA

5-00318A-25

20251582__

Commission to grant preclearance is not admissible in, and may not be considered by, a court in any subsequent action challenging the covered policy. If the FLVRA Commission fails to deny or grant preclearance to a submitted covered policy within the time periods set forth in paragraph (d), the covered policy is deemed to be precleared, and the covered jurisdiction may enact or implement the covered policy.

(d) If a covered policy concerns the method of election for a legislative body, districting or redistricting, the number of seats on the legislative body, or annexation, incorporation, dissolution, consolidation, or division of a local government, the FLVRA Commission must review the covered policy, including any comments submitted by members of the public, and make a determination to deny or grant preclearance within 60 days after the submission of the covered policy. The FLVRA Commission may invoke up to two extensions of 90 days each to make such a determination. For all other covered policies, the FLVRA Commission shall review the covered policy, including any public comment, and make a determination to deny or grant preclearance within 30 days after the submission of the covered policy. The FLVRA Commission may invoke an extension of 60 days to make such a determination.

(e) Any denial of preclearance under this section may be appealed only by the covered jurisdiction and must be filed in the Second Judicial Circuit. Other parties may not file an action to appeal a denial of preclearance or intervene in any such action brought by the covered jurisdiction.

(7) If any covered jurisdiction enacts or implements any covered policy without obtaining preclearance for such covered

5-00318A-25

20251582__

policy in accordance with this section, any individual or entity aggrieved by such a violation, the director of the database and institute, the Attorney General, or the FLVRA Commission may file an action to enjoin enactment or implementation and seek sanctions against the covered jurisdiction for violations of this section. An entity aggrieved by a violation of this section includes, but is not limited to, any entity whose membership includes individuals aggrieved by this section or whose mission would be frustrated by a violation of this section, including, but not limited to, an entity that would expend or divest resources to fulfill its mission as a result of such violation or must expend greater resources or efforts to advocate before an elected body that is less responsive to the entity or its members due to the alleged violation. An entity may not be compelled to disclose the identity of any specific member to pursue a claim on behalf of its members. This section must be liberally construed to confer standing as broadly as the State Constitution allows. Such a claim may be filed pursuant to the Florida Rules of Civil Procedure or in the Second Judicial Circuit. A claim under this subsection does not preclude, bar, or limit in any way any other claims that may be brought regarding the covered policy, including claims brought under other sections of this act.

(8) If the FLVRA Commission approves preclearance for a covered policy in violation of this section, identifies or fails to identify a list of local governments that are covered jurisdictions in violation of this section, or otherwise fails to properly implement this section, any individual or entity aggrieved by such a violation may file an action seeking

5-00318A-25

20251582__

appropriate relief, including, but not limited to, injunctive relief on the FLVRA Commission or any other party, as the court deems necessary to enforce this section. An entity aggrieved by a violation of this section includes, but is not limited to, any entity whose membership includes individuals aggrieved by this section or whose mission would be frustrated by a violation of this section, including, but not limited to, an entity that would expend or divest resources to fulfill its mission as a result of such violation or must expend greater resources or efforts to advocate before an elected body that is less responsive to the entity or its members due to the alleged violation. An entity may not be compelled to disclose the identity of any specific member to pursue a claim on behalf of its members. This section must be liberally construed to confer standing as broadly as the State Constitution allows. Such a claim may be filed pursuant to the Florida Rules of Civil Procedure or in the Second Judicial Circuit. A claim under this subsection does not preclude, bar, or limit any other claims that may be brought regarding any covered policy, including claims brought under other sections of this act.

(9) The FLVRA Commission shall adopt rules to implement this section, including rules concerning the content of and procedure for preclearance submission, procedures for public comment and transparency regarding preclearance determinations, and procedures for expedited and emergency preclearance determinations which deviate from the timelines provided in paragraph (6) (d), provided that such preclearance determinations are preliminary.

Section 15. Section 97.26, Florida Statutes, is created to

5-00318A-25

20251582__

read:

97.26 Voter intimidation, deception, and obstruction.—

(1) A person may not, whether acting under color of law or otherwise, engage in acts of intimidation, deception, or obstruction, or any other tactic that has the effect of or may reasonably have the effect of interfering with another person's right to vote.

(2) A violation of subsection (1) includes any of the following:

(a) The use of force or threats to use force, or the use of any other conduct to practice intimidation, which causes or will reasonably have the effect of causing interference with an individual's right to vote.

(b) Knowingly using a deceptive or fraudulent device, contrivance, or communication that causes or will reasonably have the effect of causing interference with an individual's right to vote.

(c) The obstruction of, impediment to, or interference with access to any early voting site, polling place, secure ballot intake station, or office of the supervisor of elections in a manner that causes or will reasonably have the effect of causing interference with an individual's right to vote or causing any delay in voting or the voting process.

(3) (a) In any action to enforce this section, there is a rebuttable presumption that a person has violated this section if he or she openly carries or brandishes a firearm, an imitation firearm, a toy gun, a machete, an axe, a sword, or any weapon as defined in s. 790.001 while:

1. Interacting with or observing any person voting or

5-00318A-25

20251582__

attempting to vote;

2. Urging or aiding any person to vote or attempt to vote, whether as part of official election administration activities or unofficial activities; or

3. Exercising any power or duty in administering elections, including, but not limited to, vote counting, canvassing, or certifying returns.

(b) Law enforcement officers acting within the scope of their official duties are not subject to the presumption under paragraph (a), but a court may nonetheless consider a law enforcement officer's possession of a firearm in determining whether the officer violated this section.

(4) Any individual or entity aggrieved by a violation of this section, the Attorney General, or the FLVRA Commission may file a civil action alleging a violation of this section. An entity aggrieved by a violation of this section includes, but is not limited to, any entity whose membership includes individuals aggrieved by this section or whose mission would be frustrated by a violation of this section, including, but not limited to, an entity that would expend or divest resources to fulfill its mission as a result of such violation or must expend greater resources or efforts to advocate before an elected body that is less responsive to the entity or its members due to the alleged violation. An entity may not be compelled to disclose the identity of any specific member to pursue a claim on behalf of its members. This section must be liberally construed to confer standing as broadly as the State Constitution allows. Such a claim may be filed pursuant to the Florida Rules of Civil Procedure or in the Second Judicial Circuit.

5-00318A-25

20251582__

(5) In addition to any remedies that may be imposed under s. 97.28, if the court finds a violation of this section, the court must order appropriate remedies that are tailored to addressing the violation, including, but not limited to, providing for additional time for individuals to vote in an election, a primary, or a referendum and awarding nominal damages for any violation and compensatory or punitive damages for any willful violation.

Section 16. Section 97.27, Florida Statutes, is created to read:

97.27 Democracy canon.—

(1) Any provision of this code and any regulation, charter, home rule ordinance, or other enactment of the state or any local government relating to the right to vote must be liberally construed in favor of the rights enumerated in paragraphs (a)-(e), as follows:

(a) Protecting the right to cast a ballot and make the ballot valid.

(b) Ensuring eligible individuals seeking voter registration are not impaired in being registered.

(c) Ensuring voters are not impaired in voting, including, but not limited to, having their votes counted.

(d) Making the fundamental right to vote more accessible to eligible voters.

(e) Ensuring equitable access for protected class members to opportunities to be registered to vote and to vote.

(2) It is the policy of the state that courts should exercise their discretion on any issue, including, but not limited to, questions of discovery, procedure, admissibility of

5-00318A-25

20251582__

evidence, or remedies, in favor of the rights enumerated in paragraphs (1)(a)-(e) to the extent allowable by law. Furthermore, it is the policy of the state to promote the free flow of documents and information concerning the intent of public officials in actions concerning the right to vote. Accordingly, in any action under this act, the federal Voting Rights Act, or a voting-related claim under the State Constitution or the United States Constitution, sovereign, governmental, executive, legislative, or deliberative immunities and privileges, including any evidentiary privileges, may not be asserted. However, this section does not apply to any attorney-client or attorney work-product privileges.

Section 17. Section 97.28, Florida Statutes, is created to read:

97.28 Remedies.—

(1) If a court finds a violation of this act, the court must order appropriate remedies that are tailored to address such violation and to ensure protected class members have equitable opportunities to fully participate in the political process and that the remedies can be implemented in a manner that will not unduly disrupt the administration of an ongoing or imminent election. Appropriate remedies include, but need not be limited to, any of the following:

(a) Another method of election or changes to the existing method of election.

(b) Elimination of staggered elections so that all members of the legislative body are elected at the same time.

(c) Reasonably increasing the size of the legislative body.

(d) Additional voting days or hours.

5-00318A-25

20251582__

(e) Additional polling places and early voting sites.

(f) Additional opportunities to return ballots.

(g) Holding special elections.

(h) Expanded opportunities for voter registration.

(i) Additional voter education.

(j) The restoration or addition of individuals to registry lists.

(k) Retaining jurisdiction for such a period of time as the court deems appropriate.

(2) The court shall consider remedies proposed by any party to the action or by interested nonparties. The court may not give deference or priority to a proposed remedy because it is proposed by the state or local government.

(3) If necessary to remedy a violation of this act, the court is empowered to require a local government to implement remedies that are inconsistent with any other law and any special act, charter or home rule ordinance, or other enactment of the state or local government.

(4) Notwithstanding the Florida Rules of Civil Procedure or any other law, the court must grant a temporary injunction and any other preliminary relief requested under this section with respect to an upcoming election if the court determines that the party is more likely than not to succeed on the merits and that it is possible to implement an appropriate temporary remedy that would resolve the violation alleged under this section before the next general election.

(5) In any action to enforce this act, the court shall award reasonable attorney fees and litigation costs, including, but not limited to, expert witness fees and expenses, to the

5-00318A-25

20251582__

party that filed an action, other than a state or local government, and that prevailed in such action. The party that filed the action is deemed to have prevailed when, as a result of litigation, the party against whom the action was filed has yielded some or all of the relief sought in the action. In the case of a party against whom an action was filed and who prevailed, the court may not award the party any costs unless the court finds the action to be frivolous, unreasonable, or without foundation.

Section 18. Paragraph (b) of subsection (4) of section 98.045, Florida Statutes, is amended to read:

98.045 Administration of voter registration.—

(4) STATEWIDE ELECTRONIC DATABASE OF VALID RESIDENTIAL STREET ADDRESSES.—

(b) The department shall make the statewide database of valid street addresses available to the Department of Highway Safety and Motor Vehicles as provided in s. 97.057(8) ~~s. 97.057(10)~~. The Department of Highway Safety and Motor Vehicles shall use the database for purposes of validating the legal residential addresses provided in voter registration applications received by the Department of Highway Safety and Motor Vehicles.

Section 19. Subsections (1) and (2) of section 98.255, Florida Statutes, are amended to read:

98.255 Voter education programs.—

(1) The Department of State shall adopt rules prescribing minimum standards for nonpartisan voter education. The standards shall, at a minimum, address:

(a) Voter registration;

5-00318A-25

20251582__

(b) Balloting procedures, by mail and polling place;

(c) Voter rights and responsibilities;

(d) Distribution of sample ballots; ~~and~~

(e) Public service announcements; and

(f) Plain writing standards consistent with official federal guidelines for the Plain Writing Act of 2010 and United States Election Assistance Commission best practices for designing effective voter education materials.

(2) Each county supervisor shall implement the minimum voter education standards, and shall conduct additional nonpartisan education efforts as necessary to ensure that voters have a working knowledge of the voting process. This includes providing, as far as possible, public-facing voter information in plain language reasonably calculated to be understood by persons with an 8th grade reading level or lower.

Section 20. Section 100.51, Florida Statutes, is created to read:

100.51 General Election Day paid holiday.—In order to encourage civic participation, enable more individuals to serve as poll workers, and provide additional time for the resolution of any issue that arises while a voter is casting his or her ballot, General Election Day shall be a paid holiday. A voter is entitled to absent himself or herself from any service or employment in which he or she is engaged or employed during the time the polls are open on General Election Day. A voter who absents himself or herself under this section may not be penalized in any way, and a deduction may not be made from his or her usual salary or wages, on account of his or her absence.

Section 21. Section 101.016, Florida Statutes, is created

5-00318A-25

20251582__

to read:

101.016 Strategic elections equipment reserve.—The Division of Elections shall maintain a strategic elections equipment reserve of voting systems that may be deployed in the event of an emergency as defined in s. 101.732 or upon the occurrence of equipment capacity issues due to unexpected voter turnout. The reserve must include tabulation equipment and any other necessary equipment, including, but not limited to, printers, which are in use by each supervisor of elections. In lieu of maintaining a physical reserve of such equipment, the division may contract with a vendor of voting equipment to provide such equipment on an as-needed basis.

Section 22. Section 101.019, Florida Statutes, is repealed.

Section 23. Subsections (1) and (2) of section 101.048, Florida Statutes, are amended to read:

101.048 Provisional ballots.—

(1) At all elections, a voter claiming to be properly registered in this ~~the~~ state and eligible to vote ~~at the precinct~~ in the election but whose eligibility cannot be determined, a person whom an election official asserts is not eligible, including, but not limited to, a person to whom notice has been sent pursuant to s. 98.075(7), but for whom a final determination of eligibility has not been made, and other persons specified in the code shall be entitled to vote a provisional ballot at any precinct in the county in which the voter claims to be registered. Once voted, the provisional ballot must be placed in a secrecy envelope and thereafter sealed in a provisional ballot envelope. The provisional ballot must be deposited in a ballot box. All provisional ballots must

5-00318A-25

20251582__

remain sealed in their envelopes for return to the supervisor of elections. The department shall prescribe the form of the provisional ballot envelope. A person casting a provisional ballot has the right to present written evidence supporting his or her eligibility to vote to the supervisor of elections by not later than 5 p.m. on the second day following the election.

(2)(a) The county canvassing board shall examine each Provisional Ballot Voter's Certificate and Affirmation to determine if the person voting that ballot was entitled to vote in the county in which ~~at the precinct where~~ the person cast a vote in the election and that the person had not already cast a ballot in the election. In determining whether a person casting a provisional ballot is entitled to vote, the county canvassing board shall review the information provided in the Voter's Certificate and Affirmation, written evidence provided by the person pursuant to subsection (1), information provided in any cure affidavit and accompanying supporting documentation pursuant to subsection (6), any other evidence presented by the supervisor, and, in the case of a challenge, any evidence presented by the challenger. A ballot of a person casting a provisional ballot must ~~shall~~ be canvassed pursuant to paragraph (b) unless the canvassing board determines by a preponderance of the evidence that the person was not entitled to vote.

(b) If it is determined that the person was registered and entitled to vote in the county in which ~~at the precinct where~~ the person cast a vote in the election, the canvassing board must compare the signature on the Provisional Ballot Voter's Certificate and Affirmation or the provisional ballot cure affidavit with the signature on the voter's registration or

5-00318A-25

20251582__

precinct register. A provisional ballot may be counted only if:

1. The signature on the voter's certificate or the cure affidavit matches the elector's signature in the registration books or the precinct register; however, in the case of a cure affidavit, the supporting identification listed in subsection (6) must also confirm the identity of the elector; or

2. The cure affidavit contains a signature that does not match the elector's signature in the registration books or the precinct register, but the elector has submitted a current and valid Tier 1 form of identification confirming his or her identity pursuant to subsection (6).

For purposes of this paragraph, any canvassing board finding that signatures do not match must be by majority vote and beyond a reasonable doubt.

(c) Any provisional ballot not counted must remain in the envelope containing the Provisional Ballot Voter's Certificate and Affirmation, and the envelope must ~~shall~~ be marked "Rejected as Illegal."

(d) If a provisional ballot is validated following the submission of a cure affidavit, the supervisor must make a copy of the affidavit, affix it to a voter registration application, and immediately process it as a valid request for a signature update pursuant to s. 98.077.

Section 24. Paragraph (a) of subsection (1) and paragraphs (c) and (d) of subsection (3) of section 101.62, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

101.62 Request for vote-by-mail ballots.—

5-00318A-25

20251582__

(1) REQUEST.—

(a) The supervisor shall accept a request for a vote-by-mail ballot only from a voter or, if directly instructed by the voter, a member of the voter's immediate family or the voter's legal guardian. A request may be made in person, in writing, by telephone, or through the supervisor's website. The department shall prescribe by rule by October 1, 2023, a uniform statewide application to make a written request for a vote-by-mail ballot which includes fields for all information required in this subsection. One request is deemed sufficient to receive a vote-by-mail ballot for all elections until the voter or the voter's designee notifies the supervisor that the voter cancels such request ~~through the end of the calendar year of the next regularly scheduled general election~~, unless the voter or the voter's designee indicates at the time the request is made the elections ~~within such period~~ for which the voter desires to receive a vote-by-mail ballot. The supervisor must cancel a request for a vote-by-mail ballot when any first-class mail or nonforwardable mail sent by the supervisor to the voter is returned as undeliverable. If the voter requests a vote-by-mail ballot thereafter, the voter must provide or confirm his or her current residential address.

(3) DELIVERY OF VOTE-BY-MAIL BALLOTS.—

(c) Except as otherwise provided in paragraph (a) or paragraph (b), the supervisor shall mail vote-by-mail ballots within 2 business days after receiving a request for such a ballot, but no later than the 11th ~~10th~~ day before election day. The deadline to submit a request for a ballot to be mailed is 5 p.m. local time on the 12th day before an upcoming election.

5-00318A-25

20251582__

(d) Upon a request for a vote-by-mail ballot, the supervisor shall provide a vote-by-mail ballot to each voter by whom a request for that ballot has been made, by one of the following means:

1. By nonforwardable, return-if-undeliverable mail to the voter's current mailing address on file with the supervisor or any other address the voter specifies in the request. The envelopes must be prominently marked "Do Not Forward."

2. By forwardable mail, e-mail, or facsimile machine transmission to absent uniformed services voters and overseas voters. The absent uniformed services voter or overseas voter may designate in the vote-by-mail ballot request the preferred method of transmission. If the voter does not designate the method of transmission, the vote-by-mail ballot must be mailed.

3. By personal delivery to the voter after vote-by-mail ballots have been mailed and up to 7 p.m. on election day upon presentation of the identification required in s. 101.043.

4. By delivery to the voter's designee after vote-by-mail ballots have been mailed and up to 7 p.m. on election day. Any voter may designate in writing a person to pick up the ballot for the voter; ~~however, the person designated may not pick up more than two vote-by-mail ballots per election, other than the designee's own ballot, except that additional ballots may be picked up for members of the designee's immediate family. The designee shall provide to the supervisor the written authorization by the voter and a picture identification of the designee and must complete an affidavit. The designee shall state in the affidavit that the designee is authorized by the voter to pick up that ballot and shall indicate if the voter is~~

5-00318A-25

20251582__

~~a member of the designee's immediate family and, if so, the relationship. The department shall prescribe the form of the affidavit. If the supervisor is satisfied that the designee is authorized to pick up the ballot and that the signature of the voter on the written authorization matches the signature of the voter on file, the supervisor must give the ballot to that designee for delivery to the voter.~~

5. Except as provided in s. 101.655, the supervisor may not deliver a vote-by-mail ballot to a voter or a voter's designee pursuant to subparagraph 3. or subparagraph 4., respectively, during the mandatory early voting period and up to 7 p.m. on election day, unless there is an emergency, to the extent that the voter will be unable to go to a designated early voting site in his or her county or to his or her assigned polling place on election day. If a vote-by-mail ballot is delivered, the voter or his or her designee must execute an affidavit affirming to the facts which allow for delivery of the vote-by-mail ballot. The department shall adopt a rule providing for the form of the affidavit.

(7) DEADLINE EXTENSION.—If a deadline under this section falls on a day when the office of the supervisor is scheduled to be closed, the deadline must be extended until the next business day.

Section 25. Paragraph (a) of subsection (1) and subsections (2) and (4) of section 101.64, Florida Statutes, are amended to read:

101.64 Delivery of vote-by-mail ballots; envelopes; form.—

(1)(a) The supervisor shall enclose with each vote-by-mail ballot two envelopes: a secrecy envelope, into which the absent

5-00318A-25

20251582__

voter must ~~elector shall~~ enclose his or her marked ballot; and a postage prepaid mailing envelope, into which the absent voter must ~~elector shall~~ then place the secrecy envelope, which must ~~shall~~ be addressed to the supervisor and also bear on the back side a certificate in substantially the following form:

Note: Please Read Instructions Carefully Before
Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

I,, do solemnly swear or affirm that I am a qualified and registered voter of County, Florida, and that I have not and will not vote more than one ballot in this election. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate will invalidate my ballot.

...(Date)...

...(Voter's Signature or Last Four Digits of Social Security Number)...

...(E-Mail Address)... ...(Home Telephone Number)...

...(Mobile Telephone Number)...

(2) The certificate must ~~shall~~ be arranged on the back of the mailing envelope so that the line for the signature or last four digits of the social security number of the voter ~~absent~~ ~~elector~~ is across the seal of the envelope; however, a ~~no~~ statement may not ~~shall~~ appear on the envelope which indicates that a signature or the last four digits of the social security number of the voter must cross the seal of the envelope. The

5-00318A-25

20251582__

voter must ~~absent elector shall~~ execute the certificate on the envelope.

(4) The supervisor shall mark, code, indicate on, or otherwise track the precinct of the voter ~~absent elector~~ for each vote-by-mail ballot.

Section 26. Section 101.65, Florida Statutes, is amended to read:

101.65 Instructions to absent electors.—The supervisor shall enclose with each vote-by-mail ballot separate printed instructions in substantially the following form; however, where the instructions appear in capitalized text, the text of the printed instructions must be in bold font:

READ THESE INSTRUCTIONS CAREFULLY
BEFORE MARKING BALLOT.

1. VERY IMPORTANT. In order to ensure that your vote-by-mail ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the day of the election. However, if you are an overseas voter casting a ballot in a presidential preference primary or general election, your vote-by-mail ballot must be postmarked or dated no later than the date of the election and received by the supervisor of elections of the county in which you are registered to vote no later than 10 days after the date of the election. Note that the later you return your ballot, the less time you will have to cure any signature deficiencies, which may cause your ballot not to be counted ~~is~~

5-00318A-25

20251582__

2495 ~~authorized until 5 p.m. on the 2nd day after the election.~~

2496 2. Mark your ballot in secret as instructed on the ballot.
2497 You must mark your own ballot unless you are unable to do so
2498 because of blindness, disability, or inability to read or write.

2499 3. Mark only the number of candidates or issue choices for
2500 a race as indicated on the ballot. If you are allowed to "Vote
2501 for One" candidate and you vote for more than one candidate,
2502 your vote in that race will not be counted.

2503 4. Place your marked ballot in the enclosed secrecy
2504 envelope.

2505 5. Insert the secrecy envelope into the enclosed mailing
2506 envelope which is addressed to the supervisor.

2507 6. Seal the mailing envelope and completely fill out the
2508 Voter's Certificate on the back of the mailing envelope.

2509 7. VERY IMPORTANT. In order for your vote-by-mail ballot to
2510 be counted, you must sign your name or print the last four
2511 digits of your social security number on the line above (Voter's
2512 Signature or Last Four Digits of Social Security Number). A
2513 vote-by-mail ballot will be considered illegal and not be
2514 counted if the signature or the last four digits of the social
2515 security number on the voter's certificate do ~~does~~ not match the
2516 signature or social security number on record. The signature on
2517 file at the time the supervisor of elections in the county in
2518 which your precinct is located receives your vote-by-mail ballot
2519 is the signature that will be used to verify your signature on
2520 the voter's certificate. If you need to update your signature
2521 for this election, send your signature update on a voter
2522 registration application to your supervisor of elections ~~so that~~
2523 ~~it is received before your vote-by-mail ballot is received.~~

5-00318A-25

20251582__

8. VERY IMPORTANT. If you are an overseas voter, you must include the date you signed the Voter's Certificate or printed the last four digits of your social security number on the line above (Date) or your ballot may not be counted.

9. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed. THE COMPLETED MAILING ENVELOPE CAN BE DELIVERED TO THE OFFICE OF THE SUPERVISOR OF ELECTIONS OF THE COUNTY IN WHICH YOUR PRECINCT IS LOCATED OR DROPPED OFF AT AN AUTHORIZED SECURE BALLOT INTAKE STATION, AVAILABLE AT EACH EARLY VOTING LOCATION.

10. FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

Section 27. Paragraphs (a) and (b) of subsection (1), paragraph (c) of subsection (2), and paragraphs (a), (c), and (d) of subsection (4) of section 101.68, Florida Statutes, are amended to read:

101.68 Canvassing of vote-by-mail ballot.—

(1)(a) The supervisor of the county where the absent elector resides shall receive the voted ballot, at which time the supervisor shall compare the signature or the last four digits of the social security number of the elector on the voter's certificate with the signature or the last four digits of the social security number of the elector in the registration books or the precinct register to determine whether the elector is duly registered in the county and must record on the elector's registration record that the elector has voted. During

5-00318A-25

20251582__

the signature comparison process, the supervisor may not use any knowledge of the political affiliation of the elector whose signature is subject to verification.

(b) An elector who dies after casting a vote-by-mail ballot but on or before election day must ~~shall~~ remain listed in the registration books until the results have been certified for the election in which the ballot was cast. The supervisor shall safely keep the ballot unopened in his or her office until the county canvassing board canvasses the vote pursuant to subsection (2).

(2)

(c)1. The canvassing board must, if the supervisor has not already done so, compare the signature or the last four digits of the social security number of the elector on the voter's certificate or on the vote-by-mail ballot cure affidavit as provided in subsection (4) with the signature or last four digits of the social security number of the elector in the registration books or the precinct register to see that the elector is duly registered in the county and to determine the legality of that vote-by-mail ballot. A vote-by-mail ballot may only be counted if:

a. The signature or last four digits of the social security number on the voter's certificate or the cure affidavit match ~~matches~~ the elector's signature or last four digits of the social security number in the registration books or precinct register; however, in the case of a cure affidavit, the supporting identification listed in subsection (4) must also confirm the identity of the elector; or

b. The cure affidavit contains a signature or the last four

5-00318A-25

20251582__

2582 digits of a social security number which do ~~that does~~ not match
2583 the elector's signature or last four digits of the social
2584 security number in the registration books or precinct register,
2585 but the elector has submitted a current and valid Tier 1
2586 identification pursuant to subsection (4) which confirms the
2587 identity of the elector.

2588
2589 For purposes of this subparagraph, any canvassing board finding
2590 that an elector's signatures or last four digits of the
2591 elector's social security number do not match must be by
2592 majority vote and beyond a reasonable doubt.

2593 2. The ballot of an elector who casts a vote-by-mail ballot
2594 shall be counted even if the elector dies on or before election
2595 day, as long as, before the death of the voter, the ballot was
2596 postmarked by the United States Postal Service, date-stamped
2597 with a verifiable tracking number by a common carrier, or
2598 already in the possession of the supervisor.

2599 3. A vote-by-mail ballot is not considered illegal if the
2600 signature or last four digits of the social security number of
2601 the elector do ~~does~~ not cross the seal of the mailing envelope.

2602 ~~4. If any elector or candidate present believes that a~~
2603 ~~vote-by-mail ballot is illegal due to a defect apparent on the~~
2604 ~~voter's certificate or the cure affidavit, he or she may, at any~~
2605 ~~time before the ballot is removed from the envelope, file with~~
2606 ~~the canvassing board a protest against the canvass of that~~
2607 ~~ballot, specifying the precinct, the voter's certificate or the~~
2608 ~~cure affidavit, and the reason he or she believes the ballot to~~
2609 ~~be illegal. A challenge based upon a defect in the voter's~~
2610 ~~certificate or cure affidavit may not be accepted after the~~

5-00318A-25

20251582__

~~ballot has been removed from the mailing envelope.~~

~~5.~~ If the canvassing board determines that a ballot is illegal, a member of the board must, without opening the envelope, mark across the face of the envelope: "rejected as illegal." The cure affidavit, if applicable, the envelope, and the ballot therein must ~~shall~~ be preserved in the manner that official ballots are preserved.

(4) (a) As soon as practicable, the supervisor shall, on behalf of the county canvassing board, attempt to notify an elector who has returned a vote-by-mail ballot that does not include the elector's signature or last four digits of the elector's social security number or contains a signature or the last four digits of a social security number that do ~~does~~ not match the elector's signature or last four digits of the elector's social security number in the registration books or precinct register by:

1. Notifying the elector of the signature or last four digits of the social security number deficiency by e-mail and directing the elector to the cure affidavit and instructions on the supervisor's website;

2. Notifying the elector of the signature or last four digits of the social security number deficiency by text message and directing the elector to the cure affidavit and instructions on the supervisor's website; or

3. Notifying the elector of the signature or last four digits of the social security number deficiency by telephone and directing the elector to the cure affidavit and instructions on the supervisor's website.

5-00318A-25

20251582__

In addition to the notification required under subparagraph 1., subparagraph 2., or subparagraph 3., the supervisor must notify the elector of the signature or last four digits of the social security number deficiency by first-class mail and direct the elector to the cure affidavit and instructions on the supervisor's website. Beginning the day before the election, the supervisor is not required to provide notice of the signature deficiency by first-class mail, but shall continue to provide notice as required under subparagraph 1., subparagraph 2., or subparagraph 3.

(c) The elector must complete a cure affidavit in substantially the following form:

VOTE-BY-MAIL BALLOT CURE AFFIDAVIT

I,, am a qualified voter in this election and registered voter of County, Florida. I do solemnly swear or affirm that I requested and returned the vote-by-mail ballot and that I have not and will not vote more than one ballot in this election. I understand that if I commit or attempt any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I may be convicted of a felony of the third degree and fined up to \$5,000 and imprisoned for up to 5 years. I understand that my failure to sign this affidavit means that my vote-by-mail ballot will be invalidated.

...(Voter's Signature or Last Four Digits of Social Security Number)...

...(Address)...

5-00318A-25

20251582__

(d) Instructions must accompany the cure affidavit in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO COUNT.

1. In order to ensure that your vote-by-mail ballot will be counted, your affidavit should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 5 p.m. on the 2nd day after the election.

2. You must sign your name or print the last four digits of your social security number on the line above (Voter's Signature or Last Four Digits of Social Security Number).

3. You must make a copy of one of the following forms of identification:

a. Tier 1 identification.—Current and valid identification that includes your name and photograph: Florida driver license; Florida identification card issued by the Department of Highway Safety and Motor Vehicles; United States passport; debit or credit card; military identification; student identification; retirement center identification; neighborhood association identification; public assistance identification; veteran health identification card issued by the United States Department of Veterans Affairs; a Florida license to carry a concealed weapon or firearm; or an employee identification card issued by any branch, department, agency, or entity of the Federal Government,

5-00318A-25

20251582__

the state, a county, or a municipality; or

b. Tier 2 identification.—ONLY IF YOU DO NOT HAVE A TIER 1 FORM OF IDENTIFICATION, identification that shows your name and current residence address: current utility bill, bank statement, government check, paycheck, or government document (excluding voter information card).

4. Place the envelope bearing the affidavit into a mailing envelope addressed to the supervisor. Insert a copy of your identification in the mailing envelope. Mail (if time permits), deliver, or have delivered the completed affidavit along with the copy of your identification to your county supervisor of elections. Be sure there is sufficient postage if mailed and that the supervisor's address is correct. Remember, your information MUST reach your county supervisor of elections no later than 5 p.m. on the 2nd day after the election, or your ballot will not count.

5. Alternatively, you may fax or e-mail your completed affidavit and a copy of your identification to the supervisor of elections. If e-mailing, please provide these documents as attachments.

Section 28. Section 101.69, Florida Statutes, is amended to read:

101.69 Voting in person; return of vote-by-mail ballot.—

(1) The provisions of this code may ~~shall~~ not be construed to prohibit any voter ~~elector~~ from voting in person at the voter's ~~elector's~~ precinct on the day of an election or at an early voting site, notwithstanding that the voter ~~elector~~ has requested a vote-by-mail ballot for that election. A voter ~~An elector~~ who has returned a voted vote-by-mail ballot to the

5-00318A-25

20251582__

supervisor, however, is deemed to have cast his or her ballot and is not entitled to vote another ballot or to have a provisional ballot counted by the county canvassing board. A voter ~~An elector~~ who has received a vote-by-mail ballot and has not returned the voted ballot to the supervisor, but desires to vote in person, shall return the ballot, whether voted or not, to the election board in the voter's ~~elector's~~ precinct or to an early voting site. The returned ballot must ~~shall~~ be marked "canceled" by the board and placed with other canceled ballots. However, if the voter ~~elector~~ does not return the ballot and the election official:

(a) Confirms that the supervisor has received the voter's ~~elector's~~ vote-by-mail ballot, the voter may ~~elector shall~~ not be allowed to vote in person. If the voter ~~elector~~ maintains that he or she has not returned the vote-by-mail ballot or remains eligible to vote, the voter must ~~elector shall~~ be provided a provisional ballot as provided in s. 101.048.

(b) Confirms that the supervisor has not received the voter's ~~elector's~~ vote-by-mail ballot, the voter must ~~elector shall~~ be allowed to vote in person as provided in this code. The voter's ~~elector's~~ vote-by-mail ballot, if subsequently received, may ~~shall~~ not be counted and must ~~shall~~ remain in the mailing envelope, and the envelope must ~~shall~~ be marked "Rejected as Illegal."

(c) Cannot determine whether the supervisor has received the voter's ~~elector's~~ vote-by-mail ballot, the voter ~~elector~~ may vote a provisional ballot as provided in s. 101.048.

(2)(a) The supervisor shall allow a voter ~~an elector~~ who has received a vote-by-mail ballot to physically return a voted

5-00318A-25

20251582__

2756 vote-by-mail ballot to the supervisor by placing the return mail
2757 envelope containing his or her marked ballot in a secure ballot
2758 intake station. Secure ballot intake stations must ~~shall~~ be
2759 placed at the main office of the supervisor, at each permanent
2760 branch office of the supervisor which meets the criteria set
2761 forth in s. 101.657(1)(a) for branch offices used for early
2762 voting and which is open for at least the minimum number of
2763 hours prescribed by s. 98.015(4), and at each early voting site.
2764 Secure ballot intake stations may also be placed at any other
2765 site that would otherwise qualify as an early voting site under
2766 s. 101.657(1). Secure ballot intake stations must be
2767 geographically located so as to provide all voters in the county
2768 with an equal opportunity to cast a ballot, insofar as is
2769 practicable. ~~Except for secure ballot intake stations at an~~
2770 ~~office of the supervisor, a secure ballot intake station may~~
2771 ~~only be used during the county's early voting hours of operation~~
2772 ~~and must be monitored in person by an employee of the~~
2773 ~~supervisor's office.~~ A secure ballot intake station at an office
2774 of the supervisor must be ~~continuously~~ monitored ~~in person~~ by an
2775 ~~employee of the supervisor's office~~ when the secure ballot
2776 intake station is accessible for deposit of ballots.

2777 (b) A supervisor shall designate each secure ballot intake
2778 station location at least 30 days before an election. The
2779 supervisor shall provide the address of each secure ballot
2780 intake station location to the division at least 30 days before
2781 an election. After a secure ballot intake station location has
2782 been designated, it may not be moved or changed except as
2783 approved by the division to correct a violation of this
2784 subsection.

5-00318A-25

20251582__

(c)1. On each day of early voting, all secure ballot intake stations must be emptied at the end of early voting hours and all ballots retrieved from the secure ballot intake stations must be returned to the supervisor's office.

2. For secure ballot intake stations located at an office of the supervisor, all ballots must be retrieved before the secure ballot intake station is no longer monitored by ~~an~~ employee of the supervisor.

3. Employees of the supervisor must comply with procedures for the chain of custody of ballots as required by s. 101.015(4).

~~(3) If any secure ballot intake station is left accessible for ballot receipt other than as authorized by this section, the supervisor is subject to a civil penalty of \$25,000. The division is authorized to enforce this provision.~~

Section 29. Subsection (1) of section 104.42, Florida Statutes, is amended to read:

104.42 Fraudulent registration and illegal voting; investigation.—

(1) The supervisor of elections is authorized to investigate fraudulent registrations and illegal voting and to report his or her findings to the local state attorney ~~and the Office of Election Crimes and Security.~~

Section 30. This act shall take effect July 1, 2025.