

1 A bill to be entitled
 2 An act relating to vote-by-mail ballots; amending s.
 3 101.62, F.S.; authorizing certain persons to pick up a
 4 vote-by-mail ballot for an elector; amending s.
 5 104.0616, F.S.; providing definitions; prohibiting a
 6 person from knowingly collecting a vote-by-mail ballot
 7 from another person; providing a penalty; providing
 8 exceptions; prohibiting a person from providing,
 9 offering to provide, or accepting a pecuniary or other
 10 benefit in exchange for handling a vote-by-mail
 11 ballot; providing an exception; providing a penalty;
 12 providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

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 16 Section 1. Paragraph (c) of subsection (4) of section
 17 101.62, Florida Statutes, is amended to read:

18 101.62 Request for vote-by-mail ballots.—

19 (4)

20 (c) The supervisor shall provide a vote-by-mail ballot to
 21 each elector by whom a request for that ballot has been made by
 22 one of the following means:

23 1. By nonforwardable, return-if-undeliverable mail to the
 24 elector's current mailing address on file with the supervisor or
 25 any other address the elector specifies in the request.

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

32 3. By personal delivery before 7 p.m. on election day to
33 the elector, upon presentation of the identification required in
34 s. 101.043.

35 4. By delivery to a designee on election day or up to 9
36 days before ~~prior to~~ the day of an election. Any elector may
37 designate in writing a person to pick up the ballot for the
38 elector; however, the person designated by the elector must be
39 the elector's caregiver, household member, immediate family
40 member or legal guardian ~~may not pick up more than two vote-by-~~
41 ~~mail ballots per election, other than the designee's own ballot,~~
42 ~~except that additional ballots may be picked up for members of~~
43 ~~the designee's immediate family.~~ For purposes of this section,
44 the terms "caregiver," "household member," and "immediate
45 family," and "legal guardian" have the same meaning as in s.
46 104.0616(1) ~~means the designee's spouse or the parent, child,~~
47 ~~grandparent, or sibling of the designee or of the designee's~~
48 ~~spouse.~~ The designee shall provide to the supervisor the written
49 authorization by the elector and a picture identification of the
50 designee and must complete an affidavit. The designee shall

51 state in the affidavit that the designee is authorized by the
52 elector to pick up that ballot and shall indicate if the elector
53 is a member of the designee's immediate family and, if so, the
54 relationship, or if the designee is a caregiver, household
55 member, or legal guardian of the elector. The department shall
56 prescribe the form of the affidavit. If the supervisor is
57 satisfied that the designee is authorized to pick up the ballot
58 and that the signature of the elector on the written
59 authorization matches the signature of the elector on file, the
60 supervisor shall give the ballot to that designee for delivery
61 to the elector.

62 5. Except as provided in s. 101.655, the supervisor may
63 not deliver a vote-by-mail ballot to an elector or an elector's
64 designee ~~immediate family member~~ on the day of the election
65 unless there is an emergency, to the extent that the elector
66 will be unable to go to his or her assigned polling place. If a
67 vote-by-mail ballot is delivered, the elector or his or her
68 designee shall execute an affidavit affirming to the facts which
69 allow for delivery of the vote-by-mail ballot. The department
70 shall adopt a rule providing for the form of the affidavit.

71 Section 2. Section 104.0616, Florida Statutes, is amended
72 to read:

73 104.0616 Vote-by-mail ballots and voting; violations.—

74 (1) For purposes of this section, the term:

75 (a) "Caregiver" means a person who provides medical or

76 health care assistance to a voter in a residence, nursing home
77 facility, hospice facility, assisted living facility,
78 residential care facility, adult day care center, or adult
79 foster care home.

80 (b) "Collects" or "collecting" means to gain possession or
81 control of a vote-by-mail ballot.

82 (c) "Household member" means a person who resides at the
83 same residence as a voter.

84 (d) "Immediate family" means a person's spouse or the
85 parent, child, grandparent, or sibling of the person or the
86 person's spouse.

87 (e) "Legal guardian" means a person who has been appointed
88 by the court to act on behalf of a ward's person or property, or
89 both.

90 (2) Any person who knowingly collects a vote-by-mail
91 ballot from another person, regardless of whether the ballot has
92 been voted, commits a felony of the third degree, punishable as
93 provided in s. 775.082, s. 775.083, or s. 775.084. This
94 subsection does not apply to:

95 (a) An election official, a sworn law enforcement officer,
96 a United States Postal Service employee, or any other person who
97 is authorized by law to transmit United States mail so long as
98 the official, employee, or other person is engaged in official
99 duties within the scope of employment.

100 (b) A caregiver, household member, legal guardian, or

101 member of the immediate family of a voter.

102 (3) Any person who provides or offers to provide, and any
 103 person who accepts, a pecuniary or other benefit in exchange for
 104 distributing, ordering, requesting, collecting, delivering, or
 105 otherwise physically possessing the ~~more than two~~ vote-by-mail
 106 ballot of another person ~~ballots per election in addition to his~~
 107 ~~or her own ballot or a ballot belonging to an immediate family~~
 108 ~~member,~~ except as provided in ss. 101.6105-101.694 and not
 109 including the ballot of another person if an individual is a
 110 caregiver, household member, legal guardian, or member of the
 111 immediate family of the voter, commits a felony of the third
 112 ~~misdemeanor of the first~~ degree, punishable as provided in s.
 113 775.082, s. 775.083, or s. 775.084.

114 Section 3. This act shall take effect upon becoming a law.