

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Joseph offered the following:

Amendment to Amendment (460984) (with title amendment)

Remove lines 752-1208 and insert:

elector's legal guardian or caretaker. If an in-person or a telephonic request is made, the elector must provide the elector's Florida driver license number, the elector's Florida identification card number, or the last four digits of the elector's social security number, whichever may be verified in the supervisor's records. If the ballot is requested to be mailed to an address other than the elector's address on file in the Florida Voter Registration System, the request must be made in writing. A written request must be ~~and~~ signed by the elector

325267

Approved For Filing: 4/29/2021 7:22:34 PM

Amendment No.

14 and include the elector's Florida driver license number, the
15 elector's Florida identification card number, or the last four
16 digits of the elector's social security number. However, an
17 absent uniformed service voter or an overseas voter seeking a
18 vote-by-mail ballot is not required to submit a signed, written
19 request for a vote-by-mail ballot that is being mailed to an
20 address other than the elector's address on file in the Florida
21 Voter Registration System. For purposes of this section, the
22 term "immediate family" has the same meaning as specified in
23 paragraph (4) (c). The person making the request must disclose:

24 1. The name of the elector for whom the ballot is
25 requested.

26 2. The elector's address.

27 3. The elector's date of birth.

28 4. The elector's Florida driver license number, the
29 elector's Florida identification card number, or the last four
30 digits of the elector's social security number, whichever may be
31 verified in the supervisor's records.

32 5. The requester's name.

33 ~~6.5.~~ The requester's address.

34 ~~7.6.~~ The requester's driver license number, the
35 requester's identification card number, or the last four digits
36 of the requester's social security number, if available.

37 ~~8.7.~~ The requester's relationship to the elector.

38 ~~9.8.~~ The requester's signature (written requests only).

325267

Approved For Filing: 4/29/2021 7:22:34 PM

Amendment No.

39 (3) For each request for a vote-by-mail ballot received,
40 the supervisor shall record: the date the request was made; the
41 identity of the voter's designee making the request, if any; the
42 Florida driver license number, Florida identification card
43 number, or last four digits of the social security number of the
44 elector provided with a written request; ~~the date the vote-by-~~
45 mail ballot was delivered to the voter or the voter's designee
46 or the date the vote-by-mail ballot was delivered to the post
47 office or other carrier; the address to which the ballot was
48 mailed or the identity of the voter's designee to whom the
49 ballot was delivered; ~~the date the ballot was received by the~~
50 supervisor; ~~the absence of the voter's signature on the voter's~~
51 certificate, if applicable; whether the voter's certificate
52 contains a signature that does not match the elector's signature
53 in the registration books or precinct register; ~~and such other~~
54 information he or she may deem necessary. This information shall
55 be provided in electronic format as provided by division rule
56 ~~adopted by the division~~. The information shall be updated and
57 made available no later than 8 a.m. of each day, including
58 weekends, beginning 60 days before the primary until 15 days
59 after the general election and shall be contemporaneously
60 provided to the division. This information shall be confidential
61 and exempt from s. 119.07(1) and shall be made available to or
62 reproduced only for the voter requesting the ballot, a
63 canvassing board, an election official, a political party or

325267

Approved For Filing: 4/29/2021 7:22:34 PM

Amendment No.

64 official thereof, a candidate who has filed qualification papers
65 and is opposed in an upcoming election, and registered political
66 committees for political purposes only.

67 (4)

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

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

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

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

83 4. By delivery to a designee on election day or up to 9
84 days before ~~prior to~~ the day of an election. Any elector may
85 designate in writing a person to pick up the ballot for the
86 elector; however, the person designated may not pick up more
87 than two vote-by-mail ballots per election, other than the
88 designee's own ballot, except that additional ballots may be

325267

Approved For Filing: 4/29/2021 7:22:34 PM

Amendment No.

89 | picked up for members of the designee's immediate family. For
90 | purposes of this section, "immediate family" means the
91 | designee's spouse or the parent, child, grandparent, grandchild,
92 | or sibling of the designee or of the designee's spouse, or the
93 | designee's legal guardian or caretaker. The designee shall
94 | provide to the supervisor the written authorization by the
95 | elector and a picture identification of the designee and must
96 | complete an affidavit. The designee shall state in the affidavit
97 | that the designee is authorized by the elector to pick up that
98 | ballot and shall indicate if the elector is a member of the
99 | designee's immediate family and, if so, the relationship. The
100 | department shall prescribe the form of the affidavit. If the
101 | supervisor is satisfied that the designee is authorized to pick
102 | up the ballot and that the signature of the elector on the
103 | written authorization matches the signature of the elector on
104 | file, the supervisor shall give the ballot to that designee for
105 | delivery to the elector.

106 | 5. Except as provided in s. 101.655, the supervisor may
107 | not deliver a vote-by-mail ballot to an elector or an elector's
108 | immediate family member on the day of the election unless there
109 | is an emergency, to the extent that the elector will be unable
110 | to go to his or her assigned polling place. If a vote-by-mail
111 | ballot is delivered, the elector or his or her designee shall
112 | execute an affidavit affirming to the facts which allow for

325267

Approved For Filing: 4/29/2021 7:22:34 PM

Amendment No.

113 delivery of the vote-by-mail ballot. The department shall adopt
114 a rule providing for the form of the affidavit.

115 (7) Except as expressly authorized for voters having a
116 disability under s. 101.662, for overseas voters under s.
117 101.697, or for local referenda under ss. 101.6102 and 101.6103,
118 a county, municipality, or state agency may not send a vote-by-
119 mail ballot to a voter unless the voter has requested a vote-by-
120 mail ballot in the manner authorized under this section.

121 Section 25. Notwithstanding the amendments made to s.
122 101.62(1)(a), Florida Statutes, by this act, an existing vote-
123 by-mail ballot request submitted before the effective date of
124 this act is deemed sufficient for elections held through the end
125 of the 2022 calendar year.

126 Section 26. Subsection (1) of section 101.64, Florida
127 Statutes, is amended to read:

128 101.64 Delivery of vote-by-mail ballots; envelopes; form.-

129 (1)(a) The supervisor shall enclose with each vote-by-mail
130 ballot two envelopes: a secrecy envelope, into which the absent
131 elector shall enclose his or her marked ballot; and a mailing
132 envelope, into which the absent elector shall then place the
133 secrecy envelope, which shall be addressed to the supervisor and
134 also bear on the back side a certificate in substantially the
135 following form:
136

325267

Approved For Filing: 4/29/2021 7:22:34 PM

Amendment No.

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

139

140 VOTER'S CERTIFICATE

141 I,, do solemnly swear or affirm that I am a qualified
142 and registered voter of County, Florida, and that I have
143 not and will not vote more than one ballot in this election. I
144 understand that if I commit or attempt to commit any fraud in
145 connection with voting, vote a fraudulent ballot, or vote more
146 than once in an election, I can be convicted of a felony of the
147 third degree and fined up to \$5,000 and/or imprisoned for up to
148 5 years. I also understand that failure to sign this certificate
149 will invalidate my ballot.

150 ... (Date) ... (Voter's Signature) ...

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

152 ... (Mobile Telephone Number) ...

153 (b) Each return mailing envelope must bear the absent
154 elector's name and any encoded mark used by the supervisor's
155 office.

156 (c) A mailing envelope or secrecy envelope may not bear
157 any indication of the political affiliation of an absent
158 elector.

159 Section 27. Subsections (1) and (2) of section 101.68,
160 Florida Statutes, are amended to read:

161 101.68 Canvassing of vote-by-mail ballot.-

325267

Approved For Filing: 4/29/2021 7:22:34 PM

Amendment No.

162 (1) The supervisor of the county where the absent elector
163 resides shall receive the voted ballot, at which time the
164 supervisor shall compare the signature of the elector on the
165 voter's certificate with the signature of the elector in the
166 registration books or the precinct register to determine whether
167 the elector is duly registered in the county and must ~~may~~ record
168 on the elector's registration record ~~certificate~~ that the
169 elector has voted. During the signature comparison process, the
170 supervisor may not use any knowledge of the political
171 affiliation of the voter whose signature is subject to
172 verification. An elector who dies after casting a vote-by-mail
173 ballot but on or before election day shall remain listed in the
174 registration books until the results have been certified for the
175 election in which the ballot was cast. The supervisor shall
176 safely keep the ballot unopened in his or her office until the
177 county canvassing board canvasses the vote. Except as provided
178 in subsection (4), after a vote-by-mail ballot is received by
179 the supervisor, the ballot is deemed to have been cast, and
180 changes or additions may not be made to the voter's certificate.

181 (2) (a) The county canvassing board may begin the
182 canvassing of vote-by-mail ballots upon the completion of the
183 public testing of automatic tabulating equipment pursuant to s.
184 101.5612(2) at 7 a.m. on the 22nd day before the election, but
185 must begin such canvassing by no ~~not~~ later than noon on the day
186 following the election. ~~In addition, for any county using~~

325267

Approved For Filing: 4/29/2021 7:22:34 PM

Amendment No.

187 ~~electronic tabulating equipment, the processing of vote-by-mail~~
188 ~~ballots through such tabulating equipment may begin at 7 a.m. on~~
189 ~~the 22nd day before the election.~~ However, notwithstanding any
190 such authorization to begin canvassing or otherwise processing
191 vote-by-mail ballots early, no result shall be released until
192 after the closing of the polls in that county on election day.
193 Any supervisor, deputy supervisor, canvassing board member,
194 election board member, or election employee who releases the
195 results of a canvassing or processing of vote-by-mail ballots
196 prior to the closing of the polls in that county on election day
197 commits a felony of the third degree, punishable as provided in
198 s. 775.082, s. 775.083, or s. 775.084.

199 (b) To ensure that all vote-by-mail ballots to be counted
200 by the canvassing board are accounted for, the canvassing board
201 shall compare the number of ballots in its possession with the
202 number of requests for ballots received to be counted according
203 to the supervisor's file or list.

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

325267

Approved For Filing: 4/29/2021 7:22:34 PM

Amendment No.

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

217 b. The cure affidavit contains a signature that does not
218 match the elector's signature in the registration books or
219 precinct register, but the elector has submitted a current and
220 valid Tier 1 identification pursuant to subsection (4) which
221 confirms the identity of the elector.

222
223 For purposes of this subparagraph, any canvassing board finding
224 that an elector's signatures do not match must be by majority
225 vote and beyond a reasonable doubt.

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

232 3. A vote-by-mail ballot is not considered illegal if the
233 signature of the elector does not cross the seal of the mailing
234 envelope.

235 4. If any elector or candidate present believes that a
236 vote-by-mail ballot is illegal due to a defect apparent on the

325267

Approved For Filing: 4/29/2021 7:22:34 PM

Amendment No.

237 voter's certificate or the cure affidavit, he or she may, at any
238 time before the ballot is removed from the envelope, file with
239 the canvassing board a protest against the canvass of that
240 ballot, specifying the precinct, the voter's certificate or the
241 cure affidavit ~~the ballot~~, and the reason he or she believes the
242 ballot to be illegal. A challenge based upon a defect in the
243 voter's certificate or cure affidavit may not be accepted after
244 the ballot has been removed from the mailing envelope.

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

251 (d) The canvassing board shall record the ballot upon the
252 proper record, unless the ballot has been previously recorded by
253 the supervisor. The mailing envelopes shall be opened and the
254 secrecy envelopes shall be mixed so as to make it impossible to
255 determine which secrecy envelope came out of which signed
256 mailing envelope; however, in any county in which an electronic
257 or electromechanical voting system is used, the ballots may be
258 sorted by ballot styles and the mailing envelopes may be opened
259 and the secrecy envelopes mixed separately for each ballot
260 style. The votes on vote-by-mail ballots shall be included in
261 the total vote of the county.

325267

Approved For Filing: 4/29/2021 7:22:34 PM

Amendment No.

262 Section 28. Subsection (2) of section 101.69, Florida
263 Statutes, is amended, and subsection (3) is added to that
264 section, to read:

265 101.69 Voting in person; return of vote-by-mail ballot.—

266 (2) (a) The supervisor shall allow an elector who has
267 received a vote-by-mail ballot to physically return a voted
268 vote-by-mail ballot to the supervisor by placing the return mail
269 envelope containing his or her marked ballot in a secure drop
270 box. Secure drop boxes shall be placed at the main office of the
271 supervisor, at each permanent branch office of the supervisor,
272 and at each early voting site. Secure drop boxes may also be
273 placed at any other site that would otherwise qualify as an
274 early voting site under s. 101.657(1). Drop boxes must be
275 geographically located so as to provide all voters in the county
276 with an equal opportunity to cast a ballot, insofar as is
277 practicable. Except for secure drop boxes at an office of the
278 supervisor, a secure drop box may only be used; provided,
279 ~~however, that any such site must be staffed~~ during the county's
280 early voting hours of operation and must be monitored in person
281 by an employee of the supervisor's office. A secure drop box at
282 an office of the supervisor must be continuously monitored in
283 person by an employee of the supervisor's office when the drop
284 box is accessible for deposit of ballots ~~or a sworn law~~
285 ~~enforcement officer.~~

325267

Approved For Filing: 4/29/2021 7:22:34 PM

Amendment No.

286 (b) A supervisor shall designate each drop box site at
287 least 30 days before an election. The supervisor shall provide
288 the address of each drop box location to the division at least
289 30 days before an election. After a drop box location has been
290 designated, it may not be moved or changed except as approved by
291 the division to correct a violation of this subsection.

292 (c)1. On each day of early voting, all drop boxes must be
293 emptied at the end of early voting hours and all ballots
294 retrieved from the drop boxes must be returned to the
295 supervisor's office.

296 2. For drop boxes located at an office of the supervisor,
297 all ballots must be retrieved before the drop box is no longer
298 monitored by an employee of the supervisor.

299 3. Employees of the supervisor must comply with procedures
300 for the chain of custody of ballots as required by s.
301 101.015(4).

302 (3) If any drop box is left accessible for ballot receipt
303 other than as authorized by this section, the supervisor is
304 subject to a civil penalty of \$25,000. The division is
305 authorized to enforce this provision.

306 Section 29. Paragraphs (a), (b), and (e) of subsection (4)
307 of section 102.031, Florida Statutes, are amended to read:

308 102.031 Maintenance of good order at polls; authorities;
309 persons allowed in polling rooms and early voting areas;
310 unlawful solicitation of voters.-

325267

Approved For Filing: 4/29/2021 7:22:34 PM

Amendment No.

311 (4) (a) No person, political committee, or other group or
312 organization may solicit voters inside the polling place or
313 within 150 feet of a drop box or the entrance to any polling
314 place, a polling room where the polling place is also a polling
315 room, an early voting site, or an office of the supervisor where
316 vote-by-mail ballots are requested and printed on demand for the
317 convenience of electors who appear in person to request them.
318 Before the opening of a drop box location, a ~~the~~ polling place,
319 or an early voting site, the clerk or supervisor shall designate
320 the no-solicitation zone and mark the boundaries.

321 (b) For the purpose of this subsection, the terms
322 "solicit" or "solicitation" shall include, but not be limited
323 to, seeking or attempting to seek any vote, fact, opinion, or
324 contribution; distributing or attempting to distribute any
325 political or campaign material, leaflet, or handout; conducting
326 a poll except as specified in this paragraph; seeking or
327 attempting to seek a signature on any petition; ~~and~~ selling or
328 attempting to sell any item; and engaging in any activity with
329 the intent to influence or effect of influencing a voter. The
330 terms "solicit" or "solicitation" may not be construed to
331 prohibit an employee of, or a volunteer with, the supervisor
332 from providing nonpartisan assistance to voters within the no-
333 solicitation zone such as, but not limited to, giving items to
334 voters, or to prohibit exit polling.

325267

Approved For Filing: 4/29/2021 7:22:34 PM

Amendment No.

335 (e) The owner, operator, or lessee of the property on
336 which a polling place or an early voting site is located, or an
337 agent or employee thereof, may not prohibit the solicitation of
338 voters by a candidate or a candidate's designee outside of the
339 no-solicitation zone during polling hours.

340 Section 30. Section 102.072, Florida Statutes, is created
341 to read:

342 102.072 Vote-by-mail count reporting.—Beginning at 7:00
343 p.m. election day, the supervisor must, at least once every hour
344 while actively counting, post on his or her website the number
345 of vote-by-mail ballots that have been received and the number
346 of vote-by-mail ballots that remain uncounted.

347 Section 31. Subsection (1) and paragraphs (a) and (b) of
348 subsection (2) of section 102.141, Florida Statutes, are amended
349 to read:

350 102.141 County canvassing board; duties.—

351 (1) The county canvassing board shall be composed of the
352 supervisor of elections; a county court judge, who shall act as
353 chair; and the chair of the board of county commissioners. The
354 names of the canvassing board members must be published on the
355 supervisor's website upon completion of the logic and accuracy
356 test. Alternate canvassing board members must be appointed
357 pursuant to paragraph (e). In the event any member of the county
358 canvassing board is unable to serve, is a candidate who has
359 opposition in the election being canvassed, or is an active

325267

Approved For Filing: 4/29/2021 7:22:34 PM

Amendment No.

360 participant in the campaign or candidacy of any candidate who
361 has opposition in the election being canvassed, such member
362 shall be replaced as follows:

363 (a) If no county court judge is able to serve or if all
364 are disqualified, the chief judge of the judicial circuit in
365 which the county is located shall appoint as a substitute member
366 a qualified elector of the county who is not a candidate with
367 opposition in the election being canvassed and who is not an
368 active participant in the campaign or candidacy of any candidate
369 with opposition in the election being canvassed. In such event,
370 the members of the county canvassing board shall meet and elect
371 a chair.

372 (b) If the supervisor of elections is unable to serve or
373 is disqualified, the chair of the board of county commissioners
374 shall appoint as a substitute member a member of the board of
375 county commissioners who is not a candidate with opposition in
376 the election being canvassed and who is not an active
377 participant in the campaign or candidacy of any candidate with
378 opposition in the election being canvassed. The supervisor,
379 however, shall act in an advisory capacity to the canvassing
380 board.

381 (c) If the chair of the board of county commissioners is
382 unable to serve or is disqualified, the board of county
383 commissioners shall appoint as a substitute member one of its
384 members who is not a candidate with opposition in the election

325267

Approved For Filing: 4/29/2021 7:22:34 PM

Amendment No.

385 being canvassed and who is not an active participant in the
386 campaign or candidacy of any candidate with opposition in the
387 election being canvassed.

388 (d) If a substitute member or alternate member cannot be
389 appointed as provided elsewhere in this subsection, or in the
390 event of a vacancy in such office, the chief judge of the
391 judicial circuit in which the county is located shall appoint as
392 a substitute member or alternate member a qualified elector of
393 the county who is not a candidate with opposition in the
394 election being canvassed and who is not an active participant in
395 the campaign or candidacy of any candidate with opposition in
396 the election being canvassed.

397 (e)1. The chief judge of the judicial circuit in which the
398 county is located shall appoint a county court judge as an
399 alternate member of the county canvassing board or, if each
400 county court judge is unable to serve or is disqualified, shall
401 appoint an alternate member who is qualified to serve as a
402 substitute member under paragraph (a).

403 2. The chair of the board of county commissioners shall
404 appoint a member of the board of county commissioners as an
405 alternate member of the county canvassing board or, if each
406 member of the board of county commissioners is unable to serve
407 or is disqualified, shall appoint an alternate member who is
408 qualified to serve as a substitute member under paragraph (d).

325267

Approved For Filing: 4/29/2021 7:22:34 PM

Amendment No.

409 3. If a member of the county canvassing board is unable to
410 participate in a meeting of the board, the chair of the county
411 canvassing board or his or her designee shall designate which
412 alternate member will serve as a member of the board in the
413 place of the member who is unable to participate at that
414 meeting.

415 4. If not serving as one of the three members of the
416 county canvassing board, an alternate member may be present,
417 observe, and communicate with the three members constituting the
418 county canvassing board, but may not vote in the board's
419 decisions or determinations.

420 (2) (a) The county canvassing board shall meet in a
421 building accessible to the public in the county where the
422 election occurred at a time and place to be designated by the
423 supervisor to publicly canvass the absent electors' ballots as
424 provided for in s. 101.68 and provisional ballots as provided by
425 ss. 101.048, 101.049, and 101.6925. During each meeting of the
426 county canvassing board, each political party and each candidate
427 may have one watcher able to view directly or on a display
428 screen ballots being examined for signature matching and other
429 processes. Provisional ballots cast pursuant to s. 101.049 shall
430 be canvassed in a manner that votes for candidates and issues on
431 those ballots can be segregated from other votes. As soon as the
432 absent electors' ballots and the provisional ballots are
433 canvassed, the board shall proceed to publicly canvass the vote

325267

Approved For Filing: 4/29/2021 7:22:34 PM

Amendment No.

434 given each candidate, nominee, constitutional amendment, or
435 other measure submitted to the electorate of the county, as
436 shown by the returns then on file in the office of the
437 supervisor.

438 (b) Public notice of the canvassing board members,
439 alternates, time, and place at which the county canvassing board
440 shall meet to canvass the absent electors' ballots and
441 provisional ballots must be given at least 48 hours prior
442 thereto by publication on the supervisor's website and published
443 in one or more newspapers of general circulation in the county
444 or, if there is no newspaper of general circulation in the
445 county, by posting such notice in at least four conspicuous
446 places in the county. The time given in the notice as to the
447 convening of the meeting of the county canvassing board must be
448 specific and may not be a time period during which the board may
449 meet.

450 Section 32. Section 104.0616, Florida Statutes, is amended
451 to read:

452 104.0616 Vote-by-mail ballots and voting; violations.—

453 (1) For purposes of this section, the term "immediate
454 family" means a person's spouse or the parent, child,
455 grandparent, grandchild, or sibling of the person or the
456 person's spouse.

457 (2) Any person who distributes, orders, requests,
458 collects, delivers ~~provides or offers to provide,~~ and any person

325267

Approved For Filing: 4/29/2021 7:22:34 PM

Amendment No.

459 ~~who accepts, a pecuniary or other benefit in exchange for~~
460 ~~distributing, ordering, requesting, collecting, delivering, or~~
461 otherwise physically possesses ~~possessing~~ more than two vote-by-
462 mail ballots per election in addition to his or her own ballot
463 or a ballot belonging to an immediate or extended family member
464 related by blood or marriage at the time of submitting the vote,
465 other person registered to vote at the same residential address,
466 or legal guardian or caretaker, except as

467 -----
468 -----

469 **T I T L E A M E N D M E N T**

470 Remove lines 1372-1373 and insert:

471 electors per election, not including specified

472 persons; providing exceptions; providing a penalty;

325267

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