By the Committee on Ethics and Elections; and Senator Hutson

A bill to be entitled
An act relating to election administration; creating
s. 97.022, F.S.; creating the Office of Election Crimes and Security within the Department of State;
specifying duties and the structure of the office;
requiring the department to annually report to the Governor and Legislature regarding the office’s activities; specifying requirements for such report;
amending s. 97.0291, F.S.; clarifying provisions governing the prohibition on the solicitation, acceptance, use, and disposal of private funds for certain election-related expenses; amending s. 97.057, F.S.; conforming a cross-reference; amending s. 97.0575, F.S.; revising a limitation on the amount of aggregate fines which may be assessed against a third-party voter registration organization in a calendar year; amending s. 98.065, F.S.; revising the frequency by which supervisors of elections must conduct a registration list maintenance program; modifying required components of registration list maintenance programs; amending s. 98.0655, F.S.; revising the types of registration list maintenance forms to be prescribed by the Department of State to conform to changes made by the act; amending s. 98.075, F.S.; authorizing the Department of State to identify deceased registered voters using information received by the Department of Highway Safety and Motor Vehicles; amending s. 98.093, F.S.; requiring clerks of the circuit court and the Department of Highway...
Safety and Motor Vehicles to furnish additional information to the Department of State on a monthly basis; amending s. 100.371, F.S.; revising duties of the supervisor with respect to the processing and retention of initiative petition forms; requiring the supervisor to post additional information regarding petition forms on his or her website; creating s. 101.019, F.S.; prohibiting the use of ranked-choice voting to determine election or nomination to elective office; voiding existing or future local ordinances authorizing the use of ranked-choice voting; amending s. 101.5614, F.S.; requiring specified individuals observing the ballot duplication process to sign a specified affidavit acknowledging certain criminal penalties; prohibiting persons authorized to observe, review, or inspect ballot materials or observe canvassing from releasing certain information about an election before the closing of the polls; providing criminal penalties; amending ss. 101.6103 and 101.6104, F.S.; revising certain provisions governing the Mail Ballot Election Act to conform to changes made by the act; amending s. 101.64, F.S.; requiring the voter’s certificate for vote-by-mail ballots be printed on a separate envelope, instead of the return mailing envelope; revising the voter’s certificate to include space for the last four digits of the absent elector’s driver license number, Florida identification card number, or social security number; conforming provisions to changes made by the act;
amending s. 101.65, F.S.; revising instructions to
absent electors to conform to changes made by the act;
amending s. 101.68, F.S.; requiring the supervisor to
verify an absent elector’s partial identification
number listed on the voter’s certificate upon receipt
of a vote-by-mail ballot; conforming provisions to
changes made by the act; requiring that the voter’s
certificate include an identifying number as a
requisite to canvassing; authorizing an elector to
cure his or her ballot in the event of a deficiency;
amending ss. 101.6921, 101.6923, and 101.6925, F.S.;
revising provisions governing special vote-by-mail
ballots to certain first-time voters to conform to
changes made by the act; amending s. 102.091, F.S.;
requiring the Governor, in consultation with the
executive director of the Department of Law
Enforcement, to appoint special officers to
investigate election law violations; specifying
requirements for such special officers; providing
construction; amending s. 102.101, F.S.; prohibiting a
special officer from entering a polling place;
providing exceptions; amending s. 104.0616, F.S.;
increasing criminal penalties for certain unlawful
acts involving vote-by-mail ballots; amending s.
104.185, F.S.; increasing criminal penalties for a
person who signs another person’s name or a fictitious
name on specified petitions; amending s. 104.186,
F.S.; increasing criminal penalties for a person who
unlawfully compensates a petition circulator based on
the number of petition forms gathered; amending s. 921.0022, F.S.; ranking a specified offense involving vote-by-mail ballots on the severity ranking chart of the Criminal Punishment Code; requiring the Department of State to submit a report to the Legislature by a specified date; providing report requirements; providing effective dates.

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

Section 1. Section 97.022, Florida Statutes, is created to read:

97.022 Office of Election Crimes and Security; creation; purpose and duties.—

(1) The Office of Election Crimes and Security is created within the Department of State. The purpose of the office is to aid the Secretary of State in completion of his or her duties under s. 97.012(12) and (15) by:

(a) Receiving and reviewing notices and reports generated by government officials or any other person regarding alleged occurrences of election law violations or election irregularities in this state.

(b) Initiating independent inquiries and conducting preliminary investigations into allegations of election law violations or election irregularities in this state.

(2) The office may review complaints and conduct preliminary investigations into alleged violations of the Florida Election Code or any rule adopted pursuant thereto and any election irregularities.
(3) The secretary shall appoint a director of the office.

(4) The office shall be based in Tallahassee and shall employ nonsworn investigators to conduct any investigations. The positions and resources necessary for the office to accomplish its duties shall be established through and subject to the legislative appropriations process.

(5) The office shall oversee the department’s voter fraud hotline.

(6) This section does not limit the jurisdiction of any other office or agency of the state empowered by law to investigate, act upon, or dispose of alleged election law violations.

(7) By January 15 of each year, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives detailing information on investigations of alleged election law violations or election irregularities conducted during the prior calendar year. The report must include the total number of complaints received and independent investigations initiated and the number referred to another agency for further investigation or prosecution, including the total of those sent to a special officer pursuant to s. 102.091. For each alleged violation or irregularity investigated, the report must include:

(a) The source of the alleged violation or irregularity;

(b) The law allegedly violated or the nature of the irregularity reported;

(c) The county in which the alleged violation or irregularity occurred;

(d) Whether the alleged violation or irregularity was
referred to another agency for further investigation or
prosecution, and if so, to which agency; and
(e) The current status of the investigation or resulting
criminal case.

Section 2. Section 97.0291, Florida Statutes, is amended to read:
97.0291 Prohibition on use of private funds for election-related expenses.—No agency or state or local official
responsible for conducting elections, including, but not limited
to, a supervisor of elections, may solicit, accept, use, or
dispose of any donation in the form of money, grants, property,
or personal services from an individual or a nongovernmental
entity for the purpose of funding any type of election-related
expenses related to election administration, including, but not
limited to or voter education, voter outreach, voter or
registration programs, or the cost of any litigation related to
election administration. This section does not prohibit the
donation and acceptance of space to be used for a polling room
or an early voting site.

Section 3. Subsection (13) of section 97.057, Florida
Statutes, is amended to read:
97.057 Voter registration by the Department of Highway
Safety and Motor Vehicles.—
(13) The Department of Highway Safety and Motor Vehicles
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 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(5) s. 98.065(4).

Section 4. Paragraph (a) of subsection (3) of section 97.0575, Florida Statutes, is amended to read:

97.0575 Third-party voter registrations.—

(3)(a) A third-party voter registration organization that collects voter registration applications serves as a fiduciary to the applicant, ensuring that any voter registration application entrusted to the organization, irrespective of party affiliation, race, ethnicity, or gender, must be promptly delivered to the division or the supervisor of elections in the county in which the applicant resides within 14 days after the application was completed by the applicant, but not after registration closes for the next ensuing election. A third-party voter registration organization must notify the applicant at the time the application is collected that the organization might not deliver the application to the division or the supervisor of elections in the county in which the applicant resides in less than 14 days or before registration closes for the next ensuing election and must advise the applicant that he or she may deliver the application in person or by mail. The third-party voter registration organization must also inform the applicant how to register online with the division and how to determine whether the application has been delivered. 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 for each application...
received by the division or the supervisor of elections in the county in which the applicant resides more than 14 days after the applicant delivered the completed voter registration application to the third-party voter registration organization or any person, entity, or agent acting on its behalf. A fine in the amount of $250 for each application received if the third-party voter registration organization or person, entity, or agency acting on its behalf acted willfully.

2. A fine in the amount of $100 for each application collected by a third-party voter registration organization or any person, entity, or agent acting on its behalf, before book closing for any given election for federal or state office and received by the division or the supervisor of elections in the county in which the applicant resides after the book-closing deadline for such election. A fine in the amount of $500 for each application received if the third-party registration organization or person, entity, or agency acting on its behalf acted willfully.

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

The aggregate fine pursuant to this paragraph which may be assessed against a third-party voter registration organization,
including affiliate organizations, for violations committed in a
calendar year is $50,000 $1,000.

Section 5. Present subsections (5) and (6) of section
98.065, Florida Statutes, are redesignated as subsections (6)
and (7), respectively, new subsection (3) is added to that
section, and subsection (2) and present subsections (3) and (4)
of that section are amended, to read:

98.065 Registration list maintenance programs.—
(2) A supervisor must incorporate one or more of the
following procedures in the supervisor’s biennial registration
list maintenance program under which:

(a) At least once each even-numbered year, to begin in the
November of a year preceding a presidential election, change-of-
address information supplied by the United States Postal Service
through its licensees is used to identify registered voters
whose addresses might have changed;

(b) At least once each odd-numbered year, change-of-address
information is identified from returned nonforwardable return-
if-undeliverable address confirmation requests mailed mail sent
to all registered voters in the county; or

(c) At a supervisor’s discretion, change-of-address
information is identified from returned nonforwardable return-
if-undeliverable address confirmation requests mailed to all
registered voters who have not voted in the last 2 years and who
did not make a written request that their registration records
be updated during that time; and

(d) At least once each odd-numbered year, an identifying
number solicitation is sent by nonforwardable return-if-
undeliverable mail to each voter who does not have a Florida
driver license number, a Florida identification card number, or
the last four digits of his or her social security number on
file with the supervisor.

(3)(a) Address confirmation requests sent pursuant to
paragraphs (2)(b) and (c) must be addressed to the voter’s
address of legal residence. If a request is returned as
undeliverable, any other notification sent to the voter pursuant
to subsection (5) or s. 98.0655 must be addressed to the voter’s
mailing address on file, if any, in addition to any residence
address on file.

(b) An identifying number solicitation sent pursuant to
paragraph (2)(d) must be addressed to the voter’s mailing
address.

(4) A registration list maintenance program must be
conducted by each supervisor, at a minimum, once in each odd-
numbered year and must be completed not later than 90 days
before prior to the date of any federal election. All list
maintenance actions associated with each voter must be entered,
tracked, and maintained in the statewide voter registration
system.

(5)(a) If the supervisor receives change-of-address
information pursuant to the activities conducted in subsection
(2), from jury notices signed by the voter and returned to the
courts, from the Department of Highway Safety and Motor
Vehicles, or from other sources which indicates that a
registered voter’s legal residence might have changed to another
location within the state, the supervisor must change the
registration records to reflect the new address and must send
the voter an address change notice as provided in s. 98.0655(2).
(b) If the supervisor of elections receives change-of-address information pursuant to the activities conducted in subsection (2), from jury notices signed by the voter and returned to the courts, or from other sources which indicates that a registered voter’s legal residence might have changed to a location outside the state, the supervisor of elections shall send an address confirmation final notice to the voter as provided in s. 98.0655(3).

(c) If the supervisor of elections receives returned mail addressed to a voter at his or her address of legal residence indicating that the mail was undeliverable but without indication of an address change, the supervisor must send an address confirmation request to the voter’s mailing address on file.

(d) The supervisor must designate as inactive all voters who have been sent an address confirmation final notice and who have not returned the postage prepaid, preaddressed return form within 30 days or for which the final notice has been returned as undeliverable. Names on the inactive list may not be used to calculate the number of signatures needed on any petition. A voter on the inactive list may be restored to the active list of voters upon the voter updating his or her registration, requesting a vote-by-mail ballot, or appearing to vote. However, if the voter does not update his or her voter registration information, request a vote-by-mail ballot, or vote by the second general election after being placed on the inactive list, the voter’s name shall be removed from the statewide voter registration system and the voter shall be required to reregister to have his or her name restored to the statewide voter registration system.
voter registration system.

Section 6. Subsection (1) of section 98.0655, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

98.0655 Registration list maintenance forms.—The department shall prescribe registration list maintenance forms to be used by the supervisors which must include:

(1) An address confirmation request that must contain:

(a) The voter’s name and address of legal residence as shown on the voter registration record; and

(b) A request that the voter notify the supervisor if either the voter’s name or address of legal residence is incorrect;

(c) A voter registration application for the voter’s use if making a registration change by mail; and

(d) Notification that a person who willfully submits any false voter registration information commits a felony of the third degree, as provided by s. 104.011(2).

(4) An identifying number solicitation that requests the voter provide his or her Florida driver license number or Florida identification card number and the last four digits of his or her social security number.

Section 7. Paragraph (a) of subsection (3) of section 98.075, Florida Statutes, is amended to read:

98.075 Registration records maintenance activities; ineligibility determinations.—

(3) DECEASED PERSONS.—

(a)1. The department shall identify those registered voters who are deceased by comparing information received from either:
a. The Department of Health as provided in s. 98.093; or
b. The United States Social Security Administration, including, but not limited to, any master death file or index compiled by the United States Social Security Administration; or
c. The Department of Highway Safety and Motor Vehicles.

2. Within 7 days after receipt of such information through the statewide voter registration system, the supervisor shall remove the name of the registered voter.

Section 8. Section 98.093, Florida Statutes, is amended to read:

98.093 Duty of officials to furnish information relating to deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony, and persons who are not United States citizens.—

(1) In order to identify ineligible registered voters and maintain accurate and current voter registration records in the statewide voter registration system pursuant to procedures in s. 98.065 or s. 98.075, it is necessary for the department and supervisors of elections to receive or access certain information from state and federal officials and entities in the format prescribed.

(2) To the maximum extent feasible, state and local government agencies shall facilitate provision of information and access to data to the department, including, but not limited to, databases that contain reliable criminal records and records of deceased persons. State and local government agencies that provide such data shall do so without charge if the direct cost incurred by those agencies is not significant.

(a) The Department of Health shall furnish monthly to the
department a list containing the name, address, date of birth, date of death, social security number, race, and sex of each deceased person 17 years of age or older.

(b) Each clerk of the circuit court shall furnish monthly to the department:

1. A list of those persons who have been adjudicated mentally incapacitated with respect to voting during the preceding calendar month, a list of those persons whose mental capacity with respect to voting has been restored during the preceding calendar month, and a list of those persons who have returned signed jury notices during the preceding months to the clerk of the circuit court indicating a change of address. Each list shall include the name, address, date of birth, race, sex, and, whichever is available, the Florida driver license number, Florida identification card number, or social security number of each such person.

2. Information on the terms of sentence, including any financial obligations, of all persons listed in the clerk’s records who reside within this state and have been convicted of a felony.

(c) Upon receipt of information from the United States Attorney, listing persons convicted of a felony in federal court, the department shall use such information to identify registered voters or applicants for voter registration who may be potentially ineligible based on information provided in accordance with s. 98.075.

(d) The Department of Law Enforcement shall identify those persons who have been convicted of a felony who appear in the voter registration records supplied by the statewide voter
registration system, in a time and manner that enables the department to meet its obligations under state and federal law.

(e) The Florida Commission on Offender Review shall furnish at least bimonthly to the department data, including the identity of those persons granted clemency in the preceding month or any updates to prior records which have occurred in the preceding month. The data shall contain the commission’s case number and the person’s name, address, date of birth, race, gender, Florida driver license number, Florida identification card number, or the last four digits of the social security number, if available, and references to record identifiers assigned by the Department of Corrections and the Department of Law Enforcement, a unique identifier of each clemency case, and the effective date of clemency of each person.

(f) The Department of Corrections shall identify those persons who have been convicted of a felony and committed to its custody or placed on community supervision. The information must be provided to the department at a time and in a manner that enables the department to identify registered voters who are convicted felons and to meet its obligations under state and federal law.

(g) The Department of Highway Safety and Motor Vehicles shall furnish monthly to the department:

1. A list of those persons whose names have been removed from the driver license database because they have been licensed in another state. The list must contain the name, address, date of birth, sex, social security number, and driver license number of each such person.

2. A list of those persons who presented evidence of non-
United States citizenship upon being issued a new or renewed Florida driver license or Florida identification card. The list must contain the name; address; date of birth; social security number, if applicable; and Florida driver license number or Florida identification card number, as applicable, of each such person.

(3) This section does not limit or restrict the supervisor in his or her duty to remove the names of persons from the statewide voter registration system pursuant to s. 98.075(7) based upon information received from other sources.

Section 9. Paragraphs (a) and (c) of subsection (11) of section 100.371, Florida Statutes, are amended to read:

100.371 Initiatives; procedure for placement on ballot.—

(11)(a) An initiative petition form circulated for signature may not be bundled with or attached to any other petition. Each signature shall be dated when made and shall be valid until the next February 1 occurring in an even-numbered year for the purpose of the amendment appearing on the ballot for the general election occurring in that same year, provided all other requirements of law are met. The sponsor shall submit signed and dated forms to the supervisor of elections for the county of residence listed by the person signing the form for verification of the number of valid signatures obtained. If a signature on a petition is from a registered voter in another county, the supervisor shall notify the petition sponsor of the misfiled petition. The supervisor shall promptly verify the signatures within 60 days after receipt of the petition forms and payment of a fee for the actual cost of signature verification incurred by the supervisor. However, for petition
forms submitted less than 60 days before February 1 of an even-numbered year, the supervisor shall promptly verify the signatures within 30 days after receipt of the form and payment of the fee for signature verification. The supervisor shall promptly record, in the manner prescribed by the Secretary of State, the date each form is received by the supervisor, and the date the signature on the form is verified as valid. The supervisor may verify that the signature on a form is valid only if:

1. The form contains the original signature of the purported elector.
2. The purported elector has accurately recorded on the form the date on which he or she signed the form.
3. The form sets forth the purported elector’s name, address, city, county, and voter registration number or date of birth.
4. The purported elector is, at the time he or she signs the form and at the time the form is verified, a duly qualified and registered elector in the state.
5. The signature was obtained legally, including that if a paid petition circulator was used, the circulator was validly registered under subsection (3) when the signature was obtained.

The supervisor shall retain all the signature forms, separating forms verified as valid from those deemed invalid, for at least 1 year following the election for which the petition was circulated. The supervisor shall provide a method of viewing and copying valid and invalid forms issue appeared on the ballot or until the division notifies the supervisors of elections that
the committee that circulated the petition is no longer seeking to obtain ballot position.

(c) On the last day of each month, or on the last day of each week from December 1 of an odd-numbered year through February 1 of the following year, each supervisor shall post on his or her website the total number of signatures submitted, the total number of invalid signatures, the total number of signatures processed, and the aggregate number of verified valid signatures and the distribution of such signatures by congressional district for each proposed amendment proposed by initiative, along with the following information specific to the reporting period: the total number of signed petition forms received, the total number of signatures verified, the distribution of verified valid signatures by congressional district, and the total number of verified petition forms forwarded to the Secretary of State.

Section 10. Section 101.019, Florida Statutes, is created to read:

101.019 Ranked-choice voting prohibited.—

(1) A ranked-choice voting method that allows voters to rank candidates for an office in order of preference and have ballots cast be tabulated in multiple rounds following the elimination of a candidate until a single candidate attains a majority may not be used in determining the election or nomination of any candidate to any local, state, or federal elective office in this state.

(2) Any existing or future ordinance enacted or adopted by a county, a municipality, or any other local governmental entity which is in conflict with this section is void.
Section 11. Paragraph (a) of subsection (4) and subsection (8) of section 101.5614, Florida Statutes, are amended to read:

101.5614 Canvass of returns.—

(4)(a) If any vote-by-mail ballot is physically damaged so that it cannot properly be counted by the voting system's automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in an open and accessible room in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot shall be made of a vote-by-mail ballot containing an overvoted race if there is a clear indication on the ballot that the voter has made a definite choice in the overvoted race or ballot measure. A duplicate shall include all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(4). A duplicate may be made of a ballot containing an undervoted race or ballot measure if there is a clear indication on the ballot that the voter has made a definite choice in the undervoted race or ballot measure. A duplicate may not include a vote if the voter’s intent in such race or on such measure is not clear. Upon request, a physically present candidate, a political party official, a political committee official, or an authorized designee thereof, must be allowed to observe the duplication of ballots upon signing an affidavit affirming his or her acknowledgment that disclosure of election results discerned from observing the ballot duplication process while the election is ongoing is a felony, as provided under subsection (8). The observer must be allowed to observe the duplication of ballots in such a way that the observer is able to see the markings on each ballot and the duplication taking
place. All duplicate ballots must be clearly labeled “duplicate,” bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. The duplication of ballots must happen in the presence of at least one canvassing board member. After a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct. If any observer makes a reasonable objection to a duplicate of a ballot, the ballot must be presented to the canvassing board for a determination of the validity of the duplicate. The canvassing board must document the serial number of the ballot in the canvassing board’s minutes. The canvassing board must decide whether the duplication is valid. If the duplicate ballot is determined to be valid, the duplicate ballot must be counted. If the duplicate ballot is determined to be invalid, the duplicate ballot must be rejected and a proper duplicate ballot must be made and counted in lieu of the original.

(8) Any supervisor of elections, deputy supervisor of elections, canvassing board member, election board member, election employee, or other person authorized to observe, review, or inspect ballot materials or observe canvassing who releases any information about votes cast for or against any candidate or ballot measure or any the results of any election before prior to the closing of the polls in that county on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 12. Effective January 1, 2024, subsections (1), (2), (3), (5), and (7) of section 101.6103, Florida Statutes,
are amended to read:

101.6103 Mail ballot election procedure.—

(1) Except as otherwise provided in subsection (7), the supervisor of elections shall mail all official ballots with a secrecy envelope, a certificate envelope, a return mailing envelope, and instructions sufficient to describe the voting process to each elector entitled to vote in the election not sooner than the 20th day before the election and not later than the 10th day before the date of the election. All such ballots shall be mailed by first-class mail. Ballots shall be addressed to each elector at the address appearing in the registration records and placed in an envelope which is prominently marked “Do Not Forward.”

(2) Upon receipt of the ballot the elector shall mark the ballot, place it in the secrecy envelope, place the secrecy envelope into the certificate envelope and sign the voter’s certificate, and then place the certificate envelope into the return mailing envelope supplied with the ballot, and comply with the instructions provided with the ballot. The elector shall mail, deliver, or have delivered the marked ballot so that it reaches the supervisor of elections no later than 7 p.m. on the day of the election. The ballot must be returned in the certificate envelope and then enclosed in the return mailing envelope.

(3) The certificate return mailing envelope must bear a certificate in substantially the form prescribed by s. 101.64(1)(a) shall contain a statement in substantially the following form:
VOTER'S CERTIFICATE

I, ...(Print Name)...., do solemnly swear (or affirm) that I am a qualified voter in this election and that I have not and will not vote more than one ballot in this election.

I understand that failure to sign this certificate and give my residence address will invalidate my ballot.

...(Signature)....
...(Residence Address)....

(5) A ballot shall be counted only if:
(a) It is returned in the certificate envelope and return mailing envelope;
(b) The elector’s signature has been verified as provided in this subsection; and
(c) It is received by the supervisor of elections not later than 7 p.m. on the day of the election.

The supervisor of elections shall open the return mailing envelope and verify the signature and the provided identifying number of each elector on the certificate return mailing envelope with the signature and the number in on the elector’s registration records. Such verification may commence at any time before prior to the canvass of votes. The supervisor of elections shall safely keep the ballot unopened in his or her office until the county canvassing board canvasses the vote. If the supervisor of elections determines that an elector to whom a replacement ballot has been issued under subsection (4) has
voted more than once, the canvassing board shall determine which ballot, if any, is to be counted.

(7) With respect to absent electors overseas entitled to vote in the election, the supervisor of elections shall mail an official ballot with a secrecy envelope, a certificate envelope, a return mailing envelope, and instructions sufficient to describe the voting process to each such elector on a date sufficient to allow such elector time to vote in the election and to have his or her marked ballot reach the supervisor by 7 p.m. on the day of the election.

Section 13. Effective January 1, 2024, section 101.6104, Florida Statutes, is amended to read:

101.6104 Challenge of votes.—If any elector present for the canvass of votes believes that any ballot is illegal due to any defect apparent on the voter’s certificate, the elector may, at any time before the ballot is removed from the certificate envelope, file with the canvassing board a protest against the canvass of such ballot, specifying the reason he or she believes the ballot to be illegal. No challenge based upon any defect on the voter’s certificate shall be accepted after the ballot has been removed from the certificate return mailing envelope.

Section 14. Effective January 1, 2024, paragraphs (a) and (c) of subsection (1) and subsection (2) 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 three two envelopes: a secrecy envelope, into which the absent elector shall enclose his or her marked ballot; a certificate envelope, into which the absent elector shall place
the secrecy envelope; and a mailing envelope, into which the absent elector shall then place the secrecy envelope and the certificate envelope, which shall be addressed to the supervisor. The certificate envelope must 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)...
...(E-Mail Address)...
...(Home Telephone Number)...
...(Mobile Telephone Number)...

☐ ...(Last four digits of Florida Driver License (FL DL) or Florida Identification Card (FL ID) number)...

☐ ...(If no FL DL or FL ID, then provide last four digits of your social security number)...

(c) The A mailing envelope, the certificate envelope, or
the secrecy envelope may not bear any indication of the political affiliation of an absent elector. 

(2) The voter’s certificate shall be arranged on the back of the mailing envelope so that the line for the signature of the absent elector is across the seal of the envelope; however, no statement shall appear on the envelope which indicates that a signature of the voter must cross the seal of the envelope. The absent elector shall execute the certificate on the envelope.

Section 15. Effective January 1, 2024, 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 is authorized until 5 p.m. on the 2nd day after the election.

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

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

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

5. Insert the secrecy envelope into the enclosed certificate envelope. Seal the envelope and completely fill out the Voter’s Certificate on the envelope which is addressed to the supervisor.

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

7. VERY IMPORTANT. In order for your vote-by-mail ballot to be counted, you must sign your name on the line above (Voter’s Signature) on the certificate envelope. A vote-by-mail ballot will be considered illegal and not be counted if the signature on the voter’s certificate does not match the signature on record. The signature on file at the time the supervisor of elections in the county in which your precinct is located receives your vote-by-mail ballot is the signature that will be used to verify your signature on the voter’s certificate. If you need to update your signature for this election, send your
signature update on a voter registration application to your supervisor of elections so that it is received before your vote-by-mail ballot is received.

7. VERY IMPORTANT. In order for your vote-by-mail ballot to be counted, you must also enter in the space provided on the Voter’s Certificate the last four digits of your Florida driver license number or the last four digits of your Florida identification card number, or, if you have neither a Florida driver license or a Florida identification card, the last four digits of your social security number. A vote-by-mail ballot will be considered illegal and not be counted if the number provided does not match a number in the supervisor’s records.

8. VERY IMPORTANT. If you are an overseas voter, you must include the date you signed the Voter’s Certificate on the line above (Date) or your ballot may not be counted.

9. Place the certificate envelope into the enclosed mailing envelope addressed to the supervisor and seal the mailing envelope.

10. 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 DROP BOX, AVAILABLE AT EACH EARLY VOTING LOCATION.

11. 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 16. Effective January 1, 2024, subsection (1), paragraph (c) of subsection (2), and paragraph (a) of subsection (4) of section 101.68, Florida Statutes, are amended to read:

101.68 Canvassing of vote-by-mail ballot.—

(1) The supervisor of the county where the absent elector resides shall receive the voted ballot. Upon receipt, at which time the supervisor shall open the mailing envelope and then compare the signature and the provided partial driver license number, identification card number, or social security number of the elector on the voter’s certificate with the signature and the partial identification 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 the verification signature comparison process, the supervisor may not use any knowledge of the political affiliation of the voter whose signature and partial identification number are subject to verification. An elector who dies after casting a vote-by-mail ballot but on or before election day 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. Except as provided in subsection (4), after a vote-by-mail ballot is received by the supervisor, the ballot is deemed to have been cast, and changes or additions may not be made to the voter’s certificate.

(2)

(c)1. The canvassing board must, if the supervisor has not
already done so, compare the signature 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 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. In addition, if the supervisor has not already done so, the canvassing board must also determine if the elector provided the last four digits of his or her Florida driver license number, the last four digits of his or her Florida identification card number, or the last four digits of his or her social security number in the appropriate space on the voter’s certificate and that the number provided matches the supervisor’s records.

2. A vote-by-mail ballot may only be counted if the criteria under both sub-subparagraphs a. and b. are met:
   a. (I) The signature on the voter’s certificate or the cure affidavit matches the elector’s signature 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
   (II) The cure affidavit contains a signature that does not match the elector’s signature in the registration books or precinct register, but the elector has submitted a current and valid Tier 1 identification pursuant to subsection (4) which confirms the identity of the elector.
   b. (I) The elector provided the last four digits of his or her Florida driver license number, Florida identification card number, or social security number on the voter’s certificate which matches the supervisor’s records; however, in the case of
a cure affidavit, the supporting identification listed in subsection (4) must also confirm the identity of the elector; or

   (II) The cure affidavit does not contain the last four digits of a Florida driver license number, Florida identification card number, or social security number which matches a number in the supervisor’s records, but the elector has submitted a current and valid Tier 1 identification pursuant to subsection (4) which confirms the identity of the elector.

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

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

4. A vote-by-mail ballot is not considered illegal if the signature of the elector does not cross the seal of the certificate mailing envelope.

5. If any elector or candidate present believes that a vote-by-mail ballot is illegal due to a defect apparent on the voter’s certificate or the cure affidavit, he or she may, at any time before the ballot is removed from the certificate envelope, file with the canvassing board a protest against the canvass of that ballot, specifying the precinct, the voter’s certificate or the cure affidavit, and the reason he or she believes the ballot to be illegal. A challenge based upon a defect in the voter’s
certificate or cure affidavit may not be accepted after the
election has been removed from the certificate mailing
envelope.

6.5. If the canvassing board determines that a ballot is
illegal, a member of the board must, without opening the
certificate envelope, mark across the face of the envelope:
"rejected as illegal." The cure affidavit, if applicable, the
envelope, and the ballot therein 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 contains a signature that
does not match the elector’s signature in the registration books
or precinct register, that does not include the last four digits
of the elector’s Florida driver license number, Florida
identification card number, or social security number, or on
which the number provided does not match the supervisor’s
records, by:

1. Notifying the elector of the signature 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 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 deficiency by
telephone and directing the elector to the cure affidavit and
instructions on the supervisor’s website.

In addition to the notification required under subparagraph 1.,
subparagraph 2., or subparagraph 3., the supervisor must notify
the elector of the signature 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.

Section 17. Effective January 1, 2024, subsections (2) and
(4) of section 101.6921, Florida Statutes, are amended to read:

101.6921 Delivery of special vote-by-mail ballot to certain
first-time voters.—

(2) The supervisor shall enclose with each vote-by-mail
ballot three envelopes: a secrecy envelope, into which the
absent elector will enclose his or her marked ballot; the
certificate envelope containing the Voter’s Certificate, into
which the absent elector shall place the secrecy envelope; and a
mailing envelope, which shall be addressed to the supervisor and
into which the absent elector will place the certificate
envelope containing the Voter’s Certificate and a copy of the
required identification.

(4) The certificate shall be arranged on the back of the
certificate envelope so that the line for the signature of the
absent elector is across the seal of the envelope.

Section 18. Effective January 1, 2024, section 101.6923,
Florida Statutes, is amended to read:

101.6923 Special vote-by-mail ballot instructions for
certain first-time voters.—

(1) The provisions of this section apply to voters who are
subject to the provisions of s. 97.0535 and who have not
provided the identification or information required by s.
97.0535 by the time the vote-by-mail ballot is mailed.

(2) A voter covered by this section shall be provided with
printed instructions with his or her vote-by-mail ballot in
substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR
BALLOT. 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, 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
date 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.

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

3. Mark only the number of candidates or issue choices for
a race as indicated on the ballot. If you are allowed to “Vote
for One” candidate and you vote for more than one, your vote in
that race will not be counted.
4. Place your marked ballot in the enclosed secrecy envelope and seal the envelope.

5. Insert the secrecy envelope into the enclosed envelope bearing the Voter’s Certificate. Seal the certificate envelope and completely fill out the Voter’s Certificate on the back of the envelope.
   a. You must sign your name on the line above (Voter’s Signature).
   b. If you are an overseas voter, you must include the date you signed the Voter’s Certificate on the line above (Date) or your ballot may not be counted.
   c. A vote-by-mail ballot will be considered illegal and will not be counted if the signature on the Voter’s Certificate does not match the signature on record. The signature on file at the start of the canvass of the vote-by-mail ballots is the signature that will be used to verify your signature on the Voter’s Certificate. If you need to update your signature for this election, send your signature update on a voter registration application to your supervisor of elections so that it is received before your vote-by-mail ballot is received.

6. Unless you meet one of the exemptions in Item 7., you must make a copy of one of the following forms of identification:
   a. Identification which must include your name and photograph: 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, the state, a county, or a municipality; or

b. Identification which shows your name and current residence address: current utility bill, bank statement, government check, paycheck, or government document (excluding voter information card).

7. The identification requirements of Item 6. do not apply if you meet one of the following requirements:

a. You are 65 years of age or older.

b. You have a temporary or permanent physical disability.

c. You are a member of a uniformed service on active duty who, by reason of such active duty, will be absent from the county on election day.

d. You are a member of the Merchant Marine who, by reason of service in the Merchant Marine, will be absent from the county on election day.

e. You are the spouse or dependent of a member referred to in paragraph c. or paragraph d. who, by reason of the active duty or service of the member, will be absent from the county on election day.

f. You are currently residing outside the United States.

8. Place the certificate envelope bearing the Voter’s Certificate into the mailing envelope addressed to the supervisor. Insert a copy of your identification in the mailing envelope. Do not put your identification inside the secrecy envelope with the ballot or inside the certificate envelope which bears the voter’s certificate or your ballot will not
COUNT.

9. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

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 19. Effective January 1, 2024, subsection (3) of section 101.6925, Florida Statutes, is amended to read:

101.6925 Canvassing special vote-by-mail ballots.—
(3) If the identification is not enclosed in the mailing envelope and the voter has not indicated that he or she is exempt from the identification requirements, the supervisor shall check the voter registration records to determine if the voter’s identification was previously received or the voter had previously notified the supervisor that he or she was exempt. The certificate envelope with the Voter’s Certificate shall not be opened unless the identification has been received or the voter has indicated that he or she is exempt. The ballot shall be treated as a provisional ballot until 7 p.m. on election day and shall not be canvassed unless the supervisor has received the required identification or written indication of exemption by 7 p.m. on election day.

Section 20. Section 102.091, Florida Statutes, is amended to read:
102.091 Duty of sheriff to watch for violations; appointment of special officers.—
(1) The sheriff shall exercise strict vigilance in the
(2) The Governor, in consultation with the executive director of the Department of Law Enforcement, shall **may** appoint special officers to investigate alleged violations of the election laws, when it is deemed necessary to see that violators of the election laws are apprehended and punished. **A special officer** must be a sworn special agent employed by the Department of Law Enforcement. At least one special officer must be designated in each operational region of the Department of Law Enforcement to serve as a dedicated investigator of alleged violations of the election laws. Appointment as a special officer does not preclude a sworn special agent from conducting other investigations of alleged violations of law, provided that such other investigations do not hinder or interfere with the individual’s ability to investigate alleged violations of the election laws.

Section 21. Section 102.101, Florida Statutes, is amended to read:

102.101 Sheriff and other officers not allowed in polling place.—**A no** sheriff, **a** deputy sheriff, **a** police officer, **a** special officer appointed pursuant to s. 102.091, or any other officer of the law is not shall be allowed within **a** the polling place without permission from the clerk or a majority of the inspectors, except to cast his or her ballot. Upon the failure of any **such** officer of **said** officers to comply with this **section** provision, the clerk or the inspectors must or any one of them shall make an affidavit against **the** such officer for his or her arrest.
Section 22. Subsection (2) of section 104.0616, Florida Statutes, is amended to read:

104.0616 Vote-by-mail ballots and voting; violations.—
(2) Any person who distributes, orders, requests, collects, delivers, or otherwise physically possesses more than two vote-by-mail ballots per election in addition to his or her own ballot or a ballot belonging to an immediate family member, except as provided in ss. 101.6105-101.694, including supervised voting at assisted living facilities and nursing home facilities as authorized under s. 101.655, commits a felony misdemeanor of the third degree, punishable as provided in s. 775.082, or s. 775.083, or s. 775.084.

Section 23. Subsection (2) of section 104.185, Florida Statutes, is amended to read:

104.185 Petitions; knowingly signing more than once; signing another person’s name or a fictitious name.—
(2) A person who signs another person’s name or a fictitious name to any petition to secure ballot position for a candidate, a minor political party, or an issue commits a felony misdemeanor of the third degree, punishable as provided in s. 775.082, or s. 775.083, or s. 775.084.

Section 24. Section 104.186, Florida Statutes, is amended to read:

104.186 Initiative petitions; violations.—A person who compensates a petition circulator as defined in s. 97.021 based on the number of petition forms gathered commits a felony misdemeanor of the third degree, punishable as provided in s. 775.082, or s. 775.083, or s. 775.084. This section does not prohibit employment relationships that do not base payment on
Section 25. Paragraph (a) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

(3) OFFENSE SEVERITY RANKING CHART
(a) LEVEL 1

<table>
<thead>
<tr>
<th>Florida Statute</th>
<th>Felony Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>24.118(3)(a)</td>
<td>3rd</td>
<td>Counterfeit or altered state lottery ticket.</td>
</tr>
<tr>
<td>104.0616(2)</td>
<td>3rd</td>
<td>Unlawfully distributing, ordering, requesting, collecting, delivering, or possessing vote-by-mail ballots.</td>
</tr>
<tr>
<td>212.054(2)(b)</td>
<td>3rd</td>
<td>Discretionary sales surtax; limitations, administration, and collection.</td>
</tr>
<tr>
<td>212.15(2)(b)</td>
<td>3rd</td>
<td>Failure to remit sales taxes, amount $1,000 or more but less than $20,000.</td>
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<tr>
<td>316.1935(1)</td>
<td>3rd</td>
<td>Fleeing or attempting to</td>
</tr>
<tr>
<td>1116</td>
<td>319.30(5)</td>
<td>3rd</td>
</tr>
<tr>
<td>1117</td>
<td>319.35(1)(a)</td>
<td>3rd</td>
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<td>1118</td>
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<td>1119</td>
<td>322.212(1)(a)-(c)</td>
<td>3rd</td>
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<td>1120</td>
<td>322.212(4)</td>
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<td>414.39(3)(a)</td>
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<td>Fraudulent misappropriation of public assistance funds by employee/official, value more than $200.</td>
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<tr>
<td>443.071(1)</td>
<td>3rd</td>
<td>False statement or representation to obtain or increase reemployment assistance benefits.</td>
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<tr>
<td>509.151(1)</td>
<td>3rd</td>
<td>Defraud an innkeeper, food or lodging value $1,000 or more.</td>
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<tr>
<td>517.302(1)</td>
<td>3rd</td>
<td>Violation of the Florida Securities and Investor Protection Act.</td>
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<td>713.69</td>
<td>3rd</td>
<td>Tenant removes property upon which lien has accrued, value $1,000 or more.</td>
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<td>812.014(3)(c)</td>
<td>3rd</td>
<td>Petit theft (3rd conviction); theft of any property not specified in subsection (2).</td>
</tr>
<tr>
<td>815.04(5)(a)</td>
<td>3rd</td>
<td>Offense against intellectual property (i.e., computer</td>
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**CODING:** Words **stricken** are deletions; words **underlined** are additions.
<p>| 1129 | 817.52(2) | 3rd | Hiring with intent to defraud, motor vehicle services. |
| 1130 | 817.569(2) | 3rd | Use of public record or public records information or providing false information to facilitate commission of a felony. |
| 1131 | 826.01 | 3rd | Bigamy. |
| 1132 | 828.122(3) | 3rd | Fighting or baiting animals. |
| 1133 | 831.04(1) | 3rd | Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28. |
| 1134 | 831.31(1)(a) | 3rd | Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs. |
| 1135 | 832.041(1) | 3rd | Stopping payment with intent to defraud $150 or more. |</p>
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<th>Code</th>
<th>Description</th>
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<tr>
<td>832.05(2)(b) &amp; (4)(c)</td>
<td>Knowing, making, issuing worthless checks $150 or more or obtaining property in return for worthless check $150 or more.</td>
</tr>
<tr>
<td>838.15(2)</td>
<td>Commercial bribe receiving.</td>
</tr>
<tr>
<td>838.16</td>
<td>Commercial bribery.</td>
</tr>
<tr>
<td>843.18</td>
<td>Fleeing by boat to elude a law enforcement officer.</td>
</tr>
<tr>
<td>847.011(1)(a)</td>
<td>Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).</td>
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<tr>
<td>849.09(1)(a)-(d)</td>
<td>Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.</td>
</tr>
<tr>
<td>849.23</td>
<td>Gambling-related machines; “common offender” as to property rights.</td>
</tr>
<tr>
<td>849.25(2)</td>
<td>Engaging in bookmaking.</td>
</tr>
</tbody>
</table>

**CODING:** Words *stricken* are deletions; words *underlined* are additions.
Section 26. By January 1, 2023, the Department of State shall submit to the President of the Senate and the Speaker of the House of Representatives a report detailing a plan to obtain a Florida driver license number or Florida identification card number and the last four digits of a social security number from each registered voter who does not have any such number on file in the Florida Voter Registration System. The plan must include, if needed, details on any funding that may be required for its implementation. The plan must provide for its completion by

Section 27. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.