

By the Committees on Appropriations; and Ethics and Elections;
and Senator Hutson

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1 A bill to be entitled
2 An act relating to election administration; amending
3 s. 15.21, F.S.; requiring the Secretary of State to
4 notify the Attorney General if signatures required for
5 an initiative petition are no longer valid;
6 authorizing the Secretary of State to resubmit the
7 initiative petition to the Attorney General if certain
8 conditions are met; amending s. 16.061, F.S.;
9 requiring the Attorney General to withdraw his or her
10 petition for an advisory opinion by the Supreme Court
11 if notified by the Secretary of State that the
12 initiative petition no longer meets the criteria for
13 review; requiring the Attorney General to file a new
14 petition for an advisory opinion if the initiative
15 petition subsequently qualifies for review; creating
16 s. 97.022, F.S.; creating the Office of Election
17 Crimes and Security within the Department of State;
18 specifying the duties and structure of the office;
19 providing for construction; requiring the department
20 to annually report to the Governor and Legislature
21 regarding the office's activities; specifying
22 requirements for such report; amending s. 97.0291,
23 F.S.; clarifying provisions governing the prohibition
24 on the solicitation, acceptance, use, and disposal of
25 private funds for certain election-related expenses;
26 amending s. 97.057, F.S.; conforming a cross-
27 reference; amending s. 97.0575, F.S.; revising a
28 limitation on the amount of aggregate fines which may
29 be assessed against a third-party voter registration

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30 organization in a calendar year; specifying that a
31 third-party voter registration organization is liable
32 for a certain fine if a person collecting voter
33 registration applications on its behalf is convicted
34 of unlawfully altering any application; amending s.
35 98.065, F.S.; revising the frequency with which
36 supervisors of elections must conduct a registration
37 list maintenance program; modifying required
38 components of registration list maintenance programs;
39 conforming provisions to changes made by the act;
40 amending s. 98.0655, F.S.; revising requirements for
41 certain registration list maintenance forms to be
42 prescribed by the Department of State; amending s.
43 98.075, F.S.; authorizing the Department of State to
44 identify deceased registered voters using information
45 received by the Department of Highway Safety and Motor
46 Vehicles; amending s. 98.093, F.S.; requiring clerks
47 of the circuit court and the Department of Highway
48 Safety and Motor Vehicles to furnish additional
49 information to the Department of State on a monthly
50 basis; amending s. 100.041, F.S.; providing an
51 exception to certain county commissioner election
52 requirements for certain districts; amending s.
53 100.371, F.S.; revising duties of the supervisor with
54 respect to the processing and retention of initiative
55 petition forms; requiring the supervisor to post
56 additional information regarding petition forms on his
57 or her website; requiring the Secretary of State to
58 notify the Financial Impact Estimating Conference if

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59 the signatures for an initiative petition are no
60 longer valid; specifying conditions under which the
61 Financial Impact Estimating Conference does not need
62 to complete an analysis and financial impact statement
63 for an initiative petition; creating s. 101.019, F.S.;
64 prohibiting the use of ranked-choice voting to
65 determine election or nomination to elective office;
66 voiding existing or future local ordinances
67 authorizing the use of ranked-choice voting; amending
68 s. 101.043, F.S.; deleting a provision that prohibits
69 using an address appearing on identification presented
70 by an elector as a basis to confirm an elector's legal
71 residence; amending s. 101.5614, F.S.; requiring
72 specified individuals observing the ballot duplication
73 process to sign a specified affidavit acknowledging
74 certain criminal penalties; prohibiting persons
75 authorized to observe, review, or inspect ballot
76 materials or observe canvassing from releasing certain
77 information about an election before the closing of
78 the polls; providing criminal penalties; amending s.
79 101.6103, F.S.; conforming certain provisions
80 governing the Mail Ballot Election Act to provisions
81 applicable to the mailing and canvassing of vote-by-
82 mail ballots; amending s. 101.655, F.S.; revising the
83 date on which supervised voting may begin; amending s.
84 102.091, F.S.; requiring the Governor, in consultation
85 with the executive director of the Department of Law
86 Enforcement, to appoint special officers to
87 investigate election law violations; specifying

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88 requirements for such special officers; providing
89 construction; amending s. 102.101, F.S.; prohibiting a
90 special officer from entering a polling place;
91 providing exceptions; amending s. 104.0616, F.S.;
92 increasing criminal penalties for certain unlawful
93 acts involving vote-by-mail ballots; amending s.
94 104.185, F.S.; increasing criminal penalties for a
95 person who signs another person's name or a fictitious
96 name on specified petitions; amending s. 104.186,
97 F.S.; increasing criminal penalties for a person who
98 unlawfully compensates a petition circulator based on
99 the number of petition forms gathered; amending s.
100 124.011, F.S.; providing that certain county
101 commissioners must be elected at the general election
102 immediately following redistricting; requiring such
103 commissioners' terms to commence on a certain date;
104 providing applicability; amending s. 921.0022, F.S.;
105 ranking a specified offense involving vote-by-mail
106 ballots on the severity ranking chart of the Criminal
107 Punishment Code; providing legislative findings and
108 intent; requiring the Department of State to submit a
109 report to the Legislature by a specified date;
110 providing report requirements; providing effective
111 dates.

112

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

114

115 Section 1. Section 15.21, Florida Statutes, is amended to
116 read:

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117 15.21 Initiative petitions; s. 3, Art. XI, State
118 Constitution.—

119 (1) The Secretary of State shall immediately submit an
120 initiative petition to the Attorney General if the sponsor has:

121 (a) ~~(1)~~ Registered as a political committee pursuant to s.
122 106.03;

123 (b) ~~(2)~~ Submitted the ballot title, substance, and text of
124 the proposed revision or amendment to the Secretary of State
125 pursuant to ss. 100.371 and 101.161; and

126 (c) ~~(3)~~ Obtained a letter from the Division of Elections
127 confirming that the sponsor has submitted to the appropriate
128 supervisors for verification, and the supervisors have verified,
129 forms signed and dated equal to 25 percent of the number of
130 electors statewide required by s. 3, Art. XI of the State
131 Constitution in one-half of the congressional districts of the
132 state.

133 (2) If the Secretary of State has submitted an initiative
134 petition to the Attorney General pursuant to subsection (1) but
135 the validity of the signatures for such initiative petition have
136 expired pursuant to s. 100.371(11)(a) before securing ballot
137 placement, the Secretary of State must promptly notify the
138 Attorney General. The Secretary of State may resubmit the
139 initiative petition to the Attorney General if the initiative
140 petition is later circulated for placement on the ballot of a
141 subsequent general election and the criteria under subsection
142 (1) are satisfied.

143 Section 2. Subsection (4) is added to section 16.061,
144 Florida Statutes, to read:

145 16.061 Initiative petitions.—

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146 (4) If the Attorney General is notified by the Secretary of
147 State pursuant to s. 15.21(2) that an initiative petition no
148 longer qualifies for ballot placement for the ensuing general
149 election, the Attorney General must withdraw his or her request
150 for an advisory opinion if the Supreme Court has not yet
151 fulfilled that request. If the Secretary of State subsequently
152 resubmits the initiative petition if the criteria in s. 15.21(1)
153 are again satisfied and the court has not issued its advisory
154 opinion, the Attorney General must file a new petition seeking
155 such advisory opinion.

156 Section 3. Section 97.022, Florida Statutes, is created to
157 read:

158 97.022 Office of Election Crimes and Security; creation;
159 purpose and duties.-

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

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

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

171 (2) The office may review complaints and conduct
172 preliminary investigations into alleged violations of the
173 Florida Election Code or any rule adopted pursuant thereto and
174 any election irregularities.

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175 (3) The secretary shall appoint a director of the office.

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

181 (5) The office shall oversee the department's voter fraud
182 hotline.

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

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

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

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

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

203 (d) Whether the alleged violation or irregularity was

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204 referred to another agency for further investigation or
205 prosecution, and if so, to which agency; and

206 (e) The current status of the investigation or resulting
207 criminal case.

208 Section 4. Section 97.0291, Florida Statutes, is amended to
209 read:

210 97.0291 Prohibition on use of private funds for election-
211 related expenses.—No agency or state or local official
212 responsible for conducting elections, including, but not limited
213 to, a supervisor of elections, may solicit, accept, use, or
214 dispose of any donation in the form of money, grants, property,
215 or personal services from an individual or a nongovernmental
216 entity for the purpose of funding any type of election-related
217 expenses related to election administration, including, but not
218 limited to, ~~or~~ voter education, voter outreach, voter ~~or~~
219 registration programs, or the cost of any litigation related to
220 election administration. This section does not prohibit the
221 donation and acceptance of space to be used for a polling room
222 or an early voting site.

223 Section 5. Subsection (13) of section 97.057, Florida
224 Statutes, is amended to read:

225 97.057 Voter registration by the Department of Highway
226 Safety and Motor Vehicles.—

227 (13) The Department of Highway Safety and Motor Vehicles
228 must assist the Department of State in regularly identifying
229 changes in residence address on the driver license or
230 identification card of a voter. The Department of State must
231 report each such change to the appropriate supervisor of
232 elections who must change the voter's registration records in

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233 accordance with s. 98.065(5) ~~s. 98.065(4)~~.

234 Section 6. Present subsections (4) through (7) of section
235 97.0575, Florida Statutes, are redesignated as subsections (5)
236 through (8), respectively, a new subsection (4) is added to that
237 section, and paragraph (a) of subsection (3) of that section is
238 amended, to read:

239 97.0575 Third-party voter registrations.—

240 (3) (a) A third-party voter registration organization that
241 collects voter registration applications serves as a fiduciary
242 to the applicant, ensuring that any voter registration
243 application entrusted to the organization, irrespective of party
244 affiliation, race, ethnicity, or gender, must be promptly
245 delivered to the division or the supervisor of elections in the
246 county in which the applicant resides within 14 days after the
247 application was completed by the applicant, but not after
248 registration closes for the next ensuing election. A third-party
249 voter registration organization must notify the applicant at the
250 time the application is collected that the organization might
251 not deliver the application to the division or the supervisor of
252 elections in the county in which the applicant resides in less
253 than 14 days or before registration closes for the next ensuing
254 election and must advise the applicant that he or she may
255 deliver the application in person or by mail. The third-party
256 voter registration organization must also inform the applicant
257 how to register online with the division and how to determine
258 whether the application has been delivered. If a voter
259 registration application collected by any third-party voter
260 registration organization is not promptly delivered to the
261 division or supervisor of elections in the county in which the

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262 applicant resides, the third-party voter registration
263 organization is liable for the following fines:

264 1. A fine in the amount of \$50 for each application
265 received by the division or the supervisor of elections in the
266 county in which the applicant resides more than 14 days after
267 the applicant delivered the completed voter registration
268 application to the third-party voter registration organization
269 or any person, entity, or agent acting on its behalf. A fine in
270 the amount of \$250 for each application received if the third-
271 party voter registration organization or person, entity, or
272 agency acting on its behalf acted willfully.

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

283 3. A fine in the amount of \$500 for each application
284 collected by a third-party voter registration organization or
285 any person, entity, or agent acting on its behalf, which is not
286 submitted to the division or supervisor of elections in the
287 county in which the applicant resides. A fine in the amount of
288 \$1,000 for any application not submitted if the third-party
289 voter registration organization or person, entity, or agency
290 acting on its behalf acted willfully.

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291
292 The aggregate fine pursuant to this paragraph which may be
293 assessed against a third-party voter registration organization,
294 including affiliate organizations, for violations committed in a
295 calendar year is \$50,000 ~~\$1,000~~.

296 (4) If a person collecting voter registration applications
297 on behalf of a third-party voter registration organization
298 alters the voter registration application of any other person,
299 without the other person's knowledge and consent, in violation
300 of s. 104.012(4) and is subsequently convicted of such offense,
301 the applicable third-party voter registration organization is
302 liable for a fine in the amount of \$1,000 for each application
303 altered.

304 Section 7. Present subsections (3) through (6) of section
305 98.065, Florida Statutes, are redesignated as subsections (4)
306 through (7), respectively, a new subsection (3) is added to that
307 section, and subsection (2) and present subsections (3), (4),
308 and (5) of that section are amended, to read:

309 98.065 Registration list maintenance programs.—

310 (2) A supervisor must incorporate one or more of the
311 following procedures in the supervisor's annual ~~biennial~~
312 registration list maintenance program under which the supervisor
313 shall:

314 (a) Use change-of-address information supplied by the
315 United States Postal Service through its licensees ~~is used~~ to
316 identify registered voters whose addresses might have changed.
317 Additionally, in odd-numbered years, unless the supervisor is
318 conducting the procedure specified in paragraph (b), the
319 supervisor must identify change-of-address information from

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320 returned nonforwardable return-if-undeliverable address
321 confirmation requests mailed to all registered voters who have
322 not voted in the preceding 3 years and who have not made a
323 written request that their registration records be updated
324 during that time; or

325 (b) Identify change-of-address information ~~is identified~~
326 from returned nonforwardable return-if-undeliverable mail sent
327 to all registered voters in the county; ~~or~~

328 ~~(c) Change of address information is identified from~~
329 ~~returned nonforwardable return-if-undeliverable address~~
330 ~~confirmation requests mailed to all registered voters who have~~
331 ~~not voted in the last 2 years and who did not make a written~~
332 ~~request that their registration records be updated during that~~
333 ~~time.~~

334 (3) Address confirmation requests sent pursuant to
335 paragraph (2) (a) and mail sent pursuant to paragraph (2) (b) must
336 be addressed to the voter's address of legal residence, not
337 including voters temporarily residing outside the county and
338 registered in the precinct designated by the supervisor pursuant
339 to s. 101.045(1). If a request is returned as undeliverable, any
340 other notification sent to the voter pursuant to subsection (5)
341 or s. 98.0655 must be addressed to the voter's mailing address
342 on file, if any, in addition to any residence address on file.

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

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349 system.

350 (5) (a) ~~(4) (a)~~ If the supervisor receives change-of-address
351 information pursuant to the activities conducted in subsection
352 (2), from jury notices signed by the voter and returned to the
353 courts, from the Department of Highway Safety and Motor
354 Vehicles, or from other sources which indicates that a
355 registered voter's legal residence might have changed to another
356 location within the state, the supervisor must change the
357 registration records to reflect the new address and must send
358 the voter an address change notice as provided in s. 98.0655(2).

359 (b) If the supervisor of elections receives change-of-
360 address information pursuant to the activities conducted in
361 subsection (2), from jury notices signed by the voter and
362 returned to the courts, or from other sources which indicates
363 that a registered voter's legal residence might have changed to
364 a location outside the state, the supervisor of elections shall
365 send an address confirmation final notice to the voter as
366 provided in s. 98.0655(3).

367 (c) If an address confirmation request required by
368 paragraph (2) (a) is returned as undeliverable without indication
369 of an address change, or there is no response from the voter
370 within 30 days, or if any other nonforwardable return-if-
371 undeliverable mail is returned as undeliverable with no
372 indication of an address change, the supervisor shall send an
373 address confirmation final notice to all addresses on file for
374 the voter.

375 (d) The supervisor must designate as inactive all voters
376 who have been sent an address confirmation final notice and who
377 have not returned the postage prepaid, preaddressed return form

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378 within 30 days or for which the final notice has been returned
379 as undeliverable. Names on the inactive list may not be used to
380 calculate the number of signatures needed on any petition. A
381 voter on the inactive list may be restored to the active list of
382 voters upon the voter updating his or her registration and
383 confirming his or her current legal residence address,
384 requesting a vote-by-mail ballot and confirming his or her
385 current legal residence address, or appearing to vote and
386 confirming his or her current legal residence address. However,
387 if the voter does not update his or her voter registration
388 information, request a vote-by-mail ballot, or vote by the
389 second general election after being placed on the inactive list,
390 the voter's name shall be removed from the statewide voter
391 registration system and the voter shall be required to
392 reregister to have his or her name restored to the statewide
393 voter registration system.

394 (6) ~~(5)~~ A notice may not be issued pursuant to this section
395 and a voter's name may not be removed from the statewide voter
396 registration system later than 90 days prior to the date of a
397 federal election. However, this section does not preclude the
398 correction of registration records based on information
399 submitted by the voter or removal of the name of a voter from
400 the statewide voter registration system at any time upon the
401 voter's written request, by reason of the voter's death, or upon
402 a determination of the voter's ineligibility as provided in s.
403 98.075(7).

404 Section 8. Subsections (1) and (3) of section 98.0655,
405 Florida Statutes, are amended to read:

406 98.0655 Registration list maintenance forms.—The department

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407 shall prescribe registration list maintenance forms to be used
408 by the supervisors which must include:

409 (1) An address confirmation request that must contain:

410 (a) The voter's name and address of legal residence as
411 shown on the voter registration record; ~~and~~

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

415 (c) If the address confirmation request is required by s.
416 98.065(2)(a), a statement that if the voter has not changed his
417 or her legal residence or has changed his or her legal residence
418 within the state, the voter should return the form within 30
419 days after the date on which the notice was sent to the voter;
420 and

421 (d) Information about updating voter information through
422 the online voter registration system.

423 (3) An address confirmation final notice that must be sent
424 to the newly recorded address of legal residence, or to all
425 addresses on file for the voter if no indication of new address
426 has been received, by forwardable mail and must contain a
427 postage prepaid, preaddressed return form and a statement that:

428 (a) If the voter has not changed his or her legal residence
429 or has changed his or her legal residence within the state, the
430 voter should return the form within 30 days after the date on
431 which the notice was sent to the voter.

432 (b) If the voter has changed his or her legal residence to
433 a location outside the state:

434 1. The voter shall return the form, which serves as a
435 request to be removed from the registration books; and

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436 2. The voter shall be provided with information on how to
437 register in the new jurisdiction in order to be eligible to
438 vote.

439 (c) If the return form is not returned, the voter's name
440 shall be designated as inactive in the statewide voter
441 registration system, and confirmation of the voter's address of
442 legal residence may be required before the voter is authorized
443 to vote in an election.

444 Section 9. Paragraph (a) of subsection (3) of section
445 98.075, Florida Statutes, is amended to read:

446 98.075 Registration records maintenance activities;
447 ineligibility determinations.—

448 (3) DECEASED PERSONS.—

449 (a)1. The department shall identify those registered voters
450 who are deceased by comparing information received from ~~either~~:

451 a. The Department of Health as provided in s. 98.093; ~~or~~

452 b. The United States Social Security Administration,
453 including, but not limited to, any master death file or index
454 compiled by the United States Social Security Administration; or

455 c. The Department of Highway Safety and Motor Vehicles.

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

459 Section 10. Section 98.093, Florida Statutes, is amended to
460 read:

461 98.093 Duty of officials to furnish information relating to
462 deceased persons, persons adjudicated mentally incapacitated,
463 ~~and~~ persons convicted of a felony, and persons who are not
464 United States citizens.—

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465 (1) In order to identify ineligible registered voters and
466 maintain accurate and current voter registration records in the
467 statewide voter registration system pursuant to procedures in s.
468 98.065 or s. 98.075, it is necessary for the department and
469 supervisors of elections to receive or access certain
470 information from state and federal officials and entities in the
471 format prescribed.

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

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

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

485 1. A list of those persons who have been adjudicated
486 mentally incapacitated with respect to voting during the
487 preceding calendar month, a list of those persons whose mental
488 capacity with respect to voting has been restored during the
489 preceding calendar month, and a list of those persons who have
490 returned signed jury notices during the preceding months to the
491 clerk of the circuit court indicating a change of address. Each
492 list shall include the name, address, date of birth, race, sex,
493 and, whichever is available, the Florida driver license number,

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494 Florida identification card number, or social security number of
495 each such person.

496 2. Information on the terms of sentence for felony
497 convictions, including any financial obligations for court
498 costs, fees, and fines, of all persons listed in the clerk's
499 records whose last known address in the clerk's records is
500 within this state and who have been convicted of a felony during
501 the preceding month. The information may be provided directly by
502 individual clerks of the circuit court or may be provided on
503 their behalf through the Comprehensive Case Information System.
504 For each felony conviction reported, the information must
505 include:

506 a. The full name, last known address, date of birth, race,
507 sex, and, if available, the Florida driver license number,
508 Florida identification card number, and social security number
509 of the person convicted.

510 b. The amounts of all financial obligations, including
511 restitution and court costs, fees, and fines, and, if known, the
512 amount of financial obligations not yet satisfied.

513 c. The county in which the conviction occurred.

514 d. The statute number violated, statute table text, date of
515 conviction, and case number.

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

522 (d) The Department of Law Enforcement shall identify those

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523 persons who have been convicted of a felony who appear in the
524 voter registration records supplied by the statewide voter
525 registration system, in a time and manner that enables the
526 department to meet its obligations under state and federal law.

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

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

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

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

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552 number of each such person.

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

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

564 Section 11. Paragraph (a) of subsection (2) of section
565 100.041, Florida Statutes, is amended to read:

566 100.041 Officers chosen at general election.—

567 (2) (a) Except as provided in s. 124.011 relating to single
568 member districts after decennial redistricting, each county
569 commissioner from an odd-numbered district shall be elected at
570 the general election in each year the number of which is a
571 multiple of 4, for a 4-year term commencing on the second
572 Tuesday following such election, and each county commissioner
573 from an even-numbered district shall be elected at the general
574 election in each even-numbered year the number of which is not a
575 multiple of 4, for a 4-year term commencing on the second
576 Tuesday following such election. A county commissioner is
577 “elected” for purposes of this paragraph on the date that the
578 county canvassing board certifies the results of the election
579 pursuant to s. 102.151.

580 Section 12. Paragraphs (a) and (c) of subsection (11) and

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581 paragraph (a) of subsection (13) of section 100.371, Florida
582 Statutes, are amended to read:

583 100.371 Initiatives; procedure for placement on ballot.—

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

609 1. The form contains the original signature of the

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610 purported elector.

611 2. The purported elector has accurately recorded on the
612 form the date on which he or she signed the form.

613 3. The form sets forth the purported elector's name,
614 address, city, county, and voter registration number or date of
615 birth.

616 4. The purported elector is, at the time he or she signs
617 the form and at the time the form is verified, a duly qualified
618 and registered elector in the state.

619 5. The signature was obtained legally, including that if a
620 paid petition circulator was used, the circulator was validly
621 registered under subsection (3) when the signature was obtained.

622
623 The supervisor shall retain all the signature forms, separating
624 forms verified as valid from those deemed invalid, for at least
625 1 year following the election for in which the petition was
626 circulated ~~issue appeared on the ballot or until the division~~
627 ~~notifies the supervisors of elections that the committee that~~
628 ~~circulated the petition is no longer seeking to obtain ballot~~
629 ~~position.~~

630 (c) On the last day of each month, or on the last day of
631 each week from December 1 of an odd-numbered year through
632 February 1 of the following year, each supervisor shall post on
633 his or her website the total number of signatures submitted, the
634 total number of invalid signatures, the total number of
635 signatures processed, and the aggregate number of verified valid
636 signatures and the distribution of such signatures by
637 congressional district for each proposed amendment proposed by
638 initiative, along with the following information specific to the

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639 reporting period: the total number of signed petition forms
640 received, the total number of signatures verified, the
641 distribution of verified valid signatures by congressional
642 district, and the total number of verified petition forms
643 forwarded to the Secretary of State.

644 (13) (a) At the same time the Secretary of State submits an
645 initiative petition to the Attorney General pursuant to s.
646 15.21, the secretary shall submit a copy of the initiative
647 petition to the Financial Impact Estimating Conference. Within
648 75 days after receipt of a proposed revision or amendment to the
649 State Constitution by initiative petition from the Secretary of
650 State, the Financial Impact Estimating Conference shall complete
651 an analysis and financial impact statement to be placed on the
652 ballot of the estimated increase or decrease in any revenues or
653 costs to state or local governments and the overall impact to
654 the state budget resulting from the proposed initiative. The 75-
655 day time limit is tolled when the Legislature is in session. The
656 Financial Impact Estimating Conference shall submit the
657 financial impact statement to the Attorney General and Secretary
658 of State. If the initiative petition has been submitted to the
659 Financial Impact Estimating Conference but the validity of
660 signatures has expired and the initiative petition no longer
661 qualifies for ballot placement at the ensuing general election,
662 the Secretary of State must notify the Financial Impact
663 Estimating Conference. The Financial Impact Estimating
664 Conference is not required to complete an analysis and financial
665 impact statement for an initiative petition that fails to meet
666 the requirements of subsection (1) for placement on the ballot
667 before the 75-day time limit, including any tolling period,

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668 expires. The initiative petition may be resubmitted to the
669 Financial Impact Estimating Conference if the initiative
670 petition meets the requisite criteria for a subsequent general
671 election cycle. A new Financial Impact Estimating Conference
672 shall be established at such time as the initiative petition
673 again satisfies the criteria in s. 15.21(1).

674 Section 13. Section 101.019, Florida Statutes, is created
675 to read:

676 101.019 Ranked-choice voting prohibited.-

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

684 (2) Any existing or future ordinance enacted or adopted by
685 a county, a municipality, or any other local governmental entity
686 which is in conflict with this section is void.

687 Section 14. Paragraph (b) of subsection (1) of section
688 101.043, Florida Statutes, is amended to read:

689 101.043 Identification required at polls.-

690 (1)

691 (b) If the picture identification does not contain the
692 signature of the elector, an additional identification that
693 provides the elector's signature shall be required. The address
694 appearing on the identification presented by the elector may not
695 be used as the basis to ~~confirm an elector's legal residence or~~
696 ~~otherwise~~ challenge an elector's legal residence. The elector

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697 shall sign his or her name in the space provided on the precinct
698 register or on an electronic device provided for recording the
699 elector's signature. The clerk or inspector shall compare the
700 signature with that on the identification provided by the
701 elector and enter his or her initials in the space provided on
702 the precinct register or on an electronic device provided for
703 that purpose and allow the elector to vote if the clerk or
704 inspector is satisfied as to the identity of the elector.

705 Section 15. Paragraph (a) of subsection (4) and subsection
706 (8) of section 101.5614, Florida Statutes, are amended to read:
707 101.5614 Canvass of returns.—

708 (4) (a) If any vote-by-mail ballot is physically damaged so
709 that it cannot properly be counted by the voting system's
710 automatic tabulating equipment, a true duplicate copy shall be
711 made of the damaged ballot in an open and accessible room in the
712 presence of witnesses and substituted for the damaged ballot.
713 Likewise, a duplicate ballot shall be made of a vote-by-mail
714 ballot containing an overvoted race if there is a clear
715 indication on the ballot that the voter has made a definite
716 choice in the overvoted race or ballot measure. A duplicate
717 shall include all valid votes as determined by the canvassing
718 board based on rules adopted by the division pursuant to s.
719 102.166(4). A duplicate may be made of a ballot containing an
720 undervoted race or ballot measure if there is a clear indication
721 on the ballot that the voter has made a definite choice in the
722 undervoted race or ballot measure. A duplicate may not include a
723 vote if the voter's intent in such race or on such measure is
724 not clear. Upon request, a physically present candidate, a
725 political party official, a political committee official, or an

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726 authorized designee thereof, must be allowed to observe the
727 duplication of ballots upon signing an affidavit affirming his
728 or her acknowledgment that disclosure of election results
729 discerned from observing the ballot duplication process while
730 the election is ongoing is a felony, as provided under
731 subsection (8). The observer must be allowed to observe the
732 duplication of ballots in such a way that the observer is able
733 to see the markings on each ballot and the duplication taking
734 place. All duplicate ballots must be clearly labeled
735 "duplicate," bear a serial number which shall be recorded on the
736 defective ballot, and be counted in lieu of the defective
737 ballot. The duplication of ballots must happen in the presence
738 of at least one canvassing board member. After a ballot has been
739 duplicated, the defective ballot shall be placed in an envelope
740 provided for that purpose, and the duplicate ballot shall be
741 tallied with the other ballots for that precinct. If any
742 observer makes a reasonable objection to a duplicate of a
743 ballot, the ballot must be presented to the canvassing board for
744 a determination of the validity of the duplicate. The canvassing
745 board must document the serial number of the ballot in the
746 canvassing board's minutes. The canvassing board must decide
747 whether the duplication is valid. If the duplicate ballot is
748 determined to be valid, the duplicate ballot must be counted. If
749 the duplicate ballot is determined to be invalid, the duplicate
750 ballot must be rejected and a proper duplicate ballot must be
751 made and counted in lieu of the original.

752 (8) Any supervisor of elections, deputy supervisor of
753 elections, canvassing board member, election board member, ~~or~~
754 election employee, or other person authorized to observe,

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755 review, or inspect ballot materials or observe canvassing who
756 releases any information about votes cast for or against any
757 candidate or ballot measure or any ~~the~~ results of any election
758 before ~~prior to~~ the closing of the polls in that county on
759 election day commits a felony of the third degree, punishable as
760 provided in s. 775.082, s. 775.083, or s. 775.084.

761 Section 16. Effective January 1, 2024, subsections (1) and
762 (6) of section 101.6103, Florida Statutes, are amended to read:

763 101.6103 Mail ballot election procedure.—

764 (1) Except as otherwise provided in subsection (7), the
765 supervisor of elections shall mail all official ballots with a
766 secrecy envelope, a return mailing envelope, and instructions
767 sufficient to describe the voting process to each elector
768 entitled to vote in the election within the timeframes specified
769 in s. 101.62(4) not sooner than the 20th day before the election
770 and not later than the 10th day before the date of the election.
771 All such ballots shall be mailed by first-class mail. Ballots
772 shall be addressed to each elector at the address appearing in
773 the registration records and placed in an envelope which is
774 prominently marked "Do Not Forward."

775 (6) The canvassing board may begin the canvassing of mail
776 ballots as provided by s. 101.68(2)(a). The criminal penalty
777 specified in that paragraph for the release of results before 7
778 p.m. on election day is also applicable to canvassing conducted
779 under this act at 7 a.m. on the sixth day before the election,
780 including processing the ballots through the tabulating
781 equipment. However, results may not be released until after 7
782 p.m. on election day. Any canvassing board member or election
783 employee who releases any result before 7 p.m. on election day

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784 ~~commits a felony of the third degree, punishable as provided in~~
785 ~~s. 775.082, s. 775.083, or s. 775.084.~~

786 Section 17. Subsection (1) of section 101.655, Florida
787 Statutes, is amended to read:

788 101.655 Supervised voting by absent electors in certain
789 facilities.—

790 (1) The supervisor of elections of a county shall provide
791 supervised voting for absent electors residing in any assisted
792 living facility, as defined in s. 429.02, or nursing home
793 facility, as defined in s. 400.021, within that county at the
794 request of any administrator of such a facility. Such request
795 for supervised voting in the facility shall be made by
796 submitting a written request to the supervisor of elections no
797 later than 28 ~~21~~ days prior to the election for which that
798 request is submitted. The request shall specify the name and
799 address of the facility and the name of the electors who wish to
800 vote by mail in that election. If the request contains the names
801 of fewer than five voters, the supervisor of elections is not
802 required to provide supervised voting.

803 Section 18. Section 102.091, Florida Statutes, is amended
804 to read:

805 102.091 Duty of sheriff to watch for violations;
806 appointment of special officers.—

807 (1) The sheriff shall exercise strict vigilance in the
808 detection of any violations of the election laws and in
809 apprehending the violators.

810 (2) The Governor, in consultation with the executive
811 director of the Department of Law Enforcement, shall ~~may~~ appoint
812 special officers to investigate alleged violations of the

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813 election laws, ~~when it is deemed necessary~~ to see that violators
814 of the election laws are apprehended and punished. A special
815 officer must be a sworn special agent employed by the Department
816 of Law Enforcement. At least one special officer must be
817 designated in each operational region of the Department of Law
818 Enforcement to serve as a dedicated investigator of alleged
819 violations of the election laws. Appointment as a special
820 officer does not preclude a sworn special agent from conducting
821 other investigations of alleged violations of law, provided that
822 such other investigations do not hinder or interfere with the
823 individual's ability to investigate alleged violations of the
824 election laws.

825 Section 19. Section 102.101, Florida Statutes, is amended
826 to read:

827 102.101 Sheriff and other officers not allowed in polling
828 place.—A ~~No~~ sheriff, a deputy sheriff, a police officer, a
829 special officer appointed pursuant to s. 102.091, or any other
830 officer of the law is not ~~shall be~~ allowed within a ~~the~~ polling
831 place without permission from the clerk or a majority of the
832 inspectors, except to cast his or her ballot. Upon the failure
833 of any such officer ~~of said officers~~ to comply with this section
834 provision, the clerk or the inspectors must ~~or any one of them~~
835 shall ~~shall~~ make an affidavit against the such officer for his or her
836 arrest.

837 Section 20. Subsection (2) of section 104.0616, Florida
838 Statutes, is amended to read:

839 104.0616 Vote-by-mail ballots and voting; violations.—

840 (2) Any person who distributes, orders, requests, collects,
841 delivers, or otherwise physically possesses more than two vote-

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842 by-mail ballots per election in addition to his or her own
843 ballot or a ballot belonging to an immediate family member,
844 except as provided in ss. 101.6105-101.694, including supervised
845 voting at assisted living facilities and nursing home facilities
846 as authorized under s. 101.655, commits a felony ~~misdemeanor~~ of
847 the third ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~
848 s. 775.083, or s. 775.084.

849 Section 21. Subsection (2) of section 104.185, Florida
850 Statutes, is amended to read:

851 104.185 Petitions; knowingly signing more than once;
852 signing another person's name or a fictitious name.—

853 (2) A person who signs another person's name or a
854 fictitious name to any petition to secure ballot position for a
855 candidate, a minor political party, or an issue commits a felony
856 ~~misdemeanor~~ of the third ~~first~~ degree, punishable as provided in
857 s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

858 Section 22. Section 104.186, Florida Statutes, is amended
859 to read:

860 104.186 Initiative petitions; violations.—A person who
861 compensates a petition circulator as defined in s. 97.021 based
862 on the number of petition forms gathered commits a felony
863 ~~misdemeanor~~ of the third ~~first~~ degree, punishable as provided in
864 s. 775.082, ~~or~~ s. 775.083, or s. 775.084. This section does not
865 prohibit employment relationships that do not base payment on
866 the number of signatures collected.

867 Section 23. Subsection (2) of section 124.011, Florida
868 Statutes, is amended to read:

869 124.011 Alternate procedure for the election of county
870 commissioners to provide for single-member representation;

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871 applicability.—

872 (2) (a) All commissioners shall be elected for 4-year terms
873 which shall be staggered so that, alternately, one more or one
874 less than half of the commissioners elected from residence areas
875 and, if applicable, one of the commissioners elected at large
876 from the entire county are elected every 2 years, except that
877 any commissioner may be elected to an initial term of less than
878 4 years if necessary to achieve or maintain such system of
879 staggered terms. Notwithstanding any law to the contrary, at the
880 general election immediately following redistricting directed by
881 s. 1(e), Art. VIII of the State Constitution, each commissioner
882 elected only by electors who reside in the district must be
883 elected and terms thereafter shall be staggered as provided in
884 s. 100.041.

885 (b) The term of a commissioner elected under paragraph (a)
886 commences on the second Tuesday after such election.

887 (c) This subsection does not apply to:

888 1. Miami-Dade County.

889 2. Any county the charter of which limits the number of
890 terms a commissioner may serve.

891 3. Any county in which voters have never approved a charter
892 amendment limiting the number of terms a commissioner may serve
893 regardless of subsequent judicial nullification.

894 Section 24. Paragraph (a) of subsection (3) of section
895 921.0022, Florida Statutes, is amended to read:

896 921.0022 Criminal Punishment Code; offense severity ranking
897 chart.—

898 (3) OFFENSE SEVERITY RANKING CHART

899 (a) LEVEL 1

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907

Florida Statute	Felony Degree	Description
24.118 (3) (a)	3rd	Counterfeit or altered state lottery ticket.
<u>104.0616 (2)</u>	<u>3rd</u>	<u>Unlawfully distributing, ordering, requesting, collecting, delivering, or possessing vote-by-mail ballots.</u>
212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15 (2) (b)	3rd	Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.
316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.

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908 319.35 (1) (a) 3rd Tamper, adjust, change,
etc., an odometer.

909 320.26 (1) (a) 3rd Counterfeit, manufacture, or
sell registration license
plates or validation
stickers.

910 322.212 3rd Possession of forged,
(1) (a) - (c) stolen, counterfeit, or
unlawfully issued driver
license; possession of
simulated identification.

911 322.212 (4) 3rd Supply or aid in supplying
unauthorized driver license
or identification card.

912 322.212 (5) (a) 3rd False application for driver
license or identification
card.

913 414.39 (3) (a) 3rd Fraudulent misappropriation
of public assistance funds
by employee/official, value
more than \$200.

443.071 (1) 3rd False statement or
representation to obtain or

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increase reemployment
assistance benefits.

914

509.151(1)

3rd

Defraud an innkeeper, food
or lodging value \$1,000 or
more.

915

517.302(1)

3rd

Violation of the Florida
Securities and Investor
Protection Act.

916

713.69

3rd

Tenant removes property upon
which lien has accrued,
value \$1,000 or more.

917

812.014(3)(c)

3rd

Petit theft (3rd
conviction); theft of any
property not specified in
subsection (2).

918

815.04(5)(a)

3rd

Offense against intellectual
property (i.e., computer
programs, data).

919

817.52(2)

3rd

Hiring with intent to
defraud, motor vehicle
services.

920

817.569(2)

3rd

Use of public record or

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public records information
or providing false
information to facilitate
commission of a felony.

921

826.01 3rd Bigamy.

922

828.122 (3) 3rd Fighting or baiting animals.

923

831.04 (1) 3rd Any erasure, alteration,
etc., of any replacement
deed, map, plat, or other
document listed in s. 92.28.

924

831.31 (1) (a) 3rd Sell, deliver, or possess
counterfeit controlled
substances, all but s.
893.03(5) drugs.

925

832.041 (1) 3rd Stopping payment with intent
to defraud \$150 or more.

926

832.05 (2) (b) & 3rd Knowing, making, issuing
(4) (c) worthless checks \$150 or
more or obtaining property
in return for worthless
check \$150 or more.

927

838.15 (2) 3rd Commercial bribe receiving.

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928	838.16	3rd	Commercial bribery.
929	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
930	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
931	849.09 (1) (a) - (d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
932	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
933	849.25 (2)	3rd	Engaging in bookmaking.
934	860.08	3rd	Interfere with a railroad signal.
935	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
936			

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937

893.13(2)(a)2. 3rd Purchase of cannabis.

938

893.13(6)(a) 3rd Possession of cannabis (more than 20 grams).

939

934.03(1)(a) 3rd Intercepts, or procures any other person to intercept, any wire or oral communication.

940

941

942 Section 25. (1) It is the intent of the Legislature to
 943 balance the security of vote-by-mail balloting with voter
 944 privacy and election transparency. The Legislature finds that
 945 further modifications to procedures governing vote-by-mail
 946 balloting would help to further ensure election integrity while
 947 also protecting voters from identity theft and preserving the
 948 public's right to participate in election processes. To achieve
 949 this purpose, the Legislature directs the Department of State to
 950 provide a plan to prescribe the use of a Florida driver license
 951 number, Florida identification card number, social security
 952 number, or any part thereof to confirm the identity of each
 953 elector returning a vote-by-mail ballot.

954 (2) The Department of State shall review issues involving
 955 the feasibility, development, and implementation of such a plan,
 956 including issues related to:

957 (a) In coordination with other agencies such as the
 958 Department of Highway Safety and Motor Vehicles, obtaining a

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959 Florida driver license number or Florida identification card
960 number and the last four digits of a social security number for
961 each registered voter who does not have such numbers on file in
962 the Florida Voter Registration System.

963 (b) Populating such numbers in the Florida Voter
964 Registration System.

965 (c) Protecting identifying numbers submitted with a vote-
966 by-mail ballot, including, but not limited to, prescribing the
967 form of the return mailing envelope.

968 (d) Any necessary modifications to canvassing procedures
969 for vote-by-mail ballots.

970 (e) Costs associated with development and implementation of
971 the plan.

972 (f) A proposal for a program to educate electors on changes
973 to the vote-by-mail process.

974 (g) A proposal for including a declaration of an elector's
975 current address of legal residence with each written request for
976 a vote-by-mail ballot.

977 (3) In the course of reviewing the required issues, the
978 Department of State must, at a minimum:

979 (a) Review relevant processes of other states.

980 (b) Review relevant federal law.

981 (c) Seek input from supervisors of elections, which must
982 include representation from supervisors of counties with large,
983 medium, and small populations.

984 (4) By January 1, 2023, the Department of State shall
985 submit to the President of the Senate and the Speaker of the
986 House of Representatives a report on the plan and draft
987 legislation for any statutory changes needed to implement the

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988 plan, including any necessary public records exemptions.

989 Section 26. Except as otherwise expressly provided in this

990 act, this act shall take effect upon becoming a law.