

By Senator Thompson

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1 A bill to be entitled
2 An act relating to elections; amending s. 20.10, F.S.;
3 requiring that the Secretary of State be elected
4 rather than appointed and serve a specified term;
5 specifying when such election must occur; amending s.
6 20.32, F.S.; requiring the Florida Commission on
7 Offender Review to develop and maintain a database for
8 a specified purpose; specifying database requirements;
9 requiring specified entities to provide specified
10 information to the commission on a monthly basis;
11 requiring the Department of Management Services,
12 acting through the Florida Digital Service, to provide
13 technical assistance to the commission in developing
14 and maintaining the database; authorizing the
15 Department of Management Services to adopt rules;
16 requiring the commission to make the database publicly
17 available on a website by a specified date; requiring
18 the commission to update the database monthly;
19 requiring the commission to publish certain
20 instructions on the website; requiring the commission
21 to submit a certain comprehensive plan to the Governor
22 and the Legislature by a specified date; specifying
23 requirements for the comprehensive plan; providing
24 that certain persons who register to vote are
25 prohibited from being charged with certain crimes as a
26 result of such registration or voting; requiring the
27 commission to adopt rules; amending s. 97.021, F.S.;
28 defining terms; repealing s. 97.022, F.S., relating to
29 the Office of Election Crimes and Security; repealing

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30 s. 97.0291, F.S.; relating to prohibiting the use of
31 private funds for election-related expenses; creating
32 s. 97.0556, F.S.; authorizing a person who meets
33 certain requirements to register to vote at an early
34 voting site or at his or her polling place and to
35 immediately thereafter cast a ballot; amending s.
36 97.057, F.S.; authorizing the Department of Highway
37 Safety and Motor Vehicles to preregister certain
38 individuals to vote; providing that driver license or
39 identification card applications, driver license or
40 identification card renewal applications, and
41 applications for changes of address for existing
42 driver licenses or identification cards submitted to
43 the department serve as voter registration
44 applications; providing that an applicant is deemed to
45 have consented to the use of his or her signature for
46 voter registration purposes unless a declination is
47 made; requiring that specified applications include a
48 voter registration component, subject to approval by
49 the Department of State; providing requirements for
50 the voter registration component; requiring the
51 Department of Highway Safety and Motor Vehicles to
52 electronically transmit voter registration information
53 to the Department of State within a specified
54 timeframe; requiring the Department of State to
55 provide such information to supervisors of elections;
56 deleting obsolete language; making technical changes;
57 amending s. 97.0575, F.S.; revising the information a
58 third-party voter registration organization is

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59 required to provide to the Department of State;
60 deleting a provision that provides for the expiration
61 of such organization's registration at the conclusion
62 of the general election cycle for which the
63 organization is registered; deleting provisions
64 requiring such organizations to provide a specified
65 receipt to applicants; revising the timeframe within
66 which such organizations must deliver completed
67 applications to the Division of Elections or a
68 supervisor of elections; revising certain penalties;
69 deleting the aggregate limit of such penalties;
70 deleting provisions providing criminal and
71 administrative penalties; deleting provisions
72 requiring the division to adopt certain rules;
73 deleting provisions that prohibit providing applicants
74 a pre-filled voter registration application and a
75 specified fine for such action; deleting provisions
76 providing criminal penalties for the unlawful copying
77 of voter registration applications or retaining of a
78 voter's personal information; deleting provisions
79 providing for retroactive application; creating part
80 III of ch. 97, F.S., entitled "Florida Voting Rights
81 Act"; creating s. 97.21, F.S.; prohibiting local
82 governments, state agencies, and state officials from
83 implementing or enforcing actions that result in, will
84 result in, or are intended to result in specified
85 disparities or impairments; providing that a
86 rebuttable presumption exists that a violation
87 occurred in specified circumstances; prohibiting any

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88 method of election that has the effect, or is
89 motivated in part by the intent, of impairing the
90 opportunity or ability of certain voters to
91 participate in the political process and elect
92 candidates of their choosing or influence the outcome
93 of elections; specifying actions that constitute
94 violations of such provision; requiring courts to
95 adhere to specified guidelines to determine whether
96 racially polarized voting by protected members
97 occurred; requiring courts to consider certain factors
98 when determining whether an impairment of the right to
99 vote for a protected class member or the opportunity
100 or ability to participate in the political process and
101 elect a candidate of their choosing has occurred;
102 providing that a particular combination or number of
103 such factors is not necessary to determine that an
104 impairment occurred; specifying that the court may
105 only consider certain factors; specifying when such
106 factors are most probative; providing factors that the
107 court may consider; prohibiting the court from
108 considering certain factors; requiring a prospective
109 plaintiff, before filing a certain action against a
110 local government, to send a notification letter, by
111 specified means, to the local government; prohibiting
112 a party from filing an action under specified
113 circumstances; authorizing a local government to adopt
114 a specified resolution within a specified timeframe;
115 providing that if the proposed remedy in such
116 resolution is barred by state or local law, it may be

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117 approved by the Florida Voting Rights Act Commission,
118 if certain conditions are met; authorizing a party who
119 sent a notification letter to seek reimbursement from
120 the local government under specified circumstances;
121 authorizing a party to bring a cause of action for a
122 specified violation under specified circumstances;
123 requiring local governments to take certain action;
124 requiring the commission to post notification letters
125 and resolutions on its website; authorizing the
126 commission to adopt certain rules; prohibiting local
127 governments from asserting specified defenses;
128 authorizing specified entities to file certain
129 enforcement actions; creating s. 97.22, F.S.; creating
130 the Florida Voting Rights Act Commission within the
131 Department of State; providing that such commission is
132 a separate budget entity and must submit a budget in
133 accordance with specified provisions; providing duties
134 and responsibilities of the commission; providing for
135 the composition of the commission; providing that such
136 commissioners serve staggered terms; requiring that
137 commissioners be compensated at a specified hourly
138 rate; requiring the formation of a nominating
139 committee; providing for the appointment and removal
140 of nominating committee members; requiring the
141 nominating committee to select a chair; requiring
142 commissioners to be selected using a specified
143 process; requiring commissioners to initially be
144 selected by lot and randomly assigned term lengths for
145 purposes of achieving staggered terms; authorizing the

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146 commission to take specified actions in any action or
147 investigation to enforce specified provisions;
148 authorizing the commission to hire staff and make
149 expenditures for a specified purpose; authorizing the
150 commission to adopt rules; creating s. 97.23, F.S.;
151 requiring the commission to enter into agreements with
152 one or more postsecondary educational institutions to
153 create the Florida Voting and Elections Database and
154 Institute for a specified purpose; requiring the
155 parties to the agreement to enter into a memorandum of
156 understanding to select a director; authorizing the
157 database and institute to perform specified actions;
158 requiring the database and institute to make election
159 and voting data records for a specified timeframe
160 available to the public at no cost and to maintain
161 such records in an electronic format; requiring the
162 database and institute to use certain methodologies
163 when preparing estimates; providing the data and
164 records that must be maintained; requiring state
165 agencies and local governments to provide any
166 information requested by the director of the database
167 and institute; requiring local governments to transmit
168 specified information to the database and institute
169 within a certain timeframe; requiring specified
170 entities to annually provide processing data,
171 statistics, and other information to the database and
172 institute; authorizing specified entities to file
173 enforcement actions; providing that such claim may be
174 filed in accordance with the Florida Rules of Civil

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175 Procedure in a specified venue; requiring the database
176 and institute to publish a certain report; requiring
177 the database and institute to provide nonpartisan
178 technical assistance to specified entities; providing
179 that a rebuttable presumption exists that data,
180 estimates, or other information from the database and
181 institute is valid; creating s. 97.24, F.S.; defining
182 terms; requiring the commission to designate languages
183 other than English for which language assistance must
184 be provided by a local government, if certain
185 conditions exist; providing the circumstances under
186 which the commission must designate languages other
187 than English for voting and elections; requiring the
188 commission to annually publish specified information
189 on its website; requiring local governments to provide
190 language assistance for specified purposes if the
191 commission makes a certain determination; specifying
192 the materials that must be provided in such language;
193 requiring that certain information be given orally to
194 voters; requiring that translated materials convey a
195 specified intent and meaning; prohibiting local
196 governments from relying on automatic translation
197 services; requiring that live translation be used if
198 available; requiring the commission to adopt specified
199 rules; authorizing specified entities to file
200 enforcement actions; requiring that such actions be
201 filed in accordance with the Florida Rules of Civil
202 Procedure or in a specified venue; creating s. 97.25,
203 F.S.; providing that the enactment or implementation

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204 of a covered policy by a covered jurisdiction is
205 subject to preclearance by the commission; specifying
206 actions by a local government which are a covered
207 policy; specifying which local governments are a
208 covered jurisdiction; requiring the commission to
209 annually determine and publish a list of local
210 governments that are covered jurisdictions on its
211 website; requiring a covered jurisdiction, if seeking
212 preclearance, to submit the covered policy to the
213 commission in writing; requiring the commission to
214 review the covered policy and grant or deny
215 preclearance; providing that the covered jurisdiction
216 bears the burden of proof in the preclearance process;
217 requiring the commission to provide a written
218 explanation for the denial; providing that the
219 commission may deny preclearance only if it makes a
220 certain determination; providing that if preclearance
221 is denied, the covered policy may not be implemented;
222 authorizing a covered jurisdiction to immediately
223 implement or enact a covered policy granted
224 preclearance; providing that such determination is not
225 admissible or may not be considered by a court in a
226 subsequent action challenging the covered policy;
227 providing that a covered policy is deemed precleared
228 and may be implemented or enacted by the covered
229 jurisdiction if the commission fails to approve or
230 deny the covered policy within specified timeframes;
231 requiring the commission to grant or deny preclearance
232 within specified timeframes; authorizing the

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233 commission to invoke a specified number of extensions
234 of a specified timeframe to determine preclearance;
235 providing that any denial of preclearance may be
236 appealed only by the covered jurisdiction in a
237 specified venue; authorizing specified entities to
238 enjoin the enactment or implementation of specified
239 policies and seek sanctions against covered
240 jurisdictions in specified circumstances; authorizing
241 specified entities to file enforcement actions;
242 specifying that such actions must be filed in
243 accordance with the Florida Rules of Civil Procedure
244 or in a specified venue; requiring the commission to
245 adopt rules; creating s. 97.26, F.S.; prohibiting a
246 person from engaging in acts of intimidation,
247 deception, obstruction, or any other tactic that has
248 the effect, or will reasonably have the effect, of
249 interfering with another person's right to vote;
250 specifying acts that are deemed a violation; providing
251 a rebuttable presumption; authorizing specified
252 entities to file a civil action to enforce specified
253 provisions; creating s. 97.27, F.S.; providing
254 construction; providing applicability; creating s.
255 97.28, F.S.; requiring a court to order specified
256 appropriate remedies for violations of the act;
257 requiring the court to consider remedies proposed by
258 specified parties; prohibiting the court from giving
259 deference to a remedy proposed by the state or local
260 government; providing that the court is empowered to
261 require local governments to implement certain

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262 remedies under specified conditions; requiring the
263 courts to grant a temporary injunction or other
264 preliminary relief requested under specified
265 conditions; requiring the court to award attorney fees
266 and litigation costs in actions to enforce specified
267 provisions; amending s. 98.045, F.S.; conforming a
268 cross-reference; creating s. 100.51, F.S.;
269 establishing General Election Day as a paid holiday;
270 providing that a voter may absent himself or herself
271 from service or employment at a specific time on a
272 General Election Day and may not be penalized or have
273 salary or wages reduced for such absence; creating s.
274 101.016, F.S.; requiring the Division of Elections to
275 maintain a strategic elections equipment reserve of
276 voting systems and other equipment for specified
277 purposes; requiring that such reserve include
278 specified equipment; authorizing the division to
279 contract with specified entities rather than
280 physically maintain such reserve; repealing s.
281 101.019, F.S., relating to the prohibition on ranked
282 choice voting; amending s. 101.048, F.S.; providing
283 that a voter may cast a provisional ballot at any
284 precinct in the county in which the voter claims to be
285 registered; making technical changes; amending s.
286 101.62, F.S.; providing that a request for a vote-by-
287 mail ballot is valid until the voter cancels the
288 request; revising the timeframe during which the
289 supervisor must mail vote-by-mail ballots before
290 election day; deleting requirements for a person

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291 designated by an elector to pick up the elector's
292 vote-by-mail ballot; providing for extension of
293 deadlines under certain conditions; amending s.
294 101.64, F.S.; requiring supervisors of elections to
295 enclose a postage prepaid mailing envelope with each
296 vote-by-mail ballot; providing that vote-by-mail
297 ballot voter certificates may be signed with the last
298 four digits of the voter's social security number;
299 making technical changes; amending s. 101.65, F.S.;
300 revising the instructions that must be provided with a
301 vote-by-mail ballot; amending s. 101.68, F.S.;
302 requiring supervisors of elections to compare the
303 signature or last four digits of the social security
304 number on a voter's certificate with the signature or
305 last four digits of the social security number in the
306 registration books or precinct register when
307 canvassing a vote-by-mail ballot; requiring a
308 canvassing board to compare the signature or last four
309 digits of the social security number on a voter's
310 certificate or vote-by-mail ballot cure affidavit with
311 the signature or last four digits of the social
312 security number in the registration books or precinct
313 register when canvassing a vote-by-mail ballot;
314 deleting the authorization for certain persons to file
315 a protest against the canvass of a ballot; amending s.
316 101.69, F.S.; deleting provisions providing that
317 specified secure ballot intake stations be used only
318 during specified timeframes and be monitored by an
319 employee of the supervisor's office; requiring that

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320 secure ballot intake stations be monitored by the
321 supervisor's office during specified timeframes
322 instead of continuously monitored in person; deleting
323 a provision authorizing a certain civil penalty;
324 amending s. 104.42, F.S.; conforming a provision to
325 changes made by the act; providing an effective date.
326

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

330 WHEREAS, the Moores, and the organizations they helped
331 found and lead, were instrumental in registering more than
332 100,000 black voters in this state, and

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

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

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

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

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349 Amendments to the United States Constitution, and

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

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

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

362

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

364

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

367 20.10 Department of State.—There is created a Department of
368 State.

369 (1) The head of the Department of State is the Secretary of
370 State. The Secretary of State shall be elected at the statewide
371 general election at which the Governor, Lieutenant Governor, and
372 Cabinet officers are elected as provided in s. 5, Art. IV of the
373 State Constitution, for a term of 4 years beginning on the first
374 Tuesday after the first Monday in January of the year following
375 such election ~~appointed by the Governor, subject to confirmation~~
376 ~~by the Senate, and shall serve at the pleasure of the Governor.~~

377 The Secretary of State shall perform the functions conferred by

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378 the State Constitution upon the custodian of state records.

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

381 20.32 Florida Commission on Offender Review.—

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

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

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

395 3. The remaining amount of any restitution owed to a victim
396 as ordered by a court as part of his or her sentence.

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

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

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

406 (b) The Department of State, the Department of Corrections,

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407 the clerks of the circuit court, the county comptrollers, and
408 the Board of Executive Clemency shall provide to the commission
409 on a monthly basis any information required under paragraph (a).

410 (c) The Department of Management Services, acting through
411 the Florida Digital Service, shall provide any technical
412 assistance necessary for the commission to develop and maintain
413 the database. The Department of Management Services may adopt
414 rules governing the provision of such assistance.

415 (d) By July 1, 2026, the commission shall make the database
416 available on a public website. The commission must update the
417 database monthly with the information received from each
418 governmental entity under paragraph (b). The commission shall
419 publish on the website clear instructions that a person who has
420 been disqualified from voting based on a felony conviction other
421 than murder or felony sexual offense may follow to have his or
422 her voting rights restored and to register to vote.

423 (e) By July 1, 2024, the commission shall provide a
424 comprehensive plan to the Governor, the President of the Senate,
425 and the Speaker of the House of Representatives which includes
426 all of the following:

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

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

434 3. The anticipated number of additional employees necessary
435 for:

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- 436 a. The commission to develop and maintain the database.
- 437 b. A governmental entity to provide the information
438 required under paragraph (b).
- 439 c. The Florida Digital Service to provide the assistance
440 required under paragraph (c).
- 441 4. The anticipated cost to initially develop the database;
442 the annual cost to maintain the database; and the annual
443 appropriation required to fund the anticipated costs incurred by
444 the commission, each governmental entity, and the Florida
445 Digital Service.
- 446 5. Any legal authority necessary for the commission to
447 develop and maintain the database.
- 448 6. Draft legislation to implement the comprehensive plan.
- 449 (f) Notwithstanding any other law, a person who registers
450 to vote or who votes in reasonable reliance on information
451 contained in the database indicating that his or her voting
452 rights have been restored pursuant to s. 4, Art. VI of the State
453 Constitution has an affirmative right to register and to vote
454 and may not be charged with a violation of any criminal law of
455 this state related to fraudulently voting or registering to
456 vote.
- 457 (g) The commission shall adopt rules to implement this
458 subsection.

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

461 97.021 Definitions.—For the purposes of this code, except
462 where the context clearly indicates otherwise, the term:

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

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465 (2) "Absent uniformed services voter" means:

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

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

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

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

481 (4) "Alternative formats" has the meaning ascribed in the
482 Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 42
483 U.S.C. ss. 12101 et seq., including specifically the technical
484 assistance manuals promulgated thereunder, as amended.

485 (5) "Alternative method election" means a method of
486 electing candidates to the legislative body of a local
487 government other than an at-large method of election or a
488 district-based method of election, and includes, but is not
489 limited to, proportional ranked-choice voting, cumulative
490 voting, and limited voting.

491 (6) (a) "At-large method of election" means any of the
492 following methods of electing members to the governing body of a
493 political subdivision:

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494 1. One in which the voters of the entire jurisdiction elect
495 the members of the governing body.

496 2. One in which the candidates are required to reside
497 within specified areas of the jurisdiction and the voters of the
498 entire jurisdiction elect the members of the governing body.

499 3. One which combines at-large elections with district-
500 based elections.

501 (b) The term does not include any alternative method of
502 election.

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

505 (8)~~(6)~~ "Ballot" or "official ballot" when used in reference
506 to:

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

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

519 (9)~~(7)~~ "Candidate" means any person to whom any one or more
520 of the following applies:

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

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

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

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

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

534
535 However, this definition does not include any candidate for a
536 political party executive committee.

537 (10) "Database and institute" means the Florida Voting and
538 Elections Database and Institute.

539 (11)~~(8)~~ "Department" means the Department of State.

540 (12) "District-based method of election" means a method of
541 electing candidates to the legislative body of a local
542 government in which, for counties or municipalities divided into
543 districts, a candidate for any such district is required to
544 reside in the district and candidates representing or seeking to
545 represent the district are voted upon by only the voters of that
546 district.

547 (13)~~(9)~~ "Division" means the Division of Elections of the
548 Department of State.

549 (14)~~(10)~~ "Early voting" means casting a ballot prior to
550 election day at a location designated by the supervisor of
551 elections and depositing the voted ballot in the tabulation

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552 system.

553 (15)~~(11)~~ "Early voting area" means the area designated by
554 the supervisor of elections at an early voting site at which
555 early voting activities occur, including, but not limited to,
556 lines of voters waiting to be processed, the area where voters
557 check in and are processed, and the area where voters cast their
558 ballots.

559 (16)~~(12)~~ "Early voting site" means those locations
560 specified in s. 101.657 and the building in which early voting
561 occurs.

562 (17)~~(13)~~ "Election" means any primary election, special
563 primary election, special election, general election, or
564 presidential preference primary election.

565 (18)~~(14)~~ "Election board" means the clerk and inspectors
566 appointed to conduct an election.

567 (19)~~(15)~~ "Election costs" shall include, but not be limited
568 to, expenditures for all paper supplies such as envelopes,
569 instructions to voters, affidavits, reports, ballot cards,
570 ballot booklets for vote-by-mail voters, postage, notices to
571 voters; advertisements for registration book closings, testing
572 of voting equipment, sample ballots, and polling places; forms
573 used to qualify candidates; polling site rental and equipment
574 delivery and pickup; data processing time and supplies; election
575 records retention; and labor costs, including those costs
576 uniquely associated with vote-by-mail ballot preparation, poll
577 workers, and election night canvass.

578 (20)~~(16)~~ "Elector" is synonymous with the word "voter" or
579 "qualified elector or voter," except where the word is used to
580 describe presidential electors.

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

583 (22) "FLVRA Commission" means the Florida Voting Rights Act
584 Commission.

585 ~~(23)~~ ~~(17)~~ "General election" means an election held on the
586 first Tuesday after the first Monday in November in the even-
587 numbered years, for the purpose of filling national, state,
588 county, and district offices and for voting on constitutional
589 amendments not otherwise provided for by law.

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

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

598 ~~(26)~~ ~~(18)~~ "Lists of registered electors" means names and
599 associated information of registered electors maintained by the
600 department in the statewide voter registration system or
601 generated or derived from the statewide voter registration
602 system. Lists may be produced in printed or electronic format.

603 (27) "Local government" means any county, municipality,
604 school district, special district, supervisor of elections or
605 other governmental entity that administers elections, or any
606 other political subdivision in the state in which elections are
607 conducted.

608 ~~(28)~~ ~~(19)~~ "Member of the Merchant Marine" means an
609 individual, other than a member of a uniformed service or an

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610 individual employed, enrolled, or maintained on the Great Lakes
611 for the inland waterways, who is:

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

616 (b) Enrolled with the United States for employment or
617 training for employment, or maintained by the United States for
618 emergency relief service, as an officer or crew member of such
619 vessel.

620 (29)~~(20)~~ "Minor political party" is any group as specified
621 in s. 103.095 which on January 1 preceding a primary election
622 does not have registered as members 5 percent of the total
623 registered electors of the state.

624 (30)~~(21)~~ "Newspaper of general circulation" means a
625 newspaper printed in the language most commonly spoken in the
626 area within which it circulates and which is readily available
627 for purchase by all inhabitants in the area of circulation, but
628 does not include a newspaper intended primarily for members of a
629 particular professional or occupational group, a newspaper the
630 primary function of which is to carry legal notices, or a
631 newspaper that is given away primarily to distribute
632 advertising.

633 (31)~~(22)~~ "Nominal value" means having a retail value of \$10
634 or less.

635 (32)~~(23)~~ "Nonpartisan office" means an office for which a
636 candidate is prohibited from campaigning or qualifying for
637 election or retention in office based on party affiliation.

638 (33)~~(24)~~ "Office that serves persons with disabilities"

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639 means any state office that takes applications either in person
640 or over the telephone from persons with disabilities for any
641 program, service, or benefit primarily related to their
642 disabilities.

643 (34) "Organization" means a person other than an
644 individual.

645 (35)~~(25)~~ "Overseas voter" means:

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

649 (b) A person who resides outside the United States and is
650 qualified to vote in the last place in which the person was
651 domiciled before leaving the United States; or

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

656 (36)~~(26)~~ "Overvote" means that the elector marks or
657 designates more names than there are persons to be elected to an
658 office or designates more than one answer to a ballot question,
659 and the tabulator records no vote for the office or question.

660 (37)~~(27)~~ "Persons with disabilities" means individuals who
661 have a physical or mental impairment that substantially limits
662 one or more major life activities.

663 (38)~~(28)~~ "Petition circulator" means an entity or
664 individual who collects signatures for compensation for the
665 purpose of qualifying a proposed constitutional amendment for
666 ballot placement.

667 (39)~~(29)~~ "Polling place" is the building which contains the

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668 polling room where ballots are cast.

669 ~~(40)-(30)~~ "Polling room" means the actual room in which
670 ballots are cast on election day and during early voting.

671 ~~(41)-(31)~~ "Primary election" means an election held
672 preceding the general election for the purpose of nominating a
673 party nominee to be voted for in the general election to fill a
674 national, state, county, or district office.

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

678 ~~(43)-(32)~~ "Provisional ballot" means a conditional ballot,
679 the validity of which is determined by the canvassing board.

680 ~~(44)-(33)~~ "Public assistance" means assistance provided
681 through the food assistance program under the federal
682 Supplemental Nutrition Assistance Program; the Medicaid program;
683 the Special Supplemental Food Program for Women, Infants, and
684 Children; and the Temporary Cash Assistance Program.

685 ~~(45)-(34)~~ "Public office" means any federal, state, county,
686 municipal, school, or other district office or position which is
687 filled by vote of the electors.

688 ~~(46)-(35)~~ "Qualifying educational institution" means any
689 public or private educational institution receiving state
690 financial assistance which has, as its primary mission, the
691 provision of education or training to students who are at least
692 18 years of age, provided such institution has more than 200
693 students enrolled in classes with the institution and provided
694 that the recognized student government organization has
695 requested this designation in writing and has filed the request
696 with the office of the supervisor of elections in the county in

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697 which the institution is located.

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

702 (48)~~(36)~~ "Special election" is a special election called
703 for the purpose of voting on a party nominee to fill a vacancy
704 in the national, state, county, or district office.

705 (49)~~(37)~~ "Special primary election" is a special nomination
706 election designated by the Governor, called for the purpose of
707 nominating a party nominee to be voted on in a general or
708 special election.

709 (50)~~(38)~~ "Supervisor" means the supervisor of elections.

710 (51)~~(39)~~ "Tactile input device" means a device that
711 provides information to a voting system by means of a voter
712 touching the device, such as a keyboard, and that complies with
713 the requirements of s. 101.56062(1)(k) and (l).

714 (52)~~(40)~~ "Third-party registration organization" means any
715 person, entity, or organization soliciting or collecting voter
716 registration applications. A third-party voter registration
717 organization does not include:

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

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

725 (53)~~(41)~~ "Undervote" means that the elector does not

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726 properly designate any choice for an office or ballot question,
727 and the tabulator records no vote for the office or question.

728 (54)~~(42)~~ "Uniformed services" means the Army, Navy, Air
729 Force, Marine Corps, Space Force, and Coast Guard, the
730 commissioned corps of the Public Health Service, and the
731 commissioned corps of the National Oceanic and Atmospheric
732 Administration.

733 (55) "Vote" or "voting" includes any action necessary to
734 cast a ballot and make such ballot effective in any election or
735 primary election, including, but not limited to, voter
736 registration, requesting a vote-by-mail ballot, and any other
737 action required by law as a prerequisite to casting a ballot and
738 having such ballot counted, canvassed, or certified properly and
739 included in the appropriate totals of votes cast with respect to
740 candidates for election or nomination and to referendum
741 questions.

742 (56)~~(43)~~ "Voter interface device" means any device that
743 communicates voting instructions and ballot information to a
744 voter and allows the voter to select and vote for candidates and
745 issues. A voter interface device may not be used to tabulate
746 votes. Any vote tabulation must be based upon a subsequent scan
747 of the marked marksense ballot or the voter-verifiable paper
748 output after the voter interface device process has been
749 completed.

750 (57)~~(44)~~ "Voter registration agency" means any office that
751 provides public assistance, any office that serves persons with
752 disabilities, any center for independent living, or any public
753 library.

754 (58)~~(45)~~ "Voter registration official" means any supervisor

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755 of elections or individual authorized by the Secretary of State
756 to accept voter registration applications and execute updates to
757 the statewide voter registration system.

758 (59)~~(46)~~ "Voting booth" or "booth" means that booth or
759 enclosure wherein an elector casts his or her ballot for
760 tabulation by an electronic or electromechanical device.

761 (60)~~(47)~~ "Voting system" means a method of casting and
762 processing votes that functions wholly or partly by use of
763 electromechanical or electronic apparatus or by use of marksense
764 ballots and includes, but is not limited to, the procedures for
765 casting and processing votes and the programs, operating
766 manuals, supplies, printouts, and other software necessary for
767 the system's operation.

768
769 Terms used in this code which are not defined in this section
770 but are used in the federal Voting Rights Act and interpreted in
771 relevant case law, including, but not limited to, "political
772 process" and "prerequisite to voting," must be construed in a
773 manner consistent with such usage and interpretation.

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

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

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

778 97.0556 Same-day voter registration.—A person who meets the
779 qualifications specified in s. 97.041 to register to vote and
780 who provides the information required for the statewide voter
781 registration application in s. 97.052 may register at an early
782 voting site or at his or her polling place and immediately
783 thereafter cast a ballot.

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

786 97.057 Voter registration by the Department of Highway
787 Safety and Motor Vehicles.—

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

794 1. (a) An application for or renewal of ~~Apply for or renew a~~
795 ~~driver license;~~

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

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

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

804 (2) An application for a driver license or an
805 identification card must include a voter registration component.

806 The voter registration component must be approved by the
807 Department of State and must include all of the following:

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

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813 (b) A statement setting forth voting eligibility
814 requirements.

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

824 (d) An option that allows the applicant to choose or update
825 a party affiliation; otherwise, an applicant who is initially
826 registering to vote and does not exercise such option must be
827 sent a notice by the supervisor of elections in accordance with
828 s. 97.053(5)(b).

829 (e) An option that allows the applicant to decline to
830 register to vote or preregister to vote. The Department of
831 Highway Safety and Motor Vehicles shall note any such
832 declination in its records and forward the declination to the
833 Department of State. Any declination may be used only for voter
834 registration purposes and is confidential and exempt from public
835 records requirements as provided in s. 97.0585.

836 (3) The Department of Highway Safety and Motor Vehicles
837 shall:

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

840 (b) Electronically transmit the voter registration
841 component of an applicant's driver license or identification

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842 card application to the Department of State within 24 hours
843 after receipt. Upon receipt of the voter registration component,
844 the Department of State shall provide the information to the
845 supervisor of the county in which the applicant is registering
846 or preregistering to vote or updating his or her voter
847 registration record.

848 ~~(2) The Department of Highway Safety and Motor Vehicles~~
849 ~~shall:~~

850 ~~(a) Notify each individual, orally or in writing, that:~~

851 ~~1. Information gathered for the completion of a driver~~
852 ~~license or identification card application, renewal, or change~~
853 ~~of address can be automatically transferred to a voter~~
854 ~~registration application;~~

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

858 ~~3. Information provided can also be used to update a voter~~
859 ~~registration record;~~

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

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

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

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- 871 ~~1. If the applicant chooses to register to vote or to~~
872 ~~update a voter registration record:~~
- 873 ~~a. All applicable information received by the Department of~~
874 ~~Highway Safety and Motor Vehicles in the course of filling out~~
875 ~~the forms necessary under subsection (1) must be transferred to~~
876 ~~a voter registration application.~~
- 877 ~~b. The additional necessary information must be obtained by~~
878 ~~the driver license examiner and must not duplicate any~~
879 ~~information already obtained while completing the forms required~~
880 ~~under subsection (1).~~
- 881 ~~c. A voter registration application with all of the~~
882 ~~applicant's voter registration information required to establish~~
883 ~~the applicant's eligibility pursuant to s. 97.041 must be~~
884 ~~presented to the applicant to review and verify the voter~~
885 ~~registration information received and provide an electronic~~
886 ~~signature affirming the accuracy of the information provided.~~
- 887 ~~2. If the applicant declines to register to vote, update~~
888 ~~the applicant's voter registration record, or change the~~
889 ~~applicant's address by either orally declining or by failing to~~
890 ~~sign the voter registration application, the Department of~~
891 ~~Highway Safety and Motor Vehicles must note such declination on~~
892 ~~its records and shall forward the declination to the statewide~~
893 ~~voter registration system.~~
- 894 ~~(3) For the purpose of this section, the Department of~~
895 ~~Highway Safety and Motor Vehicles, with the approval of the~~
896 ~~Department of State, shall prescribe:~~
- 897 ~~(a) A voter registration application that is the same in~~
898 ~~content, format, and size as the uniform statewide voter~~
899 ~~registration application prescribed under s. 97.052; and~~

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900 ~~(b) A form that will inform applicants under subsection (1)~~
901 ~~of the information contained in paragraph (2) (a).~~

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

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

919 ~~(4)(6)~~ A person providing voter registration services for a
920 driver license office may not:

921 (a) Seek to influence an applicant's political preference
922 or party registration;

923 (b) Display any political preference or party allegiance;

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

927 (d) Disclose any applicant's voter registration information
928 except as needed for the administration of voter registration.

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929 (5)~~(7)~~ The Department of Highway Safety and Motor Vehicles
930 shall collect data determined necessary by the Department of
931 State for program evaluation and reporting to the Election
932 Assistance Commission pursuant to federal law.

933 (6)~~(8)~~ The Department of Highway Safety and Motor Vehicles
934 shall must ensure that all voter registration services provided
935 by driver license offices are in compliance with the federal
936 Voting Rights Act ~~of 1965~~.

937 (7)~~(9)~~ The Department of Highway Safety and Motor Vehicles
938 shall retain complete records of voter registration information
939 received, processed, and submitted to the Department of State
940 ~~statewide voter registration system~~ by the Department of Highway
941 Safety and Motor Vehicles. The retention of such ~~These~~ records
942 is shall be for the explicit purpose of supporting audit and
943 accounting controls established to ensure accurate and complete
944 electronic transmission of records between the Department of
945 State ~~statewide voter registration system~~ and the Department of
946 Highway Safety and Motor Vehicles.

947 (8)~~(10)~~ The Department of State shall provide the
948 Department of Highway Safety and Motor Vehicles with an
949 electronic database of street addresses valid for use as the
950 address of legal residence as required in s. 97.053(5). The
951 Department of Highway Safety and Motor Vehicles shall compare
952 the address provided by the applicant against the database of
953 valid street addresses. If the address provided by the applicant
954 does not match a valid street address in the database, the
955 applicant will be asked to verify the address provided. The
956 Department of Highway Safety and Motor Vehicles may ~~shall~~ not
957 reject any application for voter registration for which a valid

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958 match cannot be made.

959 (9)~~(11)~~ The Department of Highway Safety and Motor Vehicles
960 shall enter into an agreement with the Department of State to
961 match information in the statewide voter registration system
962 with information in the database of the Department of Highway
963 Safety and Motor Vehicles to the extent required to verify the
964 accuracy of the driver license number, Florida identification
965 number, or last four digits of the social security number
966 provided on applications for voter registration as required in
967 s. 97.053.

968 (10)~~(12)~~ The Department of Highway Safety and Motor
969 Vehicles shall enter into an agreement with the Commissioner of
970 Social Security as required by the Help America Vote Act of 2002
971 to verify the last four digits of the social security number
972 provided in applications for voter registration as required in
973 s. 97.053.

974 (11)~~(13)~~ The Department of Highway Safety and Motor
975 Vehicles shall ~~must~~ assist the Department of State in regularly
976 identifying changes in residence address on the driver license
977 or identification card of a voter. The Department of State shall
978 ~~must~~ report each such change to the appropriate supervisor of
979 elections who must change the voter's registration records in
980 accordance with s. 98.065(4).

981 Section 8. Section 97.0575, Florida Statutes, is amended to
982 read:

983 97.0575 Third-party voter registration organizations.—

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

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987 information:

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

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

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

998 ~~(d) Beginning November 6, 2024, the specific general~~
999 ~~election cycle for which the third-party voter registration~~
1000 ~~organization is registering persons to vote.~~

1001 ~~(e) An affirmation that each person collecting or handling~~
1002 ~~voter registration applications on behalf of the third-party~~
1003 ~~voter registration organization has not been convicted of a~~
1004 ~~felony violation of the Election Code, a felony violation of an~~
1005 ~~offense specified in s. 825.103, a felony offense specified in~~
1006 ~~s. 98.0751(2)(b) or (c), or a felony offense specified in~~
1007 ~~chapter 817, chapter 831, or chapter 837. A third-party voter~~
1008 ~~registration organization is liable for a fine in the amount of~~
1009 ~~\$50,000 for each such person who has been convicted of a felony~~
1010 ~~violation of the Election Code, a felony violation of an offense~~
1011 ~~specified in s. 825.103, a felony offense specified in s.~~
1012 ~~98.0751(2)(b) or (c), or a felony offense specified in chapter~~
1013 ~~817, chapter 831, or chapter 837 who is collecting or handling~~
1014 ~~voter registration applications on behalf of the third-party~~
1015 ~~voter registration organization.~~

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1016 ~~(f) An affirmation that each person collecting or handling~~
1017 ~~voter registration applications on behalf of the third party~~
1018 ~~voter registration organization is a citizen of the United~~
1019 ~~States of America. A third party voter registration organization~~
1020 ~~is liable for a fine in the amount of \$50,000 for each such~~
1021 ~~person who is not a citizen and is collecting or handling voter~~
1022 ~~registration applications on behalf of the third party voter~~
1023 ~~registration organization.~~

1024 ~~(2) Beginning November 6, 2024, the registration of a~~
1025 ~~third party voter registration organization automatically~~
1026 ~~expires at the conclusion of the specific general election cycle~~
1027 ~~for which the third party voter registration organization is~~
1028 ~~registered.~~

1029 ~~(3)~~ The division or the supervisor of elections shall make
1030 voter registration forms available to third-party voter
1031 registration organizations. All such forms must contain
1032 information identifying the organization to which the forms are
1033 provided. The division shall maintain a database of all third-
1034 party voter registration organizations and the voter
1035 registration forms assigned to the third-party voter
1036 registration organization. Each supervisor of elections shall
1037 provide to the division information on voter registration forms
1038 assigned to and received from third-party voter registration
1039 organizations. The information must be provided in a format and
1040 at times as required by the division by rule. The division shall
1041 update information on third-party voter registrations daily and
1042 make the information publicly available.

1043 ~~(4) A third party voter registration organization that~~
1044 ~~collects voter registration applications shall provide a receipt~~

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1045 ~~to an applicant upon accepting possession of his or her~~
1046 ~~application. The division shall adopt by rule a uniform format~~
1047 ~~for the receipt by October 1, 2023. The format must include, but~~
1048 ~~need not be limited to, the name of the applicant, the date the~~
1049 ~~application is received, the name of the third-party voter~~
1050 ~~registration organization, the name of the registration agent,~~
1051 ~~the applicant's political party affiliation, and the county in~~
1052 ~~which the applicant resides.~~

1053 (3) (a) (5) (a) A third-party voter registration organization
1054 that collects voter registration applications serves as a
1055 fiduciary to the applicant and shall ensure that any voter
1056 registration application entrusted to the organization,
1057 irrespective of party affiliation, race, ethnicity, or gender,
1058 is promptly delivered to the division or the supervisor of
1059 elections ~~in the county in which the applicant resides~~ within 14
1060 ~~10~~ days after the application is completed by the applicant, but
1061 not after registration closes for the next ensuing election. If
1062 a voter registration application collected by any third-party
1063 voter registration organization is not promptly delivered to the
1064 division or supervisor of elections ~~in the county in which the~~
1065 ~~applicant resides~~, the third-party voter registration
1066 organization is liable for the following fines:

1067 1. A fine in the amount of \$50 ~~per each day late, up to~~
1068 ~~\$2,500,~~ for each application received by the division or the
1069 supervisor of elections in the county in which the applicant
1070 resides more than 10 days after the applicant delivered the
1071 completed voter registration application to the third-party
1072 voter registration organization or any person, entity, or agent
1073 acting on its behalf. A fine in the amount of \$250 ~~\$2,500~~ for

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1074 each application received if the third-party voter registration
1075 organization or person, entity, or agency acting on its behalf
1076 acted willfully.

1077 2. A fine in the amount of \$100 ~~per each day late, up to~~
1078 ~~\$5,000,~~ for each application collected by a third-party voter
1079 registration organization or any person, entity, or agent acting
1080 on its behalf, before book closing for any given election for
1081 federal or state office and received by the division or the
1082 supervisor of elections in the county in which the applicant
1083 resides after the book-closing deadline for such election. A
1084 fine in the amount of \$500 ~~\$5,000~~ for each application received
1085 if the third-party voter registration organization or any
1086 person, entity, or agency acting on its behalf acted willfully.

1087 3. A fine in the amount of \$500 for each application
1088 collected by a third-party voter registration organization or
1089 any person, entity, or agent acting on its behalf, which is not
1090 submitted to the division or supervisor of elections in the
1091 county in which the applicant resides. A fine in the amount of
1092 \$1,000 ~~\$5,000~~ for any application not submitted if the third-
1093 party voter registration organization or person, entity, or
1094 agency acting on its behalf acted willfully.

1095
1096 The aggregate fine which may be assessed pursuant to this
1097 paragraph against a third-party voter registration organization,
1098 including affiliate organizations, for violations committed in a
1099 calendar year is \$1,000 ~~\$250,000~~.

1100 (b) A showing by the third-party voter registration
1101 organization that the failure to deliver the voter registration
1102 application within the required timeframe is based upon force

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1103 majeure or impossibility of performance shall be an affirmative
1104 defense to a violation of this subsection. The secretary may
1105 waive the fines described in this subsection upon a showing that
1106 the failure to deliver the voter registration application
1107 promptly is based upon force majeure or impossibility of
1108 performance.

1109 ~~(6) If a person collecting voter registration applications~~
1110 ~~on behalf of a third-party voter registration organization~~
1111 ~~alters the voter registration application of any other person,~~
1112 ~~without the other person's knowledge and consent, in violation~~
1113 ~~of s. 104.012(4) and is subsequently convicted of such offense,~~
1114 ~~the applicable third-party voter registration organization is~~
1115 ~~liable for a fine in the amount of \$5,000 for each application~~
1116 ~~altered.~~

1117 ~~(7) If a person collecting voter registration applications~~
1118 ~~on behalf of a third-party voter registration organization~~
1119 ~~copies a voter's application or retains a voter's personal~~
1120 ~~information, such as the voter's Florida driver license number,~~
1121 ~~Florida identification card number, social security number, or~~
1122 ~~signature, for any reason other than to provide such application~~
1123 ~~or information to the third-party voter registration~~
1124 ~~organization in compliance with this section, the person commits~~
1125 ~~a felony of the third degree, punishable as provided in s.~~
1126 ~~775.082, s. 775.083, or s. 775.084.~~

1127 (4)~~(8)~~ If the Secretary of State reasonably believes that a
1128 person has committed a violation of this section, the secretary
1129 may refer the matter to the Attorney General for enforcement.
1130 The Attorney General may institute a civil action for a
1131 violation of this section or to prevent a violation of this

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1132 section. An action for relief may include a permanent or
1133 temporary injunction, a restraining order, or any other
1134 appropriate order.

1135 ~~(9) The division shall adopt by rule a form to elicit~~
1136 ~~specific information concerning the facts and circumstances from~~
1137 ~~a person who claims to have been registered to vote by a third-~~
1138 ~~party voter registration organization but who does not appear as~~
1139 ~~an active voter on the voter registration rolls. The division~~
1140 ~~shall also adopt rules to ensure the integrity of the~~
1141 ~~registration process, including controls to ensure that all~~
1142 ~~completed forms are promptly delivered to the division or a~~
1143 ~~supervisor in the county in which the applicant resides.~~

1144 (5) ~~(10)~~ The date on which an applicant signs a voter
1145 registration application is presumed to be the date on which the
1146 third-party voter registration organization received or
1147 collected the voter registration application.

1148 ~~(11) A third-party voter registration organization may not~~
1149 ~~mail or otherwise provide a voter registration application upon~~
1150 ~~which any information about an applicant has been filled in~~
1151 ~~before it is provided to the applicant. A third-party voter~~
1152 ~~registration organization that violates this section is liable~~
1153 ~~for a fine in the amount of \$50 for each such application.~~

1154 ~~(12) The requirements of this section are retroactive for~~
1155 ~~any third-party voter registration organization registered with~~
1156 ~~the department as of July 1, 2023, and must be complied with~~
1157 ~~within 90 days after the department provides notice to the~~
1158 ~~third-party voter registration organization of the requirements~~
1159 ~~contained in this section. Failure of the third-party voter~~
1160 ~~registration organization to comply with the requirements within~~

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1161 ~~90 days after receipt of the notice shall automatically result~~
1162 ~~in the cancellation of the third-party voter registration~~
1163 ~~organization's registration.~~

1164 Section 9. Part III of chapter 97, Florida Statutes,
1165 consisting of 97.21-97.28, Florida Statutes, is created and
1166 entitled "Florida Voting Rights Act."

1167 Section 10. Section 97.21, Florida Statutes, is created to
1168 read:

1169 97.21 Prohibitions on voter suppression and vote dilution.-

1170 (1) A local government, state agency, or state official may
1171 not implement or enforce any regulation, standard, practice,
1172 procedure, policy, or law regarding the administration of
1173 elections, or take any other action or fail to take any action,
1174 which results in, will result in, or is intended to result in
1175 any of the following:

1176 (a) A disparity in voter participation, access to voting
1177 opportunities, or the opportunity or ability to participate in
1178 the political process between members of a protected class and
1179 other members of the electorate.

1180 (b) Based on the totality of the circumstances, an
1181 impairment of the opportunity or ability of protected class
1182 members to participate in the political process and elect
1183 candidates of their choice or otherwise influence the outcome of
1184 elections.

1185 (2) There is a rebuttable presumption that a violation
1186 exists under paragraph (1)(b) in circumstances that include, but
1187 are not limited to, any of the following:

1188 (a) A local government closes, moves, consolidates, or
1189 fails to provide polling places, early voting sites, or secure

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1190 ballot intake stations; reassigns voters to precincts or polling
1191 places; or reassigns precincts to polling places, in a manner
1192 that results in a disparity in geographic access between members
1193 of a protected class and other members of the electorate.

1194 (b) A local government selects or changes the dates or
1195 hours of an election or for early voting in a manner that
1196 impairs the right to vote of members of a protected class,
1197 including, but not limited to, making the change without proper
1198 notice as required by law.

1199 (c) A local government fails to provide voting or election
1200 materials in languages other than English as required by federal
1201 law or state law.

1202 (d) A local government conducts general or primary
1203 elections on dates that do not align with the date of federal or
1204 state general or primary elections, resulting in a disparity in
1205 levels of participation between protected class voters and other
1206 voters that exceeds any disparity in federal or state general or
1207 primary elections.

1208 (e) A special election to fill a vacancy is called on a
1209 date that would reasonably result in a disparity in levels of
1210 participation between protected class voters and other voters,
1211 and there exists an alternate date in a reasonable timeframe in
1212 which the disparity would be materially less significant.

1213 (f) A special election to fill a vacancy is not scheduled
1214 in a reasonable timeframe for an office in which protected class
1215 voters would be able to elect candidates of their choice or
1216 otherwise influence the outcome of elections, thus denying
1217 representation to protected class voters.

1218 (3) (a) A local government may not employ any method of

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1219 election for any office which has the effect, or is motivated in
1220 part by the intent, of impairing the opportunity or ability of
1221 protected class members to participate in the political process
1222 and elect candidates of their choice or otherwise influence the
1223 outcome of elections as a result of diluting the vote of such
1224 protected class members.

1225 (b) A violation of this subsection is deemed to have
1226 occurred if:

1227 1.a. For a local government employing at-large elections,
1228 elections in the local government exhibit racially polarized
1229 voting that impairs the equal opportunity or ability of
1230 protected class members to nominate or elect candidates of their
1231 choice; or, based on the totality of the circumstances, the
1232 equal opportunity or ability of members of a protected class to
1233 nominate or elect candidates of their choice is impaired; and

1234 b. One or more new methods of election or modifications to
1235 the existing method of election exist which would cure or
1236 mitigate the impairment described in sub-subparagraph a.

1237 2.a. For a local government employing a district-based or
1238 alternative method of election, elections in the local
1239 government exhibit racially polarized voting that impairs the
1240 equal opportunity or ability of protected class members to
1241 nominate or elect candidates of their choice; or, based on the
1242 totality of the circumstances, the equal opportunity or ability
1243 of members of a protected class to nominate or elect candidates
1244 of their choice is impaired; and

1245 b. One or more new methods of election or modifications to
1246 the existing method of election exist which would cure or
1247 mitigate the impairment described in sub-subparagraph a.

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1248 3. A local government adopts or implements a governmental
1249 reorganization, including, but not limited to, an annexation, an
1250 incorporation, a dissolution, a consolidation, or a division of
1251 government in which, based on the totality of the circumstances,
1252 the opportunity of protected class members to nominate or elect
1253 candidates of the protected class members' choice or otherwise
1254 influence the outcome of elections is impaired.

1255 (4) To the extent that the new method of election or
1256 modification to the existing method of election identified under
1257 subparagraph (3) (b)1. or subparagraph (3) (b)2. is a proposed
1258 district-based plan that provides members of a protected class
1259 with one or more reasonably configured districts in which they
1260 would have an equal opportunity or ability to nominate or elect
1261 candidates of their choice, it is not necessary to show in any
1262 action seeking enforcement of this part that members of a
1263 protected class comprise a majority in any such district or
1264 districts.

1265 (5) For purposes of determining whether racially polarized
1266 voting by protected class members has occurred or is occurring
1267 for purposes of enforcing this section, a court with
1268 jurisdiction over the matter must adhere to all of the following
1269 guidelines:

1270 (a) Elections conducted before the filing of a cause of
1271 action are more probative than elections conducted after the
1272 filing of a cause of action.

1273 (b) Evidence concerning elections for any office in a local
1274 government, including executive, legislative, judicial, and
1275 other offices, is more probative than evidence concerning
1276 election for other offices, but evidence concerning elections

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1277 for other offices may still be afforded probative value.

1278 (c) Statistical evidence is more probative than non-
1279 statistical evidence.

1280 (d) In the case of claims brought on behalf of two or more
1281 protected classes that are politically cohesive in a local
1282 government, members of those protected classes must be combined
1283 to determine whether voting by combined protected class members
1284 is polarized from other electors. It is not necessary to
1285 demonstrate that voting members of each protected class are
1286 separately polarized from other electors.

1287 (e) Evidence concerning the causes of, or the reasons for,
1288 the occurrence of racially polarized voting is not relevant to
1289 the determination of whether racially polarized voting by
1290 protected class members occurs, or whether candidates or
1291 electoral choices preferred by protected class members would
1292 usually be defeated. In particular, evidence concerning
1293 alternate explanations for racially polarized voting patterns or
1294 election outcomes, including, but not limited to, partisan
1295 explanations, may not be considered.

1296 (f) Evidence concerning whether subgroups of protected
1297 class members have different voting patterns may not be
1298 considered.

1299 (g) Evidence concerning whether protected class electors
1300 are geographically compact or concentrated may not be considered
1301 unless the consideration of such evidence is for the purpose of
1302 determining a remedy for a violation of this section.

1303 (6) For the purpose of determining whether, based on the
1304 totality of the circumstances, an impairment of the right to
1305 vote for any protected class members, or of the opportunity or

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1306 ability of protected class members to participate in the
1307 political process and elect candidates of their choosing or
1308 otherwise influence the outcomes of elections, has occurred,
1309 courts may consider factors including, but not limited to, those
1310 designated in this subsection. A particular combination or
1311 number of these factors is not required for a court to determine
1312 that an impairment occurred. The court shall consider a
1313 particular factor only if, and to the extent evidence pertaining
1314 to, that factor is introduced by a party to the action. Evidence
1315 of these factors is most probative if the evidence relates to
1316 the local government in which the alleged violation occurred,
1317 but still holds probative value if the evidence relates to the
1318 geographic region in which that local government is located or
1319 to this state. The factors that a court may consider include,
1320 but are not limited to, the following:

1321 (a) The history of discrimination.

1322 (b) The extent to which the protected class members have
1323 been elected to office.

1324 (c) The use of any qualification for voter eligibility or
1325 other prerequisite to voting, any statute, ordinance,
1326 regulation, or other law regarding the administration of
1327 elections, or any standard, practice, procedure, or policy of
1328 the local government that may enhance the dilutive effects of a
1329 method of election in the local government.

1330 (d) The extent to which protected class members or
1331 candidates experienced any history of unequal access to election
1332 administration or campaign finance processes that determine
1333 which candidates will receive access to the ballot or receive
1334 financial or other support in a given election for an office of

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1335 the local government.

1336 (e) The extent to which protected class members have
1337 historically made expenditures, as defined in s. 106.011, at
1338 lower rates than other individuals.

1339 (f) The extent to which protected class members vote at
1340 lower rates than other voters.

1341 (g) The extent to which protected class members are
1342 disadvantaged or otherwise bear the effects of public or private
1343 discrimination in areas that may hinder their ability to
1344 participate effectively in the political process, such as
1345 education, employment, health, criminal justice, housing,
1346 transportation, land use, or environmental protection.

1347 (h) The use of overt or subtle racial appeals in political
1348 campaigns, by government officials, or in connection with the
1349 adoption or maintenance of a challenged practice.

1350 (i) The extent to which candidates face hostility or
1351 barriers while campaigning due to their membership in a
1352 protected class.

1353 (j) The lack of responsiveness by elected officials to the
1354 particular needs of protected class members or a community of
1355 protected class members.

1356 (k) Whether the particular method of election or an
1357 ordinance, a regulation, standard, practice, procedure, policy
1358 or other law regarding the administration of elections was
1359 designed to advance and does materially advance, a valid and
1360 substantial state interest.

1361 (7) In determining whether a violation of this section has
1362 occurred, a court may not consider any of the following factors:

1363 (a) The total number or share of members of a protected

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1364 class on whom a challenged method of election, ordinance,
1365 resolution, rule, policy, standard, regulation, procedure, or
1366 law does not impose a material burden.

1367 (b) The degree to which the challenged method of election,
1368 ordinance, resolution, rule, policy, standard, regulation,
1369 procedure, or law has a long pedigree or was in widespread use
1370 at some earlier date.

1371 (c) The use of an identical or similar challenged method of
1372 election, ordinance, resolution, rule, policy, standard,
1373 regulation, procedure, or law in another local government.

1374 (d) The availability of other forms of voting not impacted
1375 by the challenged method of election, ordinance, resolution,
1376 rule, policy, standard, regulation, procedure, or law to all
1377 members of the electorate, including members of the protected
1378 class.

1379 (e) A prophylactic impact in potential criminal activity by
1380 individual electors, if those crimes have not occurred in the
1381 local government in substantial numbers, or if the connection
1382 between the challenged policy and any claimed prophylactic
1383 effect is not supported by substantial evidence.

1384 (f) Mere invocation of interests in voter confidence or
1385 prevention of fraud.

1386 (g) A lack of evidence concerning the intent of electors,
1387 elected officials, or public officials to discriminate against
1388 the protected class members.

1389 (h) The fact that the challenged method of election,
1390 ordinance, resolution, rule, policy, standard, regulation,
1391 procedure, or law is authorized or mandated by any statute or
1392 any special act, charter or home rule ordinance, or other

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1393 enactment of the state or any local government.

1394 (8) Before filing an action against a local government
1395 pursuant to this section, a prospective plaintiff must send, by
1396 certified mail, return receipt requested, a notification letter
1397 to the local government asserting that the local government may
1398 be in violation of the provisions of this act. Such letter must
1399 be referred to as an "FLVRA notification letter."

1400 (a) Except as noted in paragraph (e), a party may not file
1401 an action against a local government pursuant to this section
1402 earlier than 50 days after sending a FLVRA notification letter
1403 to the local government.

1404 (b) Before receiving a FLVRA notification letter, or not
1405 later than 50 days after any FLVRA notification letter is sent
1406 to a local government, a local government may adopt a resolution
1407 that must be referred to as the "FLVRA Resolution" which does
1408 all of the following:

1409 1. Identifies a potential violation of this section by the
1410 local government.

1411 2. Identifies a specific remedy to the potential violation.

1412 3. Affirms the local government's intention to enact and
1413 implement a remedy for a potential violation.

1414 4. Sets forth specific measures the local government will
1415 take to facilitate enactment and implementation of the remedy.

1416 5. Provides a schedule for the enactment and implementation
1417 of the remedy.

1418 (c) Except as noted in paragraph (e), a party that has sent
1419 a FLVRA notification letter may not file an action pursuant to
1420 this section earlier than 90 days after the adoption of a FLVRA
1421 Resolution.

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1422 (d) If the remedy identified in a FLVRA Resolution is
1423 barred by state or local law, or a legislative body of a local
1424 government lacks authority under state or local law to enact or
1425 implement a remedy identified in a FLVRA Resolution within 90
1426 days after the adoption of such resolution, or if the local
1427 government is a covered jurisdiction under s. 97.26, the local
1428 government may nonetheless enact and implement the remedy
1429 identified in such resolution upon approval of the FLVRA
1430 Commission, which may provide approval only if it finds that the
1431 local government may be in violation of this act, the proposed
1432 remedy would address a potential violation, and implementation
1433 of the proposed remedy is feasible. The approval of a remedy by
1434 the FLVRA Commission does not bar an action to challenge the
1435 remedy.

1436 (e) If pursuant to this subsection, a local government
1437 enacts or implements a remedy or the FLVRA Commission approves a
1438 proposed remedy, a party who sent a FLVRA notification letter
1439 may submit a claim for reimbursement from the local government
1440 for the costs associated with producing and sending such
1441 notification letter. The party shall submit the claim in writing
1442 and substantiate the claim with financial documentation,
1443 including a detailed invoice for any demography services or
1444 analysis of voting patterns in the local government. If a party
1445 and local government fail to agree to a reimbursement amount,
1446 either the party or local government may file an action for a
1447 declaratory judgment for a clarification of rights.

1448 (f) Notwithstanding this subsection, a party may bring a
1449 cause of action for a violation of this section under any of the
1450 following circumstances:

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1451 1. The action is commenced within 1 year after the adoption
1452 of a challenged method of election, ordinance, resolution, rule,
1453 policy, standard, regulation, procedure, or law.

1454 2. The prospect of obtaining relief under this section
1455 would be futile.

1456 3. Another party has already submitted a notification
1457 letter under this subsection alleging a substantially similar
1458 violation and that party is eligible to bring a cause of action
1459 under this subsection.

1460 4. Following the party's submission of a FLVRA notification
1461 letter, the local government has adopted a FLVRA Resolution that
1462 identifies a remedy that would not remedy the violation
1463 identified in the notification letter.

1464 5. The party is seeking preliminary relief with respect to
1465 an upcoming election in accordance with s. 97.28.

1466 (g) Any local government that receives a FLVRA notification
1467 letter or adopts a FLVRA Resolution must provide a copy to the
1468 FLVRA Commission within one day of receipt or adoption. The
1469 FLVRA Commission shall promptly post all FLVRA notification
1470 letters and FLVRA Resolutions on its website. The FLVRA
1471 Commission may adopt rules identifying other materials and
1472 information that must be provided to the FLVRA Commission by
1473 local governments, as well as procedures for transmittal of
1474 materials and information from local governments to the FLVRA
1475 Commission.

1476 (9) Local governments may not assert the doctrine of laches
1477 as a defense to claims brought under this section. Local
1478 governments may not assert that plaintiffs have failed to comply
1479 with any notice, exhaustion, or other procedural requirements

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1480 under state law, other than the requirements in this section, as
1481 a defense to claims brought under this section.

1482 (10) Any individual aggrieved by a violation of this
1483 section, any entity whose membership includes individuals
1484 aggrieved by a violation of this section, any entity whose
1485 mission would be frustrated by a violation of this section, or
1486 any entity that would expend resources in order to fulfill its
1487 mission as a result of a violation of this section, the Attorney
1488 General, or the FLVRA Commission may file an action alleging a
1489 violation of this section to enforce compliance with this
1490 section. Such a claim may be filed pursuant to the Florida Rules
1491 of Civil Procedure or in the Second Judicial Circuit of Florida.
1492 Members of two or more protected classes that are politically
1493 cohesive in a local government may jointly file an action.

1494 Section 11. Section 97.22, Florida Statutes, is created to
1495 read:

1496 97.22 Florida Voting Rights Act Commission.—

1497 (1) There is created the Florida Voting Rights Act (FLVRA)
1498 Commission within the Department of State. The FLVRA Commission
1499 is a separate budget entity, as provided in the General
1500 Appropriations Act, and shall prepare and submit a budget
1501 request in accordance with chapter 216. The FLVRA Commission is
1502 responsible for administering the Florida Voting Rights Act. The
1503 FLVRA Commission must have its own staff, which includes
1504 management, research, and enforcement personnel, and is not
1505 subject to control, supervision, or direction by the Department
1506 of State.

1507 (2) (a) The FLVRA Commission must be composed of five
1508 commissioners, each of whom shall serve a staggered 5-year term.

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1509 Commissioners must be compensated for their actual time spent on
1510 the FLVRA Commission's business at an hourly rate based on the
1511 rate equivalent to an assistant attorney general.

1512 1. A nominating committee shall identify qualified
1513 candidates to serve as commissioners. The nominating committee
1514 shall be composed of nominating organizations that are selected
1515 as follows:

1516 a. Organizations may apply to the Secretary of State to be
1517 certified as organizational nominators for 5-year terms, at
1518 which point the organizations may be recertified. The Secretary
1519 of State must certify any organization that applies to be an
1520 organizational nominator if it meets the following
1521 qualifications:

1522 (I) Demonstrated commitment to the purposes of this act and
1523 securing the voting rights of protected class members, such as
1524 referencing such class members in the organization's mission
1525 statement, involvement in numerous voting rights cases brought
1526 in Florida on behalf of members of protected classes, or
1527 advocacy in support of this act.

1528 (II) Registered as a nonprofit corporation with the
1529 Secretary of State.

1530 (III) In continuous operation as a nonprofit organization
1531 under s. 501(c)(3) of the Internal Revenue Code or as a
1532 nonprofit corporation registered with the Secretary of State for
1533 at least 20 years.

1534 b. If the Secretary of State fails to timely certify an
1535 organization that satisfies these qualifications following the
1536 organization's application as an organizational nominator, the
1537 organization may file an action against the Secretary of State

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1538 for a declaratory judgment certifying the organization as an
1539 organizational nominator.

1540 2. An organizational nominator may be removed for cause by
1541 a majority vote of all fellow nominators.

1542 3. If there are fewer than 16 organizational nominators
1543 certified by the Secretary of State, the nominating committee
1544 must be composed of all organizational nominators. If there are
1545 16 or more organizational nominators certified by the Secretary
1546 of State, the nominating committee must be composed of 15
1547 organizational nominators randomly selected from all the
1548 nominators by lot on an annual basis.

1549 4. The nominating committee shall select its own chair to
1550 preside over meetings and votes.

1551 (b) Commissioners must be selected as follows:

1552 1. The nominating committee shall solicit applications to
1553 serve on the FLVRA Commission from across this state. A
1554 commissioner must satisfy at least all of the following
1555 criteria:

1556 a. Be a resident of this state.

1557 b. Be a member in good standing of The Florida Bar with at
1558 least 5 years of legal experience.

1559 c. Have experience representing or advocating on behalf of
1560 members of protected classes.

1561 d. Have not served in elected office within the preceding 5
1562 years.

1563 e. Not be currently serving in any governmental office or
1564 holding any political party office.

1565 2. The nominating committee shall maintain a qualified
1566 candidate pool consisting of 30 candidates to serve on the FLVRA

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1567 Commission. Individuals may be added to the qualified applicant
1568 pool only upon a vote of three-fifths of the nominating
1569 committee.

1570 3. All members of the FLVRA Commission must be randomly
1571 selected from the qualified candidate pool. Upon the initial
1572 formation of the FLVRA Commission, five commissioners must be
1573 selected by lot from the qualified candidate pool and randomly
1574 assigned to term lengths of 5 years, 4 years, 3 years, 2 years,
1575 and 1 year. At least 60 days in advance of the conclusion of
1576 each commissioner's term, a new commissioner must be randomly
1577 selected by lot from the qualified candidate pool to serve a 5-
1578 year term upon the conclusion of the commissioner's term. If a
1579 vacancy occurs, a new commissioner must be randomly selected by
1580 lot within 30 days of the vacancy occurring from the qualified
1581 candidate pool to complete the vacated term.

1582 (3) In any action or investigation to enforce this section,
1583 the FLVRA Commission may subpoena witnesses; administer oaths;
1584 examine individuals under oath; determine material facts; and
1585 compel the production of records, books, papers, contracts, and
1586 other documents in accordance with the Florida Rules of Civil
1587 Procedure.

1588 (4) The FLVRA Commission may hire any staff and make any
1589 expenditure necessary to fulfill its responsibilities.

1590 (5) The FLVRA Commission may adopt rules to administer and
1591 enforce this part.

1592 Section 12. Section 97.23, Florida Statutes, is created to
1593 read:

1594 97.23 Statewide database and institute.—

1595 (1) The FLVRA Commission shall enter into an agreement with

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1596 one or more postsecondary educational institutions in this state
1597 to create the Florida Voting and Elections Database and
1598 Institute, to maintain and administer a central repository of
1599 elections and voting data available to the public from all local
1600 governments in this state, and to foster, pursue, and sponsor
1601 research on existing laws and best practices in voting and
1602 elections. The parties to that agreement shall enter into a
1603 memorandum of understanding that includes the process for
1604 selecting the director of the database and institute.

1605 (2) The database and institute shall provide a center for
1606 research, training, and information on voting systems and
1607 election administration. The database and institute may do any
1608 of the following:

1609 (a) Conduct classes both for credit and noncredit.

1610 (b) Organize interdisciplinary groups of scholars to
1611 research voting and elections in this state.

1612 (c) Conduct seminars involving voting and elections.

1613 (d) Establish a nonpartisan centralized database in order
1614 to collect, archive, and make publicly available, at no cost, an
1615 accessible database pertaining to elections, voter registration,
1616 and ballot access in this state.

1617 (e) Assist in the dissemination of election data to the
1618 public.

1619 (f) Publish books and periodicals as the database and
1620 institute considers appropriate on voting and elections in this
1621 state.

1622 (g) Provide nonpartisan technical assistance to local
1623 governments, scholars, and the general public seeking to use the
1624 resources of the database and the institute.

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1625 (3) The database and institute shall make available, and
1626 maintain in an electronic format, all relevant election and
1627 voting data and records for at least the previous 12-year
1628 period. The data, information, and estimates maintained by the
1629 database and institute must be posted online and made available
1630 to the public at no cost. Maps, election day polling places, and
1631 vote-by-mail ballot secure intake stations must be made
1632 available in a geospatial file format. The database and
1633 institute shall prepare any estimates made under this section by
1634 applying the most advanced, peer-reviewed, and validated
1635 methodologies available. Data and records that must be
1636 maintained include, but are not limited to, all of the
1637 following:

1638 (a) Estimates of the total population, voting age
1639 population, and citizen voting age population by racial, color,
1640 or language minority group and disability status, broken down by
1641 precinct level on a year-by-year basis, for every local
1642 government in this state, based on data from the United States
1643 Census Bureau, American Community Survey, or data of comparable
1644 quality collected by a public office.

1645 (b) Election results at the precinct level for every
1646 federal, state, and local election held in every local
1647 government of this state.

1648 (c) Contemporaneous voter registration lists, voter history
1649 files, election polling places, and vote-by-mail secure ballot
1650 intake stations for every election in every local government in
1651 this state.

1652 (d) Contemporaneous maps or other documentation of the
1653 configuration of precincts.

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1654 (e) Election day polling places, including, but not limited
1655 to, lists of precincts assigned to each polling place, if
1656 applicable.

1657 (f) Adopted district or redistricting plans for every
1658 election in every local government in this state.

1659 (g) A current record, updated monthly, of persons eligible
1660 to register to vote who have a prior criminal conviction and
1661 whose eligibility has been restored in compliance with s.
1662 98.0751.

1663 (h) Any other data that the director of the database and
1664 institute considers necessary to maintain in furtherance of the
1665 purposes of the database and institute.

1666 (4) All state agencies and local governments shall timely
1667 provide the director of the database and institute with any
1668 information requested by the director. No later than 90 days
1669 after an election, each local government shall transmit to the
1670 database and institute copies of all of the following:

1671 (a) Election results at the precinct level.

1672 (b) Contemporaneous voter registration lists.

1673 (c) Voter history files.

1674 (d) Maps, descriptions, and shapefiles for election
1675 districts.

1676 (e) Lists of election day polling places, shapefiles, or
1677 descriptions of the precincts assigned to each election day
1678 polling place.

1679 (f) Any other data as requested by the database and
1680 institute.

1681 (5) Any state entity identified by the director of the
1682 database and institute as possessing data, statistics, or other

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1683 information required by the database and institute to carry out
1684 its duties and responsibilities shall provide such data,
1685 statistics, or information annually to the database or institute
1686 at the request of the director.

1687 (6) If a state agency or local government fails to provide
1688 any information to the database and institute as required by
1689 this section, any individual aggrieved by such a violation, any
1690 entity whose membership includes individuals aggrieved by such a
1691 violation, any entity whose mission would be frustrated by such
1692 a violation, or any entity that would expend resources in order
1693 to fulfill its mission as a result of such a violation, the
1694 director of the database and institute, the Attorney General, or
1695 the FLVRA Commission may file an action to enforce compliance
1696 with this section. Such claim may be filed pursuant to the
1697 Florida Rules of Civil Procedure or in the Second Judicial
1698 Circuit.

1699 (7) No later than 90 days following the end of each state
1700 fiscal year, the database and institute shall publish a report
1701 on the priorities and finances of the database and institute.

1702 (8) The database and institute shall provide nonpartisan
1703 technical assistance to local governments, researchers, and
1704 members of the public seeking to use the resources of the
1705 statewide database.

1706 (9) There is a rebuttable presumption that the data,
1707 estimates, or other information maintained by the database and
1708 institute is valid.

1709 Section 13. Section 97.24, Florida Statutes, is created to
1710 read:

1711 97.24 Language access.-

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- 1712 (1) As used in this section, the term:
- 1713 (a) "Limited English proficient individual" means an
- 1714 individual who does not speak English as his or her primary
- 1715 language and who speaks, reads, or understands the English
- 1716 language other than "very well" in accordance with United States
- 1717 Census Bureau data or data of comparable quality collected by a
- 1718 governmental entity.
- 1719 (b) "Native American" includes any person recognized by the
- 1720 United States Census Bureau or the state of Florida as "American
- 1721 Indian."
- 1722 (2) The FLVRA Commission must designate one or more
- 1723 languages, other than English, for which assistance in voting
- 1724 and elections must be provided in a local government if the
- 1725 FLVRA Commission finds that a significant and substantial need
- 1726 exists for assistance.
- 1727 (3) Based on the best available data, which may include
- 1728 information from the United States Census Bureau's American
- 1729 Community Survey or data of comparable quality collected by a
- 1730 governmental entity, the FLVRA Commission must find that a
- 1731 significant and substantial need exists if:
- 1732 (a) More than 2 percent, but no fewer than 200 citizens of
- 1733 voting age of a local government speak a language other than
- 1734 English and are limited English proficient individuals.
- 1735 (b) More than 4,000 citizens of voting age of a local
- 1736 government speak a language other than English and are limited
- 1737 English proficient individuals.
- 1738 (4) In the case of a local government that contains any
- 1739 part of a Native American reservation, if more than 2 percent of
- 1740 the Native American citizens of voting age within the Native

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1741 American reservation are proficient in a language other than
1742 English and are limited English proficient individuals, the
1743 local government must provide materials in such language.

1744 (5) (a) On an annual basis, the FLVRA Commission must
1745 publish on its website a list of all of the following:

1746 1. Each local government in which assistance in voting and
1747 elections in a language other than English must be provided.

1748 2. Each language in which such assistance must be provided
1749 in each local government.

1750 (b) The FLVRA Commission's determinations under this
1751 section are effective upon publication and the FLVRA Commission
1752 must distribute this information to each affected local
1753 government.

1754 (6) Each local government described in subsection (5) must
1755 provide assistance in voting and elections, including related
1756 materials, in any language designated by the FLVRA Commission
1757 under paragraph (5) (a) to voters in a local government who are
1758 limited English proficient individuals.

1759 (7) Whenever the FLVRA Commission determines, pursuant to
1760 this section, that language assistance must be provided by a
1761 local government, the local government must provide competent
1762 assistance in each designated language and provide related
1763 materials in English and in each designated language, including
1764 voter registration or voting notices, forms, instructions,
1765 assistance, ballots, or other materials or information relating
1766 to the electoral process. However, in the case of a language
1767 that is oral or unwritten, including historically unwritten
1768 languages, as may be the case for some Native Americans, a local
1769 government may provide only oral instructions, assistance, or

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1770 other information on the electoral process in such language. All
1771 materials provided in a designated language must be of an equal
1772 quality to the corresponding English materials. All provided
1773 translations must convey the intent and essential meaning of the
1774 original text or communication and may not rely solely on
1775 automatic translation service. If available, language assistance
1776 must include live translation.

1777 (8) The FLVRA Commission must adopt rules to establish a
1778 review process under which the FLVRA Commission must determine
1779 whether a significant and substantial need exists in a local
1780 government for a language to be designated for the provision of
1781 assistance in voting and elections. This process must, at a
1782 minimum, include an opportunity for any voter, organization
1783 whose membership includes or is likely to include voters,
1784 organization whose mission would be frustrated by a local
1785 government's failure to provide language assistance, or
1786 organization that would expend resources in order to fulfill the
1787 organization's mission as a result of such failure to request
1788 that the FLVRA Commission consider designating a language in a
1789 local government, an opportunity for public comment, and that
1790 upon receipt of any such request and consideration of any public
1791 comment, the FLVRA Commission may, in accordance with the
1792 process for making this determination, designate any language in
1793 a local government.

1794 (9) Any individual aggrieved by a violation of this
1795 section, any entity whose membership includes individuals
1796 aggrieved by a violation of this section, any entity whose
1797 mission would be frustrated by a violation of this section, or
1798 any entity that would expend resources in order to fulfill its

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1799 mission as a result of a violation of this section, the Attorney
1800 General, or the FLVRA Commission may file an action alleging a
1801 violation of this section. Such a claim may be filed pursuant to
1802 the Florida Rules of Civil Procedure or in the Second Judicial
1803 Circuit.

1804 Section 14. Section 97.25, Florida Statutes, is created to
1805 read:

1806 97.25 Preclearance.—

1807 (1) The enactment or implementation of a covered policy by
1808 a covered jurisdiction is subject to preclearance by the FLVRA
1809 Commission.

1810 (2) For purposes of this section, a covered policy includes
1811 any new or modified qualification for voter registration,
1812 prerequisite to voting, or ordinance, regulation, standard,
1813 practice, procedure, or policy concerning any of the following:

1814 (a) Districting or redistricting.

1815 (b) Method of election.

1816 (c) Form of government.

1817 (d) Annexation, incorporation, dissolution, consolidation,
1818 or division of a local government.

1819 (e) Removal of individuals from registry lists or
1820 enrollment lists and other activities concerning any such list.

1821 (f) Hours of any early voting site, or location or number
1822 of early voting sites, polling places, or secure ballot intake
1823 stations.

1824 (g) Assignment of voting precincts to polling places or
1825 secure ballot intake station locations.

1826 (h) Assistance offered to protected class members.

1827 (i) Any additional subject matter the FLVRA Commission may

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1828 identify for inclusion in this subsection, pursuant to FLVRA
1829 Commission rule, if the FLVRA Commission determines that any
1830 qualification for voter registration, prerequisite to voting, or
1831 ordinance, regulation, standard, practice, procedure, or policy
1832 concerning such subject matter may have the effect of
1833 diminishing the right to vote of any protected class member or
1834 have the effect of violating this act.

1835 (3) A covered jurisdiction includes any of the following:

1836 (a) Any local government that, within the preceding 25
1837 years, has been subject to any court order, government
1838 enforcement action, court-approved consent decree, or any other
1839 settlement in which the local government conceded liability,
1840 based upon a violation of this act, the federal Voting Rights
1841 Act, the 15th Amendment to the United States Constitution, a
1842 voting-relating violation of the 14th Amendment to the United
1843 States Constitution, or any violation of any other state or
1844 federal election law, based upon discrimination against members
1845 of a protected class.

1846 (b) Any local government that, within the preceding 25
1847 years, has been subject to any court order, government
1848 enforcement action, court-approved consent decree, or any other
1849 settlement in which the local government conceded liability,
1850 based upon a violation of any state or federal civil rights law
1851 or the 14th Amendment to the United States Constitution
1852 concerning discrimination against members of a protected class.

1853 (c) Any local government that, during the preceding 3
1854 years, has failed to comply with its obligation to provide data
1855 or information to the statewide database pursuant to s. 97.23.

1856 (d) Any local government that, during the preceding 25

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1857 years, was found to have enacted or implemented a covered policy
1858 without obtaining preclearance for that policy pursuant to this
1859 section.

1860 (e) Any local government that contains at least 1,000
1861 eligible voters of any protected class, or in which members of
1862 any protected class constitute at least 10 percent of the
1863 eligible voter population of the local government, and in which,
1864 in any year in the preceding 10 years, the percentage of voters
1865 of any protected class in a local government which participated
1866 in any general election for any local government office was at
1867 least 10 percentage points lower than the percentage of all
1868 voters in the local government who participated in such
1869 election.

1870 (f) Any local government that contains at least 1,000
1871 eligible voters of any protected class, or in which members of
1872 any protected class constitute at least 10 percent of the
1873 eligible voter population of the local government, and in which,
1874 in any year in the preceding 10 years, the percentage of
1875 eligible voters of that protected class who were registered to
1876 vote was at least 10 percentage points lower than the percentage
1877 of all eligible voters in the local government who registered to
1878 vote.

1879 (g) Any local government that contains at least 1,000
1880 eligible voters of any protected class, or in which members of
1881 any protected class constitute at least 10 percent of the
1882 eligible voter population of the local government, and in which,
1883 in any year in the preceding 10 years, the percentage of
1884 eligible voters of that protected class who were registered to
1885 vote was at least 10 percentage points lower than the percentage

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1886 of all eligible voters in the local government who registered to
1887 vote.

1888 (h) Any local government that contains at least 1,000
1889 eligible voters of any protected class, or in which members of
1890 any protected class constitute at least 10 percent of the
1891 eligible voter population of the local government, and in which,
1892 in any year in the preceding 10 years, based on data made
1893 available by the United States Census, the dissimilarity index
1894 of such protected class, calculated using census tracts, is in
1895 excess of 50 percent with respect to the race, color, or
1896 language minority group that comprises a plurality within the
1897 local government.

1898 (i) Any local government that contains at least 1,000
1899 eligible voters of any protected class, or in which members of
1900 any protected class constitute at least 10 percent of the
1901 eligible voter population of the local government, and in which,
1902 in any year in the preceding 10 years, the poverty rate among
1903 the population of a protected class exceeds the poverty rate
1904 among the population of the local government as a whole by at
1905 least 10 percentage points.

1906 (j) Any county that contains at least 1,000 eligible voters
1907 of any protected class, or in which members of any protected
1908 class constitute at least 10 percent of the eligible voter
1909 population of the county, and in which, in any year in the
1910 preceding 10 years, the arrest rate among members of such
1911 protected class exceeds the arrest rate among the population of
1912 the county as a whole by at least 10 percentage points.

1913 (k) Any school district that contains at least 1,000
1914 eligible voters of any protected class, or in which members of

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1915 any protected class constitute at least 10 percent of the
1916 eligible voter population of the school district, and in which,
1917 in any year in the preceding 10 years, the graduation rate of
1918 such protected class is lower than the graduation rate of the
1919 entire district student population by at least 10 percentage
1920 points.

1921 (4) The FLVRA Commission shall determine on an annual basis
1922 which local governments are covered jurisdictions and publish a
1923 list of such jurisdictions on its website.

1924 (5) If a covered jurisdiction seeks preclearance from the
1925 FLVRA Commission for the adoption or implementation of any
1926 covered policy, the covered jurisdiction must submit the covered
1927 policy to the FLVRA Commission in writing and may obtain
1928 preclearance in accordance with this section.

1929 (a) The FLVRA Commission shall review the covered policy
1930 submitted for preclearance, including any comments submitted by
1931 members of the public, and make a determination to grant or deny
1932 preclearance. The covered jurisdiction bears the burden of proof
1933 in any preclearance determinations.

1934 (b)1. The FLVRA Commission may deny preclearance to a
1935 submitted covered policy only if it determines that:

1936 a. The covered policy is more likely than not to diminish
1937 the opportunity or ability of protected class members to
1938 participate in the political process and elect candidates of
1939 their choice or otherwise influence the outcome of elections; or

1940 b. The covered policy is more likely than not to violate
1941 this act.

1942 2. If the FLVRA Commission denies preclearance, the
1943 applicable covered jurisdiction may not enact or implement the

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1944 covered policy. The FLVRA Commission shall provide a written
1945 explanation for a denial.

1946 (c) If the FLVRA Commission grants preclearance to a
1947 covered policy, the covered jurisdiction may immediately enact
1948 or implement the covered policy. A determination by the FLVRA
1949 Commission to grant preclearance is not admissible in, and may
1950 not be considered by, a court in any subsequent action
1951 challenging the covered policy. If the FLVRA Commission fails to
1952 deny or grant preclearance to a submitted covered policy within
1953 the time periods set forth in paragraph (d), the covered policy
1954 is deemed to be precleared, and the covered jurisdiction may
1955 enact or implement the covered policy.

1956 (d) If a covered policy concerns the method of election for
1957 a legislative body, districting or redistricting, the number of
1958 seats on the legislative body, or annexation, incorporation,
1959 dissolution, consolidation, or division of a local government,
1960 the FLVRA Commission shall review the covered policy, including
1961 any comments submitted by members of the public, and make a
1962 determination to deny or grant preclearance within 60 days after
1963 the submission of the covered policy. The FLVRA Commission may
1964 invoke up to two extensions of 90 days each to make such a
1965 determination. For all other covered policies, the FLVRA
1966 Commission shall review the covered policy, including any public
1967 comment, and make determination to deny or grant preclearance
1968 within 30 days after the submission of the covered policy. The
1969 FLVRA Commission may invoke an extension of 60 days to make such
1970 a determination.

1971 (e) Any denial of preclearance under this section may be
1972 appealed only by the covered jurisdiction, and must be filed in

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1973 the Second Judicial Circuit. No other parties may file an action
1974 to appeal a denial of preclearance or intervene in any such
1975 action brought by the covered jurisdiction.

1976 (6) If any covered jurisdiction enacts or implements any
1977 covered policy without obtaining preclearance for such covered
1978 policy in accordance with this section, any individual aggrieved
1979 by such a violation, any entity whose membership includes
1980 individuals aggrieved by such a violation, any entity whose
1981 mission would be frustrated by such a violation, any entity that
1982 would expend resources in order to fulfill its mission as a
1983 result of such a violation, the director of the database and
1984 institute, the Attorney General, or the FLVRA Commission may
1985 file an action to enjoin enactment or implementation and seek
1986 sanctions against the covered jurisdiction for violations of
1987 this section. Such a claim may be filed pursuant to the Florida
1988 Rules of Civil Procedure or in the Second Judicial Circuit. A
1989 claim under this subsection does not preclude, bar, or limit in
1990 any way any other claims that may be brought regarding the
1991 covered policy, including claims brought under other sections of
1992 this act.

1993 (7) If the FLVRA Commission approves preclearance for a
1994 covered policy in violation of this section, identifies or fails
1995 to identify a list of local governments that are covered
1996 jurisdictions in violation of this section, or otherwise fails
1997 to properly implement this section, any individual aggrieved by
1998 such a violation, any entity whose membership includes
1999 individuals aggrieved by such a violation, any entity whose
2000 mission would be frustrated by such a violation, or any entity
2001 that would expend resources in order to fulfill its mission as a

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2002 result of such a violation may file an action seeking
2003 appropriate relief, including, but not limited to, injunctive
2004 relief on the FLVRA Commission or any other party, as the court
2005 deems necessary to enforce this section. Such a claim may be
2006 filed pursuant to the Florida Rules of Civil Procedure or in the
2007 Second Judicial Circuit. A claim under this subsection does not
2008 preclude, bar, or limit any other claims that may be brought
2009 regarding any covered policy, including claims brought under
2010 other sections of this act.

2011 (8) The FLVRA Commission shall adopt rules to implement
2012 this section, including rules concerning the content of and
2013 procedure for preclearance submission, procedures for public
2014 comment and transparency regarding preclearance determinations,
2015 and procedures for expedited and emergency preclearance
2016 determination, which may deviate from the timelines provided in
2017 paragraph (5)(d) provided that such preclearance determinations
2018 are preliminary.

2019 Section 15. Section 97.26, Florida Statutes, is created to
2020 read:

2021 97.26 Voter intimidation, deception, and obstruction.—

2022 (1) A person, whether acting under color of law or
2023 otherwise, may not engage in acts of intimidation, deception,
2024 obstruction, or any other tactic that has the effect of or may
2025 reasonably have the effect of interfering with another person's
2026 right to vote.

2027 (2) A violation of subsection (1) includes any of the
2028 following:

2029 (a) The use of force or threats to use force, or the use of
2030 any other conduct to practice intimidation that causes or will

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2031 reasonably have the effect of causing interference with an
2032 individual's right to vote.

2033 (b) Knowingly using a deceptive or fraudulent device,
2034 contrivance, or communication that causes or will reasonably
2035 have the effect of causing interference with any individual's
2036 right to vote.

2037 (c) The obstruction of, impediment to, or the interference
2038 with access to any early voting site, polling place, secure
2039 ballot intake station, or office of the supervisor of elections
2040 in a manner that causes or will reasonably have the effect of
2041 causing interference with any individual's right to vote or
2042 causing any delay in voting or the voting process.

2043 (3) (a) In any action to enforce this section, there is a
2044 rebuttable presumption that a person has violated this section
2045 if he or she openly carries or brandishes a firearm, imitation
2046 firearm, or toy gun while:

2047 1. Interacting with or observing any person voting or
2048 attempting to vote;

2049 2. Urging or aiding any person to vote or attempt to vote,
2050 whether as part of official election administration activities
2051 or unofficial activities; or

2052 3. Exercising any powers or duties in administering
2053 elections, including, but not limited to, vote counting,
2054 canvassing, or certification of returns.

2055 (b) Law enforcement officers acting within the scope of
2056 their official duties are not subject to the presumption, but a
2057 court may nonetheless consider a law enforcement officer's
2058 possession of a firearm in determining whether the officer
2059 violated this section.

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2060 (4) Any individual aggrieved by a violation of this
2061 section, any entity whose membership includes individuals
2062 aggrieved by a violation of this section, any entity whose
2063 mission would be frustrated by a violation of this section, any
2064 entity that would expend resources in order to fulfill its
2065 mission as a result of a violation of this section, the Attorney
2066 General, or the FLVRA Commission may file a civil action
2067 alleging a violation of this section. Such a claim may be filed
2068 pursuant to the Florida Rules of Civil Procedure or in the
2069 Second Judicial Circuit.

2070 (5) In addition to any remedies that may be imposed under
2071 s. 97.28, if the court finds a violation of this section, the
2072 court must order appropriate remedies that are tailored to
2073 addressing the violation, including, but not limited to,
2074 providing for additional time for individuals to vote in an
2075 election, primary, or referendum, and awarding nominal damages
2076 for any violation and compensatory or punitive damages for any
2077 willful violation.

2078 Section 16. Section 97.27, Florida Statutes, is created to
2079 read:

2080 97.27 Democracy canon.-

2081 (1) Any provision of this code, any regulation, charter,
2082 home rule ordinance, or other enactment of the state or any
2083 local government relating to the right to vote must be liberally
2084 construed in favor of the rights enumerated in paragraphs (a)-
2085 (e), as follows:

2086 (a) Protecting the right to cast a ballot and make the
2087 ballot valid.

2088 (b) Ensuring eligible individuals seeking voter

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2089 registration are not impaired in being registered.

2090 (c) Ensuring voters are not impaired in voting, including,
2091 but not limited to, having their votes counted.

2092 (d) Making the fundamental right to vote more accessible to
2093 eligible voters.

2094 (e) Ensuring equitable access for protected class members
2095 to opportunities to be registered to vote and to vote.

2096 (2) It is the policy of the state that courts should
2097 exercise its discretion on any issue, including, but not limited
2098 to, questions of discovery, procedure, admissibility of
2099 evidence, or remedies, in favor of the rights enumerated in
2100 paragraphs (1)(a)-(e) to the extent allowable by law.

2101 Furthermore, it is the policy of the state to promote the free
2102 flow of documents and information concerning the intent of
2103 public officials in actions concerning the right to vote.

2104 Accordingly, in any action under this act, the federal Voting
2105 Rights Act, or a voting-related claim under the State
2106 Constitution or the United States Constitution, sovereign,
2107 governmental, executive, legislative, or deliberative immunities
2108 and privileges, including any evidentiary privileges, may not be
2109 asserted. However, this section does not apply to any attorney-
2110 client or attorney work-product privileges.

2111 Section 17. Section 97.28, Florida Statutes, is created to
2112 read:

2113 97.28 Remedies.—

2114 (1) If a court finds a violation of this act, the court
2115 must order appropriate remedies that are tailored to address
2116 such violation and to ensure protected class members have
2117 equitable opportunities to fully participate in the political

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2118 process and that can be implemented in a manner that will not
2119 unduly disrupt the administration of an ongoing or imminent
2120 election. Appropriate remedies include, but need not be limited
2121 to, any of the following:

- 2122 (a) A district-based method of election.
- 2123 (b) An alternative method of election.
- 2124 (c) New or revised district or redistricting plans.
- 2125 (d) Elimination of staggered elections so that all members
2126 of the legislative body are elected at the same time.
- 2127 (e) Reasonably increasing the size of the legislative body.
- 2128 (f) Additional voting days or hours.
- 2129 (g) Additional polling places and early voting sites.
- 2130 (h) Additional opportunities to return ballots.
- 2131 (i) Holding special elections.
- 2132 (j) Expanded opportunities for voter registration.
- 2133 (k) Additional voter education.
- 2134 (l) The restoration or addition of individuals to registry
2135 lists.
- 2136 (m) Retaining jurisdiction for such a period of time as the
2137 court may deem appropriate.

2138 (2) The court shall consider remedies proposed by any party
2139 to the action or by interested nonparties. The court may not
2140 give deference or priority to a proposed remedy because it is
2141 proposed by the state or local government.

2142 (3) If necessary to remedy a violation of this act, the
2143 court is empowered to require a local government to implement
2144 remedies that are inconsistent with any other law and any
2145 special act, charter or home rule ordinance, or other enactment
2146 of the state or local government.

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2147 (4) Notwithstanding the Florida Rules of Civil Procedure or
 2148 any other law, the court must grant a temporary injunction and
 2149 any other preliminary relief requested under this section with
 2150 respect to an upcoming election if the court determines that the
 2151 party is more likely than not to succeed on the merits and that
 2152 it is possible to implement an appropriate temporary remedy that
 2153 would resolve the violation alleged under this section before
 2154 the next general election.

2155 (5) In any action to enforce this act, the court shall
 2156 award reasonable attorney fees and litigation costs, including,
 2157 but not limited to, expert witness fees and expenses, to the
 2158 party that filed an action, other than a state or local
 2159 government, and that prevailed in such action. The party that
 2160 filed the action is deemed to have prevailed when, as a result
 2161 of litigation, the party against whom the action was filed has
 2162 yielded some or all of the relief sought in the action. In the
 2163 case of a party against whom an action was filed and who
 2164 prevailed, the court may not award the party any costs unless
 2165 the court finds the action to be frivolous, unreasonable, or
 2166 without foundation.

2167 Section 18. Paragraph (b) of subsection (4) of section
 2168 98.045, Florida Statutes, is amended to read:

2169 98.045 Administration of voter registration.—

2170 (4) STATEWIDE ELECTRONIC DATABASE OF VALID RESIDENTIAL
 2171 STREET ADDRESSES.—

2172 (b) The department shall make the statewide database of
 2173 valid street addresses available to the Department of Highway
 2174 Safety and Motor Vehicles as provided in s. 97.057(8) ~~s.~~
 2175 ~~97.057(10)~~. The Department of Highway Safety and Motor Vehicles

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2176 shall use the database for purposes of validating the legal
2177 residential addresses provided in voter registration
2178 applications received by the Department of Highway Safety and
2179 Motor Vehicles.

2180 Section 19. Section 100.51, Florida Statutes, is created to
2181 read:

2182 100.51 General Election Day paid holiday.-In order to
2183 encourage civic participation, enable more individuals to serve
2184 as poll workers, and provide additional time for the resolution
2185 of any issues that arise while a voter is casting his or her
2186 ballot, General Election Day shall be a paid holiday. A voter is
2187 entitled to absent himself or herself from any service or
2188 employment in which he or she is engaged or employed during the
2189 time the polls are open on General Election Day. A voter who
2190 absents himself or herself under this section may not be
2191 penalized in any way, and a deduction may not be made from his
2192 or her usual salary or wages, on account of his or her absence.

2193 Section 20. Section 101.016, Florida Statutes, is created
2194 to read:

2195 101.016 Strategic elections equipment reserve.-The Division
2196 of Elections shall maintain a strategic elections equipment
2197 reserve of voting systems that may be deployed in the event of
2198 an emergency as defined in s. 101.732 or upon the occurrence of
2199 equipment capacity issues due to unexpected voter turnout. The
2200 reserve must include tabulation equipment and any other
2201 necessary equipment, including, but not limited to, printers,
2202 which are in use by each supervisor of elections. In lieu of
2203 maintaining a physical reserve of such equipment, the division
2204 may contract with a vendor of voting equipment to provide such

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2205 equipment on an as-needed basis.

2206 Section 21. Section 101.019, Florida Statutes, is repealed.

2207 Section 22. Subsections (1) and (2) of section 101.048,

2208 Florida Statutes, are amended to read:

2209 101.048 Provisional ballots.—

2210 (1) At all elections, a voter claiming to be properly
2211 registered in this ~~the~~ state and eligible to vote ~~at the~~
2212 ~~precinct~~ in the election but whose eligibility cannot be
2213 determined, a person whom an election official asserts is not
2214 eligible, including, but not limited to, a person to whom notice
2215 has been sent pursuant to s. 98.075(7), but for whom a final
2216 determination of eligibility has not been made, and other
2217 persons specified in the code shall be entitled to vote a
2218 provisional ballot at any precinct in the county in which the
2219 voter claims to be registered. Once voted, the provisional
2220 ballot must be placed in a secrecy envelope and thereafter
2221 sealed in a provisional ballot envelope. The provisional ballot
2222 must be deposited in a ballot box. All provisional ballots must
2223 remain sealed in their envelopes for return to the supervisor of
2224 elections. The department shall prescribe the form of the
2225 provisional ballot envelope. A person casting a provisional
2226 ballot has the right to present written evidence supporting his
2227 or her eligibility to vote to the supervisor of elections by not
2228 later than 5 p.m. on the second day following the election.

2229 (2) (a) The county canvassing board shall examine each
2230 Provisional Ballot Voter's Certificate and Affirmation to
2231 determine if the person voting that ballot was entitled to vote
2232 in the county in which ~~at the precinct where~~ the person cast a
2233 vote in the election and that the person had not already cast a

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2234 ballot in the election. In determining whether a person casting
2235 a provisional ballot is entitled to vote, the county canvassing
2236 board shall review the information provided in the Voter's
2237 Certificate and Affirmation, written evidence provided by the
2238 person pursuant to subsection (1), information provided in any
2239 cure affidavit and accompanying supporting documentation
2240 pursuant to subsection (6), any other evidence presented by the
2241 supervisor, and, in the case of a challenge, any evidence
2242 presented by the challenger. A ballot of a person casting a
2243 provisional ballot must ~~shall~~ be canvassed pursuant to paragraph
2244 (b) unless the canvassing board determines by a preponderance of
2245 the evidence that the person was not entitled to vote.

2246 (b) If it is determined that the person was registered and
2247 entitled to vote in the county in which ~~at the precinct where~~
2248 the person cast a vote in the election, the canvassing board
2249 must compare the signature on the Provisional Ballot Voter's
2250 Certificate and Affirmation or the provisional ballot cure
2251 affidavit with the signature on the voter's registration or
2252 precinct register. A provisional ballot may be counted only if:

2253 1. The signature on the voter's certificate or the cure
2254 affidavit matches the elector's signature in the registration
2255 books or the precinct register; however, in the case of a cure
2256 affidavit, the supporting identification listed in subsection
2257 (6) must also confirm the identity of the elector; or

2258 2. The cure affidavit contains a signature that does not
2259 match the elector's signature in the registration books or the
2260 precinct register, but the elector has submitted a current and
2261 valid Tier 1 form of identification confirming his or her
2262 identity pursuant to subsection (6).

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

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

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

Section 23. Paragraph (a) of subsection (1) and paragraphs (c) and (d) of subsection (3) of section 101.62, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

101.62 Request for vote-by-mail ballots.—

(1) REQUEST.—

(a) The supervisor shall accept a request for a vote-by-mail ballot only from a voter or, if directly instructed by the voter, a member of the voter's immediate family or the voter's legal guardian. A request may be made in person, in writing, by telephone, or through the supervisor's website. The department shall prescribe by rule by October 1, 2023, a uniform statewide application to make a written request for a vote-by-mail ballot which includes fields for all information required in this subsection. One request is deemed sufficient to receive a vote-by-mail ballot for all elections until the voter or the voter's

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2292 designee notifies the supervisor that the elector cancels such
2293 request through the end of the calendar year of the next
2294 regularly scheduled general election, unless the voter or the
2295 voter's designee indicates at the time the request is made the
2296 elections ~~within such period~~ for which the voter desires to
2297 receive a vote-by-mail ballot. The supervisor must cancel a
2298 request for a vote-by-mail ballot when any first-class mail or
2299 nonforwardable mail sent by the supervisor to the voter is
2300 returned as undeliverable. If the voter requests a vote-by-mail
2301 ballot thereafter, the voter must provide or confirm his or her
2302 current residential address.

2303 (3) DELIVERY OF VOTE-BY-MAIL BALLOTS.—

2304 (c) Except as otherwise provided in paragraph (a) or
2305 paragraph (b), the supervisor shall mail vote-by-mail ballots
2306 within 2 business days after receiving a request for such a
2307 ballot, but no later than the 11th ~~10th~~ day before election day.
2308 The deadline to submit a request for a ballot to be mailed is 5
2309 p.m. local time on the 12th day before an upcoming election.

2310 (d) Upon a request for a vote-by-mail ballot, the
2311 supervisor shall provide a vote-by-mail ballot to each voter by
2312 whom a request for that ballot has been made, by one of the
2313 following means:

2314 1. By nonforwardable, return-if-undeliverable mail to the
2315 voter's current mailing address on file with the supervisor or
2316 any other address the voter specifies in the request. The
2317 envelopes must be prominently marked "Do Not Forward."

2318 2. By forwardable mail, e-mail, or facsimile machine
2319 transmission to absent uniformed services voters and overseas
2320 voters. The absent uniformed services voter or overseas voter

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2321 may designate in the vote-by-mail ballot request the preferred
2322 method of transmission. If the voter does not designate the
2323 method of transmission, the vote-by-mail ballot must be mailed.

2324 3. By personal delivery to the voter after vote-by-mail
2325 ballots have been mailed and up to 7 p.m. on election day upon
2326 presentation of the identification required in s. 101.043.

2327 4. By delivery to the voter's designee after vote-by-mail
2328 ballots have been mailed and up to 7 p.m. on election day. Any
2329 voter may designate in writing a person to pick up the ballot
2330 for the voter; ~~however, the person designated may not pick up~~
2331 ~~more than two vote-by-mail ballots per election, other than the~~
2332 ~~designee's own ballot, except that additional ballots may be~~
2333 ~~picked up for members of the designee's immediate family. The~~
2334 ~~designee shall provide to the supervisor the written~~
2335 ~~authorization by the voter and a picture identification of the~~
2336 ~~designee and must complete an affidavit. The designee shall~~
2337 ~~state in the affidavit that the designee is authorized by the~~
2338 ~~voter to pick up that ballot and shall indicate if the voter is~~
2339 ~~a member of the designee's immediate family and, if so, the~~
2340 ~~relationship. The department shall prescribe the form of the~~
2341 ~~affidavit. If the supervisor is satisfied that the designee is~~
2342 ~~authorized to pick up the ballot and that the signature of the~~
2343 ~~voter on the written authorization matches the signature of the~~
2344 ~~voter on file, the supervisor must give the ballot to that~~
2345 ~~designee for delivery to the voter.~~

2346 5. Except as provided in s. 101.655, the supervisor may not
2347 deliver a vote-by-mail ballot to a voter or a voter's designee
2348 pursuant to subparagraph 3. or subparagraph 4., respectively,
2349 during the mandatory early voting period and up to 7 p.m. on

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2350 election day, unless there is an emergency, to the extent that
 2351 the voter will be unable to go to a designated early voting site
 2352 in his or her county or to his or her assigned polling place on
 2353 election day. If a vote-by-mail ballot is delivered, the voter
 2354 or his or her designee must execute an affidavit affirming to
 2355 the facts which allow for delivery of the vote-by-mail ballot.
 2356 The department shall adopt a rule providing for the form of the
 2357 affidavit.

2358 (7) DEADLINE EXTENSION.—If a deadline under this section
 2359 falls on a day when the office of the supervisor is scheduled to
 2360 be closed, the deadline must be extended until the next business
 2361 day.

2362 Section 24. Paragraph (a) of subsection (1), subsection
 2363 (2), and subsection (4) of section 101.64, Florida Statutes, are
 2364 amended to read:

2365 101.64 Delivery of vote-by-mail ballots; envelopes; form.—

2366 (1) (a) The supervisor shall enclose with each vote-by-mail
 2367 ballot two envelopes: a secrecy envelope, into which the absent
 2368 voter must ~~elector shall~~ enclose his or her marked ballot; and a
 2369 postage prepaid mailing envelope, into which the absent voter
 2370 must ~~elector shall~~ then place the secrecy envelope, which must
 2371 ~~shall~~ be addressed to the supervisor and also bear on the back
 2372 side a certificate in substantially the following form:

2373 Note: Please Read Instructions Carefully Before
 2374 Marking Ballot and Completing Voter's Certificate.

2375 VOTER'S CERTIFICATE

2376 I,, do solemnly swear or affirm that I am a qualified
 2377 and registered voter of County, Florida, and that I have
 2378 not and will not vote more than one ballot in this election. I

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2379 understand that if I commit or attempt to commit any fraud in
2380 connection with voting, vote a fraudulent ballot, or vote more
2381 than once in an election, I can be convicted of a felony of the
2382 third degree and fined up to \$5,000 and/or imprisoned for up to
2383 5 years. I also understand that failure to sign this certificate
2384 will invalidate my ballot.

2385 ... (Date) ...

2386 ... (Voter's Signature or Last Four Digits of Social Security
2387 Number) ...

2388 ... (E-Mail Address) (Home Telephone Number) ...

2389 ... (Mobile Telephone Number) ...

2390 (2) The certificate must ~~shall~~ be arranged on the back of
2391 the mailing envelope so that the line for the signature or last
2392 four digits of the social security number of the voter absent
2393 ~~elector~~ is across the seal of the envelope; however, a ~~no~~
2394 statement may not ~~shall~~ appear on the envelope which indicates
2395 that a signature or the last four digits of the social security
2396 number of the voter must cross the seal of the envelope. The
2397 voter must ~~absent elector shall~~ execute the certificate on the
2398 envelope.

2399 (4) The supervisor shall mark, code, indicate on, or
2400 otherwise track the precinct of the voter absent ~~elector~~ for
2401 each vote-by-mail ballot.

2402 Section 25. Section 101.65, Florida Statutes, is amended to
2403 read:

2404 101.65 Instructions to absent electors.—The supervisor
2405 shall enclose with each vote-by-mail ballot separate printed
2406 instructions in substantially the following form; however, where
2407 the instructions appear in capitalized text, the text of the

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2408 printed instructions must be in bold font:

2409

2410 READ THESE INSTRUCTIONS CAREFULLY

2411 BEFORE MARKING BALLOT.

2412

2413 1. VERY IMPORTANT. In order to ensure that your vote-by-
2414 mail ballot will be counted, it should be completed and returned
2415 as soon as possible so that it can reach the supervisor of
2416 elections of the county in which your precinct is located no
2417 later than 7 p.m. on the day of the election. However, if you
2418 are an overseas voter casting a ballot in a presidential
2419 preference primary or general election, your vote-by-mail ballot
2420 must be postmarked or dated no later than the date of the
2421 election and received by the supervisor of elections of the
2422 county in which you are registered to vote no later than 10 days
2423 after the date of the election. Note that the later you return
2424 your ballot, the less time you will have to cure any signature
2425 deficiencies, which may cause your ballot not to be counted ~~is~~
2426 ~~authorized until 5 p.m. on the 2nd day after the election.~~

2427 2. Mark your ballot in secret as instructed on the ballot.
2428 You must mark your own ballot unless you are unable to do so
2429 because of blindness, disability, or inability to read or write.

2430 3. Mark only the number of candidates or issue choices for
2431 a race as indicated on the ballot. If you are allowed to "Vote
2432 for One" candidate and you vote for more than one candidate,
2433 your vote in that race will not be counted.

2434 4. Place your marked ballot in the enclosed secrecy
2435 envelope.

2436 5. Insert the secrecy envelope into the enclosed mailing

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2437 envelope which is addressed to the supervisor.

2438 6. Seal the mailing envelope and completely fill out the
2439 Voter's Certificate on the back of the mailing envelope.

2440 7. VERY IMPORTANT. In order for your vote-by-mail ballot to
2441 be counted, you must sign your name or print the last four
2442 digits of your social security number on the line above (Voter's
2443 Signature or Last Four Digits of Social Security Number). A
2444 vote-by-mail ballot will be considered illegal and not be
2445 counted if the signature or the last four digits of the social
2446 security number on the voter's certificate do ~~does~~ not match the
2447 signature or social security number on record. The signature on
2448 file at the time the supervisor of elections in the county in
2449 which your precinct is located receives your vote-by-mail ballot
2450 is the signature that will be used to verify your signature on
2451 the voter's certificate. If you need to update your signature
2452 for this election, send your signature update on a voter
2453 registration application to your supervisor of elections ~~so that~~
2454 ~~it is received before your vote-by-mail ballot is received.~~

2455 8. VERY IMPORTANT. If you are an overseas voter, you must
2456 include the date you signed the Voter's Certificate or printed
2457 the last four digits of your social security number on the line
2458 above (Date) or your ballot may not be counted.

2459 9. Mail, deliver, or have delivered the completed mailing
2460 envelope. Be sure there is sufficient postage if mailed. THE
2461 COMPLETED MAILING ENVELOPE CAN BE DELIVERED TO THE OFFICE OF THE
2462 SUPERVISOR OF ELECTIONS OF THE COUNTY IN WHICH YOUR PRECINCT IS
2463 LOCATED OR DROPPED OFF AT AN AUTHORIZED SECURE BALLOT INTAKE
2464 STATION, AVAILABLE AT EACH EARLY VOTING LOCATION.

2465 10. FELONY NOTICE. It is a felony under Florida law to

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2466 accept any gift, payment, or gratuity in exchange for your vote
2467 for a candidate. It is also a felony under Florida law to vote
2468 in an election using a false identity or false address, or under
2469 any other circumstances making your ballot false or fraudulent.

2470 Section 26. Paragraph (a) and (b) of subsection (1),
2471 paragraph (c) of subsection (2), and paragraphs (a), (c), and
2472 (d) of subsection (4) of section 101.68, Florida Statutes, are
2473 amended to read:

2474 101.68 Canvassing of vote-by-mail ballot.—

2475 (1) (a) The supervisor of the county where the absent
2476 elector resides shall receive the voted ballot, at which time
2477 the supervisor shall compare the signature or the last four
2478 digits of the social security number of the elector on the
2479 voter's certificate with the signature or the last four digits
2480 of the social security number of the elector in the registration
2481 books or the precinct register to determine whether the elector
2482 is duly registered in the county and must record on the
2483 elector's registration record that the elector has voted. During
2484 the signature comparison process, the supervisor may not use any
2485 knowledge of the political affiliation of the elector whose
2486 signature is subject to verification.

2487 (b) An elector who dies after casting a vote-by-mail ballot
2488 but on or before election day must ~~shall~~ remain listed in the
2489 registration books until the results have been certified for the
2490 election in which the ballot was cast. The supervisor shall
2491 safely keep the ballot unopened in his or her office until the
2492 county canvassing board canvasses the vote pursuant to
2493 subsection (2).

2494 (2)

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2495 (c)1. The canvassing board must, if the supervisor has not
2496 already done so, compare the signature or the last four digits
2497 of the social security number of the elector on the voter's
2498 certificate or on the vote-by-mail ballot cure affidavit as
2499 provided in subsection (4) with the signature or last four
2500 digits of the social security number of the elector in the
2501 registration books or the precinct register to see that the
2502 elector is duly registered in the county and to determine the
2503 legality of that vote-by-mail ballot. A vote-by-mail ballot may
2504 only be counted if:

2505 a. The signature or last four digits of the social security
2506 number on the voter's certificate or the cure affidavit match
2507 ~~matches~~ the elector's signature or last four digits of the
2508 social security number in the registration books or precinct
2509 register; however, in the case of a cure affidavit, the
2510 supporting identification listed in subsection (4) must also
2511 confirm the identity of the elector; or

2512 b. The cure affidavit contains a signature or the last four
2513 digits of a social security number which do ~~that does~~ not match
2514 the elector's signature or last four digits of the social
2515 security number in the registration books or precinct register,
2516 but the elector has submitted a current and valid Tier 1
2517 identification pursuant to subsection (4) which confirms the
2518 identity of the elector.

2519
2520 For purposes of this subparagraph, any canvassing board finding
2521 that an elector's signatures or last four digits of the
2522 elector's social security numbers do not match must be by
2523 majority vote and beyond a reasonable doubt.

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2524 2. The ballot of an elector who casts a vote-by-mail ballot
2525 shall be counted even if the elector dies on or before election
2526 day, as long as, before the death of the voter, the ballot was
2527 postmarked by the United States Postal Service, date-stamped
2528 with a verifiable tracking number by a common carrier, or
2529 already in the possession of the supervisor.

2530 3. A vote-by-mail ballot is not considered illegal if the
2531 signature or last four digits of the social security number of
2532 the elector ~~do~~ does not cross the seal of the mailing envelope.

2533 4. ~~If any elector or candidate present believes that a~~
2534 ~~vote by mail ballot is illegal due to a defect apparent on the~~
2535 ~~voter's certificate or the cure affidavit, he or she may, at any~~
2536 ~~time before the ballot is removed from the envelope, file with~~
2537 ~~the canvassing board a protest against the canvass of that~~
2538 ~~ballot, specifying the precinct, the voter's certificate or the~~
2539 ~~cure affidavit, and the reason he or she believes the ballot to~~
2540 ~~be illegal. A challenge based upon a defect in the voter's~~
2541 ~~certificate or cure affidavit may not be accepted after the~~
2542 ~~ballot has been removed from the mailing envelope.~~

2543 5. If the canvassing board determines that a ballot is
2544 illegal, a member of the board must, without opening the
2545 envelope, mark across the face of the envelope: "rejected as
2546 illegal." The cure affidavit, if applicable, the envelope, and
2547 the ballot therein must ~~shall~~ be preserved in the manner that
2548 official ballots are preserved.

2549 (4) (a) As soon as practicable, the supervisor shall, on
2550 behalf of the county canvassing board, attempt to notify an
2551 elector who has returned a vote-by-mail ballot that does not
2552 include the elector's signature or last four digits of the

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2553 elector's social security number or contains a signature or the
2554 last four digits of a social security number that ~~do~~ ~~does~~ not
2555 match the elector's signature or last four digits of the
2556 elector's social security number in the registration books or
2557 precinct register by:

2558 1. Notifying the elector of the signature or last four
2559 digits of the social security number deficiency by e-mail and
2560 directing the elector to the cure affidavit and instructions on
2561 the supervisor's website;

2562 2. Notifying the elector of the signature or last four
2563 digits of the social security number deficiency by text message
2564 and directing the elector to the cure affidavit and instructions
2565 on the supervisor's website; or

2566 3. Notifying the elector of the signature or last four
2567 digits of the social security number deficiency by telephone and
2568 directing the elector to the cure affidavit and instructions on
2569 the supervisor's website.

2570
2571 In addition to the notification required under subparagraph 1.,
2572 subparagraph 2., or subparagraph 3., the supervisor must notify
2573 the elector of the signature or last four digits of the social
2574 security number deficiency by first-class mail and direct the
2575 elector to the cure affidavit and instructions on the
2576 supervisor's website. Beginning the day before the election, the
2577 supervisor is not required to provide notice of the signature
2578 deficiency by first-class mail, but shall continue to provide
2579 notice as required under subparagraph 1., subparagraph 2., or
2580 subparagraph 3.

2581 (c) The elector must complete a cure affidavit in

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2582 substantially the following form:

2583

2584 VOTE-BY-MAIL BALLOT CURE AFFIDAVIT

2585

2586 I,, am a qualified voter in this election and
 2587 registered voter of County, Florida. I do solemnly swear or
 2588 affirm that I requested and returned the vote-by-mail ballot and
 2589 that I have not and will not vote more than one ballot in this
 2590 election. I understand that if I commit or attempt any fraud in
 2591 connection with voting, vote a fraudulent ballot, or vote more
 2592 than once in an election, I may be convicted of a felony of the
 2593 third degree and fined up to \$5,000 and imprisoned for up to 5
 2594 years. I understand that my failure to sign this affidavit means
 2595 that my vote-by-mail ballot will be invalidated.

2596

2597 . . . (Voter's Signature or Last Four Digits of Social Security
 2598 Number) . . .

2599 . . . (Address) . . .

2600

2601 (d) Instructions must accompany the cure affidavit in
 2602 substantially the following form:

2603

2604 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
 2605 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
 2606 BALLOT NOT TO COUNT.

2607

2608 1. In order to ensure that your vote-by-mail ballot will be
 2609 counted, your affidavit should be completed and returned as soon
 2610 as possible so that it can reach the supervisor of elections of

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2611 the county in which your precinct is located no later than 5
2612 p.m. on the 2nd day after the election.

2613 2. You must sign your name or print the last four digits of
2614 your social security number on the line above (Voter's Signature
2615 or Last Four Digits of Social Security Number).

2616 3. You must make a copy of one of the following forms of
2617 identification:

2618 a. Tier 1 identification.—Current and valid identification
2619 that includes your name and photograph: Florida driver license;
2620 Florida identification card issued by the Department of Highway
2621 Safety and Motor Vehicles; United States passport; debit or
2622 credit card; military identification; student identification;
2623 retirement center identification; neighborhood association
2624 identification; public assistance identification; veteran health
2625 identification card issued by the United States Department of
2626 Veterans Affairs; a Florida license to carry a concealed weapon
2627 or firearm; or an employee identification card issued by any
2628 branch, department, agency, or entity of the Federal Government,
2629 the state, a county, or a municipality; or

2630 b. Tier 2 identification.—ONLY IF YOU DO NOT HAVE A TIER 1
2631 FORM OF IDENTIFICATION, identification that shows your name and
2632 current residence address: current utility bill, bank statement,
2633 government check, paycheck, or government document (excluding
2634 voter information card).

2635 4. Place the envelope bearing the affidavit into a mailing
2636 envelope addressed to the supervisor. Insert a copy of your
2637 identification in the mailing envelope. Mail (if time permits),
2638 deliver, or have delivered the completed affidavit along with
2639 the copy of your identification to your county supervisor of

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2640 elections. Be sure there is sufficient postage if mailed and
2641 that the supervisor's address is correct. Remember, your
2642 information MUST reach your county supervisor of elections no
2643 later than 5 p.m. on the 2nd day after the election, or your
2644 ballot will not count.

2645 5. Alternatively, you may fax or e-mail your completed
2646 affidavit and a copy of your identification to the supervisor of
2647 elections. If e-mailing, please provide these documents as
2648 attachments.

2649 Section 27. Section 101.69, Florida Statutes, is amended to
2650 read:

2651 101.69 Voting in person; return of vote-by-mail ballot.—

2652 (1) The provisions of this code may ~~shall~~ not be construed
2653 to prohibit any voter ~~elector~~ from voting in person at the
2654 voter's ~~elector's~~ precinct on the day of an election or at an
2655 early voting site, notwithstanding that the voter ~~elector~~ has
2656 requested a vote-by-mail ballot for that election. A voter ~~An~~
2657 ~~elector~~ who has returned a voted vote-by-mail ballot to the
2658 supervisor, however, is deemed to have cast his or her ballot
2659 and is not entitled to vote another ballot or to have a
2660 provisional ballot counted by the county canvassing board. A
2661 voter ~~An elector~~ who has received a vote-by-mail ballot and has
2662 not returned the voted ballot to the supervisor, but desires to
2663 vote in person, shall return the ballot, whether voted or not,
2664 to the election board in the voter's ~~elector's~~ precinct or to an
2665 early voting site. The returned ballot must ~~shall~~ be marked
2666 "canceled" by the board and placed with other canceled ballots.
2667 However, if the voter ~~elector~~ does not return the ballot and the
2668 election official:

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2669 (a) Confirms that the supervisor has received the voter's
2670 ~~elector's~~ vote-by-mail ballot, the voter may ~~elector shall~~ not
2671 be allowed to vote in person. If the voter ~~elector~~ maintains
2672 that he or she has not returned the vote-by-mail ballot or
2673 remains eligible to vote, the voter must ~~elector shall~~ be
2674 provided a provisional ballot as provided in s. 101.048.

2675 (b) Confirms that the supervisor has not received the
2676 voter's ~~elector's~~ vote-by-mail ballot, the voter must ~~elector~~
2677 ~~shall~~ be allowed to vote in person as provided in this code. The
2678 voter's ~~elector's~~ vote-by-mail ballot, if subsequently received,
2679 may shall not be counted and must shall remain in the mailing
2680 envelope, and the envelope must shall be marked "Rejected as
2681 Illegal."

2682 (c) Cannot determine whether the supervisor has received
2683 the voter's ~~elector's~~ vote-by-mail ballot, the voter ~~elector~~ may
2684 vote a provisional ballot as provided in s. 101.048.

2685 (2) (a) The supervisor shall allow a voter ~~an elector~~ who
2686 has received a vote-by-mail ballot to physically return a voted
2687 vote-by-mail ballot to the supervisor by placing the return mail
2688 envelope containing his or her marked ballot in a secure ballot
2689 intake station. Secure ballot intake stations must shall be
2690 placed at the main office of the supervisor, at each permanent
2691 branch office of the supervisor which meets the criteria set
2692 forth in s. 101.657(1) (a) for branch offices used for early
2693 voting and which is open for at least the minimum number of
2694 hours prescribed by s. 98.015(4), and at each early voting site.
2695 Secure ballot intake stations may also be placed at any other
2696 site that would otherwise qualify as an early voting site under
2697 s. 101.657(1). Secure ballot intake stations must be

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2698 geographically located so as to provide all voters in the county
2699 with an equal opportunity to cast a ballot, insofar as is
2700 practicable. ~~Except for secure ballot intake stations at an~~
2701 ~~office of the supervisor, a secure ballot intake station may~~
2702 ~~only be used during the county's early voting hours of operation~~
2703 ~~and must be monitored in person by an employee of the~~
2704 ~~supervisor's office.~~ A secure ballot intake station at an office
2705 of the supervisor must be ~~continuously~~ monitored ~~in person~~ by an
2706 ~~employee~~ of the supervisor's office when the secure ballot
2707 intake station is accessible for deposit of ballots.

2708 (b) A supervisor shall designate each secure ballot intake
2709 station location at least 30 days before an election. The
2710 supervisor shall provide the address of each secure ballot
2711 intake station location to the division at least 30 days before
2712 an election. After a secure ballot intake station location has
2713 been designated, it may not be moved or changed except as
2714 approved by the division to correct a violation of this
2715 subsection.

2716 (c)1. On each day of early voting, all secure ballot intake
2717 stations must be emptied at the end of early voting hours and
2718 all ballots retrieved from the secure ballot intake stations
2719 must be returned to the supervisor's office.

2720 2. For secure ballot intake stations located at an office
2721 of the supervisor, all ballots must be retrieved before the
2722 secure ballot intake station is no longer monitored by ~~an~~
2723 ~~employee~~ of the supervisor.

2724 3. Employees of the supervisor must comply with procedures
2725 for the chain of custody of ballots as required by s.
2726 101.015(4).

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2727 ~~(3) If any secure ballot intake station is left accessible~~
2728 ~~for ballot receipt other than as authorized by this section, the~~
2729 ~~supervisor is subject to a civil penalty of \$25,000. The~~
2730 ~~division is authorized to enforce this provision.~~

2731 Section 28. Subsection (1) of section 104.42, Florida
2732 Statutes, is amended to read:

2733 104.42 Fraudulent registration and illegal voting;
2734 investigation.—

2735 (1) The supervisor of elections is authorized to
2736 investigate fraudulent registrations and illegal voting and to
2737 report his or her findings to the local state attorney ~~and the~~
2738 ~~Office of Election Crimes and Security.~~

2739 Section 29. This act shall take effect July 1, 2024.