

HB 359

2024

1 A bill to be entitled

2 An act relating to voting systems; amending s.  
3 101.5604, F.S.; authorizing counties to count ballots  
4 by hand at the precinct level; amending s. 101.5605,  
5 F.S.; prohibiting the Department of State from  
6 approving certain voting systems; amending s.  
7 101.5607, F.S.; requiring the department to make  
8 certain information and materials available to the  
9 public on its website; deleting a public records  
10 exemption that applies to certain software on file  
11 with the department; providing that certain software  
12 is a public record and must be provided at the actual  
13 cost of duplication; providing an effective date.

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

16  
17 Section 1. Section 101.5604, Florida Statutes, is amended  
18 to read:

19 101.5604 Adoption of system; procurement of equipment;  
20 commercial tabulations.—The board of county commissioners of any  
21 county, at any regular meeting or a special meeting called for  
22 the purpose, may, upon consultation with the supervisor of  
23 elections, adopt, purchase or otherwise procure, and provide for  
24 the use of any electronic or electromechanical voting system  
25 approved by the Department of State in all or a portion of the

26 | election precincts of that county. Thereafter the electronic or  
 27 | electromechanical voting system may be used for voting at all  
 28 | elections for public and party offices and on all measures and  
 29 | for receiving, registering, and counting the votes thereof in  
 30 | such election precincts as the governing body directs. A county  
 31 | ~~may~~ must use an electronic or electromechanical precinct-count  
 32 | tabulation voting system or may count ballots by hand at the  
 33 | precinct level.

34 | Section 2. Subsection (5) is added to section 101.5605,  
 35 | Florida Statutes, to read:

36 | 101.5605 Examination and approval of equipment.—

37 | (5) The Department of State may not approve any voting  
 38 | system that:

39 | (a) Incorporates hardware or software that is designed,  
 40 | produced, owned, or licensed by an entity that is owned,  
 41 | operated, or majority-controlled by a foreign company or a  
 42 | domestic company registered in another country, including a  
 43 | domesticated foreign corporation, or by a person who is not a  
 44 | United States citizen.

45 | (b) Is produced, in whole or in part, including software,  
 46 | hardware, tabulating equipment, printers, and any other  
 47 | accessories, in a foreign country.

48 | Section 3. Section 101.5607, Florida Statutes, is amended  
 49 | to read:

50 | 101.5607 Department of State to maintain voting system

51 information; prepare software.—

52 (1)(a) Copies of the program codes and the user and  
53 operator manuals and copies of all software and any other  
54 information, specifications, or documentation required by the  
55 Department of State relating to an approved electronic or  
56 electromechanical voting system and its equipment must be filed  
57 with the Department of State by the supervisor of elections at  
58 the time of purchase or implementation. Any such information or  
59 materials that are not on file with and approved by the  
60 Department of State, including any updated or modified  
61 materials, may not be used in an election. Such information and  
62 materials must be made available to the public on the Department  
63 of State's website at least 3 months before an election in which  
64 it will be used.

65 (b) Within 24 hours after the completion of any logic and  
66 accuracy test conducted pursuant to s. 101.5612, the supervisor  
67 of elections shall send by certified mail to the Department of  
68 State a copy of the tabulation program which was used in the  
69 logic and accuracy testing.

70 (c) The Department of State may, at any time, review the  
71 voting system of any county to ensure compliance with the  
72 Electronic Voting Systems Act.

73 ~~(d) Section 119.071(1)(f) applies to all software on file~~  
74 ~~with the Department of State.~~

75 (2)(a) The Department of State may develop software for

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76 use with an electronic or electromechanical voting system. The  
77 standards and examination procedures developed for software  
78 apply to all software developed by the Department of State.

79 (b) Software prepared, and software held pursuant to  
80 paragraph (1)(a), by the Department of State is a public record  
81 pursuant to chapter 119 and must ~~shall~~ be provided at the actual  
82 cost of duplication.

83 Section 4. This act shall take effect July 1, 2024.