

By Senator Davis

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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; providing construction; repealing s.
29 97.022, F.S., relating to the Office of Election

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

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59 party affiliation without the applicant's consent and
60 separate signature; deleting obsolete language; making
61 technical changes; amending s. 97.0575, F.S.; revising
62 the information a third-party voter registration
63 organization is required to provide to the Division of
64 Elections of the Department of State; deleting a
65 provision that provides for the expiration of such
66 organization's registration at the conclusion of the
67 general election cycle for which the organization is
68 registered; deleting provisions requiring such
69 organizations to provide a specified receipt to
70 applicants; revising the timeframe within which such
71 organizations must deliver completed applications to
72 the division or a supervisor of elections; revising
73 certain penalties; revising the aggregate limit of
74 such penalties; deleting provisions providing criminal
75 penalties for the unlawful copying of voter
76 registration applications or retaining of a voter's
77 personal information; deleting provisions providing
78 criminal and administrative penalties; deleting
79 provisions requiring the division to adopt certain
80 rules; deleting provisions that prohibit providing
81 applicants a pre-filled voter registration application
82 and a specified fine for such action; deleting
83 provisions providing for retroactive application;
84 creating part III of ch. 97, F.S., entitled "Florida
85 Voting Rights Act"; creating s. 97.21, F.S.;
86 prohibiting local governments, state agencies, and
87 state officials from implementing, imposing, or

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88 enforcing election policies, practices, or actions
89 that result in, will result in, or are intended to
90 result in specified disparities or impairments;
91 providing that it is not a violation if such entities
92 demonstrate by a specified evidentiary standard
93 certain conditions; providing that it is always a
94 violation if specified circumstances exist;
95 prohibiting local governments from employing methods
96 of election that have the effect, will likely have the
97 effect, or are motivated in part by the intent of
98 diluting the vote of protected class members;
99 providing the requirements to establish a violation;
100 providing the relevant factors to evaluate the
101 totality of circumstances related to voter suppression
102 and vote dilution; providing construction; providing
103 that such factors are most probative under a specified
104 condition; providing the circumstances used to
105 determine whether elections in the local government
106 exhibit racially polarized voting; providing
107 construction; providing the circumstances that are
108 never relevant to violations of specified provisions;
109 providing that a state interest in preventing voter
110 fraud or bolstering voter confidence in the integrity
111 of elections is relevant under specified
112 circumstances; providing that evidence concerning the
113 intent of electors, elected officials, and public
114 officials is not required for such violations;
115 providing that voting habits of protected class
116 members may be relevant to certain violations;

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117 requiring a prospective plaintiff, before filing a
118 certain action against a local government, to send a
119 notification letter, by specified means, to the local
120 government; prohibiting a party from filing an action
121 under specified circumstances; authorizing a local
122 government to adopt a specified resolution within a
123 specified timeframe; providing that if the proposed
124 remedy in such resolution is barred by state or local
125 law, or a legislative body lacks the authority or the
126 local government is a covered jurisdiction, the
127 proposed remedy may be approved by the Florida Voting
128 Rights Act Commission if certain conditions are met;
129 authorizing a party that sent a notification letter to
130 seek reimbursement from the local government under
131 specified circumstances; authorizing a party to bring
132 a cause of action for a specified violation under
133 specified circumstances; requiring local governments
134 to take certain action; requiring the commission to
135 post notification letters and resolutions on its
136 website; authorizing the commission to adopt certain
137 rules; prohibiting local governments from asserting
138 specified defenses; authorizing specified entities to
139 file certain enforcement actions; prohibiting certain
140 entities from being compelled to disclose the identity
141 of a member; providing construction; creating s.
142 97.22, F.S.; creating the Florida Voting Rights Act
143 Commission within the Department of State; providing
144 that such commission is a separate budget entity and
145 must submit a budget in accordance with specified

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146 provisions; providing duties and responsibilities of
147 the commission; providing for the composition of the
148 commission; providing that such commissioners serve
149 staggered terms; requiring that commissioners be
150 compensated at a specified hourly rate; requiring the
151 formation of a nominating committee; providing for the
152 appointment and removal of nominating committee
153 members; requiring the nominating committee to select
154 a chair; requiring that commissioners be selected
155 using a specified process; requiring that
156 commissioners initially be selected by lot and
157 randomly assigned term lengths for purposes of
158 achieving staggered terms; authorizing the commission
159 to take specified actions in any action or
160 investigation to enforce specified provisions;
161 authorizing the commission to hire staff and make
162 expenditures for a specified purpose; authorizing the
163 commission to adopt rules; creating s. 97.23, F.S.;
164 requiring the commission to enter into agreements with
165 one or more postsecondary educational institutions to
166 create the Florida Voting and Elections Database and
167 Institute for a specified purpose; requiring the
168 parties to the agreement to enter into a memorandum of
169 understanding that includes the process for selecting
170 a director; authorizing the database and institute to
171 perform specified actions; requiring the database and
172 institute to make election and voting data records for
173 a specified timeframe available to the public at no
174 cost and to maintain such records in an electronic

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175 format; requiring the database and institute to use
176 certain methodologies when preparing estimates;
177 specifying the data and records that must be
178 maintained; requiring state agencies and local
179 governments to provide any information requested by
180 the director of the database and institute; requiring
181 local governments to transmit specified information to
182 the database and institute within a certain timeframe;
183 requiring specified entities to provide data,
184 statistics, and other information annually to the
185 database and institute; authorizing specified entities
186 to file enforcement actions; prohibiting certain
187 entities from being compelled to disclose the identity
188 of a member for a certain purpose; providing
189 construction; providing that enforcement actions may
190 be filed in accordance with the Florida Rules of Civil
191 Procedure or in a specified venue; requiring the
192 database and institute to publish a certain report;
193 requiring the database and institute to provide
194 nonpartisan technical assistance to specified
195 entities; providing that a rebuttable presumption
196 exists that data, estimates, or other information from
197 the database and institute is valid; creating s.
198 97.24, F.S.; defining terms; requiring the Florida
199 Voting Rights Act Commission to designate languages
200 other than English for which language assistance must
201 be provided by a local government, if certain
202 conditions exist; providing the circumstances under
203 which the commission must designate languages other

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204 than English for voting and elections; requiring the
205 commission to publish specified information annually
206 on its website and distribute such information to
207 local governments; requiring local governments to
208 provide language assistance for specified purposes if
209 the commission makes a certain determination;
210 specifying the materials that must be provided in such
211 language; requiring that certain information be given
212 orally to voters; requiring that translated materials
213 convey a specified intent and meaning; prohibiting
214 local governments from relying on automatic
215 translation services; requiring that live translation
216 be used if available; requiring the commission to
217 establish a specified review process; providing
218 requirements for such review process; authorizing
219 specified entities to file enforcement actions;
220 prohibiting certain entities from being compelled to
221 disclose the identity of a member for a certain
222 purpose; providing construction; requiring that
223 enforcement actions be filed in accordance with the
224 Florida Rules of Civil Procedure or in a specified
225 venue; creating s. 97.25, F.S.; providing that the
226 enactment or implementation of a covered policy by a
227 covered jurisdiction is subject to preclearance by the
228 commission; specifying actions by a local government
229 which are covered policies; requiring that if a
230 covered jurisdiction does not make changes to its
231 method of election, such method is deemed a covered
232 policy that must be submitted to the commission;

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233 specifying which local governments are covered
234 jurisdictions; requiring the commission to determine
235 and publish annually a list of local governments that
236 are covered jurisdictions on its website; requiring a
237 covered jurisdiction, if seeking preclearance, to
238 submit the covered policy to the commission in
239 writing; requiring the commission to review the
240 covered policy and grant or deny preclearance;
241 providing that the covered jurisdiction bears the
242 burden of proof in the preclearance process; providing
243 that the commission may deny preclearance only if it
244 makes a certain determination; providing that if
245 preclearance is denied, the covered policy may not be
246 enacted or implemented; requiring the commission to
247 provide a written explanation for a denial;
248 authorizing a covered jurisdiction to immediately
249 enact or implement a covered policy granted
250 preclearance; providing that such determination is not
251 admissible and may not be considered by a court in a
252 subsequent action challenging the covered policy;
253 providing that a covered policy is deemed precleared
254 and may be implemented or enacted by the covered
255 jurisdiction if the commission fails to approve or
256 deny the covered policy within specified timeframes;
257 requiring the commission to grant or deny preclearance
258 within specified timeframes; authorizing the
259 commission to invoke a specified number of extensions
260 of a specified timeframe to determine preclearance;
261 providing that any denial of preclearance may be

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262 appealed only by the covered jurisdiction in a
263 specified venue; authorizing specified entities to
264 enjoin the enactment or implementation of specified
265 policies and seek sanctions against covered
266 jurisdictions in specified circumstances; authorizing
267 specified entities to file enforcement actions;
268 prohibiting certain entities from being compelled to
269 disclose the identity of a member for a certain
270 purpose; providing construction; specifying that
271 enforcement actions must be filed in accordance with
272 the Florida Rules of Civil Procedure or in a specified
273 venue; requiring the commission to adopt rules;
274 creating s. 97.26, F.S.; prohibiting a person from
275 engaging in acts of intimidation, deception, or
276 obstruction or any other tactic that has the effect,
277 or will reasonably have the effect, of interfering
278 with another person's right to vote; specifying acts
279 that are deemed a violation; providing a rebuttable
280 presumption; authorizing specified entities to file a
281 civil action to enforce specified provisions;
282 prohibiting certain entities from being compelled to
283 disclose the identity of a member for a certain
284 purpose; providing construction; requiring that courts
285 order specified remedies; creating s. 97.27, F.S.;
286 providing construction; providing applicability;
287 creating s. 97.28, F.S.; requiring a court to order
288 specified appropriate remedies for violations of the
289 act; requiring the court to consider remedies proposed
290 by specified parties; prohibiting the court from

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291 giving deference to a remedy proposed by the state or
292 local government; providing that the court is
293 empowered to require local governments to implement
294 certain remedies under specified conditions; requiring
295 the courts to grant a temporary injunction or other
296 preliminary relief requested under specified
297 conditions; requiring the court to award attorney fees
298 and litigation costs in actions to enforce specified
299 provisions; amending s. 98.045, F.S.; conforming a
300 cross-reference; amending s. 98.255, F.S.; revising
301 the standards the Department of State is required to
302 prescribe by rule for nonpartisan voter education;
303 requiring that supervisors provide public-facing voter
304 information in plain language to be understood by
305 certain persons; creating s. 100.51, F.S.;
306 establishing General Election Day as a paid holiday;
307 providing that a voter may absent himself or herself
308 from service or employment at a specific time on
309 General Election Day and may not be penalized or have
310 salary or wages deducted for such absence; creating s.
311 101.016, F.S.; requiring the Division of Elections to
312 maintain a strategic elections equipment reserve of
313 voting systems and other equipment for specified
314 purposes; requiring that such reserve include
315 specified equipment; authorizing the division to
316 contract with specified entities rather than
317 physically maintain such reserve; repealing s.
318 101.019, F.S., relating to the prohibition of ranked-
319 choice voting; amending s. 101.048, F.S.; providing

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320 that a voter may cast a provisional ballot at any
321 precinct in the county in which the voter claims to be
322 registered; making technical changes; amending s.
323 101.62, F.S.; providing that a request for a vote-by-
324 mail ballot is valid until the voter cancels the
325 request; revising the timeframe during which the
326 supervisor must mail vote-by-mail ballots before
327 election day; deleting requirements for a person
328 designated by a voter to pick up the voter's vote-by-
329 mail ballot; providing for extension of deadlines
330 under certain conditions; amending s. 101.64, F.S.;
331 requiring supervisors of elections to enclose a
332 postage prepaid mailing envelope with each vote-by-
333 mail ballot; providing that vote-by-mail ballot voter
334 certificates may be signed with the last four digits
335 of the voter's social security number; making
336 technical changes; amending s. 101.65, F.S.; revising
337 the instructions that must be provided with a vote-by-
338 mail ballot; amending s. 101.68, F.S.; requiring
339 supervisors of elections to compare the signature or
340 last four digits of the social security number on a
341 voter's certificate with the signature or last four
342 digits of the social security number in the
343 registration books or precinct register when
344 canvassing a vote-by-mail ballot; requiring a
345 canvassing board to compare the signature or last four
346 digits of the social security number on a voter's
347 certificate or vote-by-mail ballot cure affidavit with
348 the signature or last four digits of the social

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349 security number in the registration books or precinct
350 register when canvassing a vote-by-mail ballot;
351 deleting the authorization for certain persons to file
352 a protest against the canvass of a ballot; amending s.
353 101.69, F.S.; deleting provisions providing that
354 specified secure ballot intake stations be used only
355 during specified timeframes and be monitored by an
356 employee of the supervisor's office; requiring that
357 secure ballot intake stations be monitored by the
358 supervisor's office during specified timeframes
359 instead of continuously monitored in person by an
360 employee; deleting a provision authorizing a certain
361 civil penalty; making technical changes; amending s.
362 104.42, F.S.; conforming a provision to changes made
363 by the act; providing an effective date.

364
365 WHEREAS, Harry T. and Harriette V. Moore were the first
366 true civil rights activists of the modern civil rights era in
367 this state, and

368 WHEREAS, the Moores, and the organizations they helped
369 found and lead, were instrumental in registering more than
370 100,000 black voters in this state, and

371 WHEREAS, the Moores paid the ultimate price for the
372 freedoms they fought to secure for their community when members
373 of the Ku Klux Klan bombed their home in Mims on Christmas Day
374 in 1951, and

375 WHEREAS, at the time of their death, Florida had the most
376 registered black voters, outpacing any other state in the South,
377 and

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378 WHEREAS, the purpose of this act is to encourage maximum
379 participation of all eligible voters in this state's electoral
380 process, and

381 WHEREAS, electoral systems that deny race, color, or
382 language minority groups an equal opportunity to elect
383 candidates of their choice and influence the outcome of an
384 election are inconsistent with the right to equal treatment
385 before the law as provided in Articles I and II of the State
386 Constitution as well as protections found in the 14th and 15th
387 Amendments to the United States Constitution, and

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

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

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

400

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

402

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

405 20.10 Department of State.—There is created a Department of
406 State.

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407 (1) The head of the Department of State is the Secretary of
408 State. The Secretary of State shall be elected at the statewide
409 general election at which the Governor, Lieutenant Governor, and
410 Cabinet officers are elected as provided in s. 5, Art. IV of the
411 State Constitution, and shall serve a term of 4 years beginning
412 on the first Tuesday after the first Monday in January of the
413 year following such election ~~appointed by the Governor, subject~~
414 ~~to confirmation by the Senate, and shall serve at the pleasure~~
415 ~~of the Governor.~~ The Secretary of State shall perform the
416 functions conferred by the State Constitution upon the custodian
417 of state records.

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

420 20.32 Florida Commission on Offender Review.—

421 (4) (a) For the purpose of assisting a person who has been
422 disqualified from voting based on a felony conviction, other
423 than a conviction for murder or a felony sexual offense, in
424 determining whether he or she has met the requirements under s.
425 98.0751 to have his or her voting rights restored pursuant to s.
426 4, Art. VI of the State Constitution, the commission shall
427 develop and maintain a database that contains for each such
428 person all of the following information:

429 1. His or her name and any other personal identifying
430 information.

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

434 3. The remaining amount of any restitution he or she owes
435 to a victim as ordered by a court as part of his or her

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436 sentence.

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

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

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

446 (b) The Department of State, the Department of Corrections,
447 the clerks of the circuit court, the county comptrollers, and
448 the Board of Executive Clemency shall provide to the commission
449 on a monthly basis any information required under paragraph (a).

450 (c) The Department of Management Services, acting through
451 the Florida Digital Service, shall provide any technical
452 assistance necessary for the commission to develop and maintain
453 the database. The Department of Management Services may adopt
454 rules governing the provision of such assistance.

455 (d) By July 1, 2027, the commission shall make the database
456 available on a public website. The commission must update the
457 database monthly with the information received from each
458 governmental entity under paragraph (b). The commission shall
459 publish on the website clear instructions that a person who has
460 been disqualified from voting based on a felony conviction,
461 other than for murder or a felony sexual offense, may follow to
462 have his or her voting rights restored and to register to vote.

463 (e) By July 1, 2025, the commission shall provide a
464 comprehensive plan to the Governor, the President of the Senate,

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465 and the Speaker of the House of Representatives which includes
466 all of the following:

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

470 2. A description of any infrastructure and services,
471 including, but not limited to, software, hardware, and
472 information technology services, which may be necessary to
473 create and maintain the database.

474 3. The anticipated number of additional employees necessary
475 for:

476 a. The commission to develop and maintain the database.

477 b. A governmental entity to provide the information
478 required under paragraph (b).

479 c. The Florida Digital Service to provide the assistance
480 required under paragraph (c).

481 4. The anticipated initial cost to develop the database;
482 the annual cost to maintain the database; and the annual
483 appropriation required to fund the anticipated costs incurred by
484 the commission, each governmental entity, and the Florida
485 Digital Service.

486 5. Any legal authority necessary for the commission to
487 develop and maintain the database.

488 6. Draft legislation to implement the comprehensive plan.

489 (f) Notwithstanding any other law, a person who registers
490 to vote or who votes in reasonable reliance on information
491 contained in the database indicating that his or her voting
492 rights have been restored pursuant to s. 4, Art. VI of the State
493 Constitution has an affirmative right to register and to vote

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494 and may not be charged with a violation of any criminal law of
495 this state related to fraudulently voting or registering to
496 vote.

497 (g) The commission shall adopt rules to implement this
498 subsection.

499 Section 3. Section 97.021, Florida Statutes, is amended to
500 read:

501 97.021 Definitions.—For the purposes of this code, except
502 where the context clearly indicates otherwise, the term:

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

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

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

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

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

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

521 (4) "Alternative formats" has the meaning ascribed in the
522 Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 42

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523 U.S.C. ss. 12101 et seq., including specifically the technical
524 assistance manuals promulgated thereunder, as amended.

525 (5) "Automatic tabulating equipment" means an apparatus
526 that automatically examines, counts, and records votes.

527 (6) "Ballot" or "official ballot" when used in reference
528 to:

529 (a) "Electronic or electromechanical devices" means a
530 ballot that is voted by the process of electronically
531 designating, including by touchscreen, or marking with a marking
532 device for tabulation by automatic tabulating equipment or data
533 processing equipment.

534 (b) "Marksense ballots" means that printed sheet of paper,
535 used in conjunction with an electronic or electromechanical vote
536 tabulation voting system, containing the names of candidates, or
537 a statement of proposed constitutional amendments or other
538 questions or propositions submitted to the electorate at any
539 election, on which sheet of paper an elector casts his or her
540 vote.

541 (7) "Candidate" means any person to whom any one or more of
542 the following applies:

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

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

547 (c) Any person who receives contributions or makes
548 expenditures, or gives his or her consent for any other person
549 to receive contributions or make expenditures, with a view to
550 bringing about his or her nomination or election to, or
551 retention in, public office.

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552 (d) Any person who appoints a treasurer and designates a
553 primary depository.

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

556

557 However, this definition does not include any candidate for a
558 political party executive committee.

559 (8) "Database and institute" means the Florida Voting and
560 Elections Database and Institute.

561 (9) "Department" means the Department of State.

562 (10)~~(9)~~ "Division" means the Division of Elections of the
563 Department of State.

564 (11)~~(10)~~ "Early voting" means casting a ballot prior to
565 election day at a location designated by the supervisor of
566 elections and depositing the voted ballot in the tabulation
567 system.

568 (12)~~(11)~~ "Early voting area" means the area designated by
569 the supervisor of elections at an early voting site at which
570 early voting activities occur, including, but not limited to,
571 lines of voters waiting to be processed, the area where voters
572 check in and are processed, and the area where voters cast their
573 ballots.

574 (13)~~(12)~~ "Early voting site" means those locations
575 specified in s. 101.657 and the building in which early voting
576 occurs.

577 (14)~~(13)~~ "Election" means any primary election, special
578 primary election, special election, general election, or
579 presidential preference primary election.

580 (15)~~(14)~~ "Election board" means the clerk and inspectors

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581 appointed to conduct an election.

582 (16)~~(15)~~ "Election costs" shall include, but not be limited
583 to, expenditures for all paper supplies such as envelopes,
584 instructions to voters, affidavits, reports, ballot cards,
585 ballot booklets for vote-by-mail voters, postage, notices to
586 voters; advertisements for registration book closings, testing
587 of voting equipment, sample ballots, and polling places; forms
588 used to qualify candidates; polling site rental and equipment
589 delivery and pickup; data processing time and supplies; election
590 records retention; and labor costs, including those costs
591 uniquely associated with vote-by-mail ballot preparation, poll
592 workers, and election night canvass.

593 (17) "Election policy or practice" includes any
594 qualification to be an elector, prerequisite to voting, or
595 method of election, as well as any law, statute, ordinance,
596 resolution, charter code or provision, regulation, rule, policy,
597 practice, procedure, standard, or action, with respect to voting
598 or the administration or schedule of elections.

599 (18)~~(16)~~ "Elector" is synonymous with the word "voter" or
600 "qualified elector or voter," except where the word is used to
601 describe presidential electors.

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

604 (20) "FLVRA Commission" means the Florida Voting Rights Act
605 Commission.

606 (21)~~(17)~~ "General election" means an election held on the
607 first Tuesday after the first Monday in November in the even-
608 numbered years, for the purpose of filling national, state,
609 county, and district offices and for voting on constitutional

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610 amendments not otherwise provided for by law.

611 (22) "Government enforcement action" means any denial of
612 administrative or judicial preclearance by the state or the
613 Federal Government; pending litigation filed by a state or
614 federal entity; or final judgment or adjudication, consent
615 decree, or other similar formal action.

616 (23) "Legislative body" means the commission, council,
617 school board, or other similar body, by whatever name known, of
618 local government.

619 (24)~~(18)~~ "Lists of registered electors" means names and
620 associated information of registered electors maintained by the
621 department in the statewide voter registration system or
622 generated or derived from the statewide voter registration
623 system. Lists may be produced in printed or electronic format.

624 (25) "Local government" means any county, municipality,
625 school district, special district, supervisor of elections or
626 other governmental entity that administers elections, or any
627 other political subdivision in this state in which elections are
628 conducted.

629 (26)~~(19)~~ "Member of the Merchant Marine" means an
630 individual, other than a member of a uniformed service or an
631 individual employed, enrolled, or maintained on the Great Lakes
632 for the inland waterways, who is:

633 (a) Employed as an officer or crew member of a vessel
634 documented under the laws of the United States, a vessel owned
635 by the United States, or a vessel of foreign-flag registry under
636 charter to or control of the United States; or

637 (b) Enrolled with the United States for employment or
638 training for employment, or maintained by the United States for

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639 emergency relief service, as an officer or crew member of such
640 vessel.

641 (27) "Method of election" means the method by which
642 candidates are elected to a governmental body of a local
643 government, and includes any at-large, district-based, share-
644 based, or other method of election, as well as any districting
645 or redistricting plan used to elect candidates to the
646 governmental body. Methods of election include:

647 (a) "At-large method of election" means a method of
648 election in which candidates are voted on by all voters in the
649 local government's jurisdiction, voters are allowed or required
650 to cast as many votes as there are seats to fill, and voters may
651 not cast more than one vote for a given candidate.

652 (b) "District-based method of election" means a method of
653 election in which the local government is divided into
654 districts, each district is represented by a single
655 representative, and a candidate is voted on only by voters
656 residing in his or her district.

657 (c) "Other method of election" means a method of election
658 other than an at-large, district-based, or share-based method of
659 election, or any combination of methods of election.

660 (d) "Share-based method of election" means a method of
661 election in which more than one candidate is to be elected and
662 different groups of voters may each elect their preferred
663 candidates to the seats to fill based on their relative share of
664 the votes cast. Share-based methods of election include, but are
665 not limited to, the single transferable vote, cumulative voting,
666 limited voting, and party-list or state-list systems.

667 (28)~~(20)~~ "Minor political party" is any group as specified

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668 in s. 103.095 which on January 1 preceding a primary election
669 does not have registered as members 5 percent of the total
670 registered electors of the state.

671 (29)~~(21)~~ "Newspaper of general circulation" means a
672 newspaper printed in the language most commonly spoken in the
673 area within which it circulates and which is readily available
674 for purchase by all inhabitants in the area of circulation, but
675 does not include a newspaper intended primarily for members of a
676 particular professional or occupational group, a newspaper the
677 primary function of which is to carry legal notices, or a
678 newspaper that is given away primarily to distribute
679 advertising.

680 (30)~~(22)~~ "Nominal value" means having a retail value of \$10
681 or less.

682 (31)~~(23)~~ "Nonpartisan office" means an office for which a
683 candidate is prohibited from campaigning or qualifying for
684 election or retention in office based on party affiliation.

685 (32)~~(24)~~ "Office that serves persons with disabilities"
686 means any state office that takes applications either in person
687 or over the telephone from persons with disabilities for any
688 program, service, or benefit primarily related to their
689 disabilities.

690 (33) "Organization" means a person other than an
691 individual.

692 (34)~~(25)~~ "Overseas voter" means:

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

696 (b) A person who resides outside the United States and is

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697 qualified to vote in the last place in which the person was
698 domiciled before leaving the United States; or

699 (c) A person who resides outside the United States and, but
700 for such residence, would be qualified to vote in the last place
701 in which the person was domiciled before leaving the United
702 States.

703 (35)~~(26)~~ "Overvote" means that the elector marks or
704 designates more names than there are persons to be elected to an
705 office or designates more than one answer to a ballot question,
706 and the tabulator records no vote for the office or question.

707 (36)~~(27)~~ "Persons with disabilities" means individuals who
708 have a physical or mental impairment that substantially limits
709 one or more major life activities.

710 (37)~~(28)~~ "Petition circulator" means an entity or
711 individual who collects signatures for compensation for the
712 purpose of qualifying a proposed constitutional amendment for
713 ballot placement.

714 (38)~~(29)~~ "Polling place" is the building which contains the
715 polling room where ballots are cast.

716 (39)~~(30)~~ "Polling room" means the actual room in which
717 ballots are cast on election day and during early voting.

718 (40)~~(31)~~ "Primary election" means an election held
719 preceding the general election for the purpose of nominating a
720 party nominee to be voted for in the general election to fill a
721 national, state, county, or district office.

722 (41) "Protected class" means a class of citizens who are
723 members of a race, color, or language minority group, as
724 referenced in the federal Voting Rights Act.

725 (42)~~(32)~~ "Provisional ballot" means a conditional ballot,

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726 the validity of which is determined by the canvassing board.

727 (43)~~(33)~~ "Public assistance" means assistance provided
728 through the food assistance program under the federal
729 Supplemental Nutrition Assistance Program; the Medicaid program;
730 the Special Supplemental Food Program for Women, Infants, and
731 Children; and the Temporary Cash Assistance Program.

732 (44)~~(34)~~ "Public office" means any federal, state, county,
733 municipal, school, or other district office or position which is
734 filled by vote of the electors.

735 (45)~~(35)~~ "Qualifying educational institution" means any
736 public or private educational institution receiving state
737 financial assistance which has, as its primary mission, the
738 provision of education or training to students who are at least
739 18 years of age, provided such institution has more than 200
740 students enrolled in classes with the institution and provided
741 that the recognized student government organization has
742 requested this designation in writing and has filed the request
743 with the office of the supervisor of elections in the county in
744 which the institution is located.

745 (46) "Racially polarized voting" means voting in which the
746 candidate or electoral choice preferred by protected class
747 members diverges from the candidate or electoral choice
748 preferred by voters who are not protected class members.

749 (47)~~(36)~~ "Special election" is a special election called
750 for the purpose of voting on a party nominee to fill a vacancy
751 in the national, state, county, or district office.

752 (48)~~(37)~~ "Special primary election" is a special nomination
753 election designated by the Governor, called for the purpose of
754 nominating a party nominee to be voted on in a general or

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755 special election.

756 ~~(49)-(38)~~ "Supervisor" means the supervisor of elections.

757 ~~(50)-(39)~~ "Tactile input device" means a device that
758 provides information to a voting system by means of a voter
759 touching the device, such as a keyboard, and that complies with
760 the requirements of s. 101.56062(1)(k) and (l).

761 ~~(51)-(40)~~ "Third-party registration organization" means any
762 person, entity, or organization soliciting or collecting voter
763 registration applications. A third-party voter registration
764 organization does not include:

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

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

772 ~~(52)-(41)~~ "Undervote" means that the elector does not
773 properly designate any choice for an office or ballot question,
774 and the tabulator records no vote for the office or question.

775 ~~(53)-(42)~~ "Uniformed services" means the Army, Navy, Air
776 Force, Marine Corps, Space Force, and Coast Guard, the
777 commissioned corps of the Public Health Service, and the
778 commissioned corps of the National Oceanic and Atmospheric
779 Administration.

780 (54) "Vote" or "voting" includes any action necessary to
781 cast a ballot and make such ballot effective in any election or
782 primary election, which actions include, but are not limited to,
783 registering to vote, requesting a vote-by-mail ballot, and any

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784 other action required by law as a prerequisite to casting a
785 ballot and having such ballot counted, canvassed, or certified
786 properly and included in the appropriate totals of votes cast
787 with respect to candidates for election or nomination and to
788 referendum questions.

789 (55)~~(43)~~ "Voter interface device" means any device that
790 communicates voting instructions and ballot information to a
791 voter and allows the voter to select and vote for candidates and
792 issues. A voter interface device may not be used to tabulate
793 votes. Any vote tabulation must be based upon a subsequent scan
794 of the marked marksense ballot or the voter-verifiable paper
795 output after the voter interface device process has been
796 completed.

797 (56)~~(44)~~ "Voter registration agency" means any office that
798 provides public assistance, any office that serves persons with
799 disabilities, any center for independent living, or any public
800 library.

801 (57)~~(45)~~ "Voter registration official" means any supervisor
802 of elections or individual authorized by the Secretary of State
803 to accept voter registration applications and execute updates to
804 the statewide voter registration system.

805 (58)~~(46)~~ "Voting booth" or "booth" means that booth or
806 enclosure wherein an elector casts his or her ballot for
807 tabulation by an electronic or electromechanical device.

808 (59)~~(47)~~ "Voting system" means a method of casting and
809 processing votes that functions wholly or partly by use of
810 electromechanical or electronic apparatus or by use of marksense
811 ballots and includes, but is not limited to, the procedures for
812 casting and processing votes and the programs, operating

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813 manuals, supplies, printouts, and other software necessary for
814 the system's operation.

815
816 Terms used in this code which are not defined in this section
817 but are used in the federal Voting Rights Act and interpreted in
818 relevant case law, including, but not limited to, "political
819 process" and "prerequisite to voting," must be construed in a
820 manner consistent with such usage and interpretation.

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

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

823 Section 6. Section 97.0556, Florida Statutes, is created to
824 read:

825 97.0556 Same-day voter registration.—A person who meets the
826 qualifications specified in s. 97.041 to register to vote and
827 who provides the information required under s. 97.052 for the
828 uniform statewide voter registration application may register at
829 an early voting site or at his or her polling place and
830 immediately thereafter cast a ballot.

831 Section 7. Section 97.057, Florida Statutes, is amended to
832 read:

833 97.057 Voter registration by the Department of Highway
834 Safety and Motor Vehicles.—

835 (1) (a) Each of the following serves as an application ~~The~~
836 ~~Department of Highway Safety and Motor Vehicles shall provide~~
837 ~~the opportunity to preregister to vote, register to vote, or to~~
838 update a voter registration record when submitted to the
839 Department of Highway Safety and Motor Vehicles to each
840 ~~individual who comes to an office of that department to:~~

841 1. (a) An application for or renewal of ~~Apply for or renew a~~

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842 driver license;

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

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

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

851 (2) An application for a driver license or an
852 identification card must include a voter registration component.
853 The voter registration component must be approved by the
854 Department of State and must include all of the following:

855 (a) The minimum amount of information necessary to prevent
856 duplicate voter registrations and to preserve the ability of the
857 department and supervisors of elections to assess the
858 eligibility of the applicant and administer voter registration
859 and other provisions of this code.

860 (b) A statement setting forth voter eligibility
861 requirements.

862 (c) An explanation that the applicant is consenting to the
863 use of his or her signature from the applicant's driver license
864 or identification card application for voter registration
865 purposes. By consenting to the use of his or her signature, the
866 applicant is deemed to have subscribed to the oaths required by
867 s. 3, Art. VI of the State Constitution and s. 97.051 and to
868 have sworn and affirmed that the voter registration information
869 contained in the application is true under penalty for false
870 swearing pursuant to s. 104.011.

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871 (d) An option that allows the applicant to choose or update
872 a party affiliation. An applicant who is initially registering
873 to vote and does not exercise such option must be sent a notice
874 by the supervisor of elections in accordance with s.
875 97.053(5)(b).

876 (e) An option that allows the applicant to decline to
877 register to vote or preregister to vote. The Department of
878 Highway Safety and Motor Vehicles shall note any such
879 declination in its records and forward the declination to the
880 Department of State. A declination may be used only for voter
881 registration purposes and is confidential and exempt from public
882 records requirements as provided in s. 97.0585.

883 (3) The Department of Highway Safety and Motor Vehicles
884 shall:

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

887 (b) Electronically transmit the voter registration
888 component of an applicant's driver license or identification
889 card application to the Department of State within 24 hours
890 after receipt. Upon receipt of the voter registration component,
891 the Department of State shall provide the information to the
892 supervisor of the county in which the applicant is registering
893 or preregistering to vote or updating his or her voter
894 registration record.

895 ~~(2) The Department of Highway Safety and Motor Vehicles~~
896 ~~shall:~~

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

898 ~~1. Information gathered for the completion of a driver~~
899 ~~license or identification card application, renewal, or change~~

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900 ~~of address can be automatically transferred to a voter~~
901 ~~registration application;~~

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

905 ~~3. Information provided can also be used to update a voter~~
906 ~~registration record, except that party affiliation will not be~~
907 ~~changed unless the individual designates a change in party~~
908 ~~affiliation and separately consents to such change in writing;~~

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

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

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

920 ~~1. If the applicant chooses to register to vote or to~~
921 ~~update a voter registration record:~~

922 ~~a. All applicable information received by the Department of~~
923 ~~Highway Safety and Motor Vehicles in the course of filling out~~
924 ~~the forms necessary under subsection (1) must be transferred to~~
925 ~~a voter registration application.~~

926 ~~b. The additional necessary information must be obtained by~~
927 ~~the driver license examiner and must not duplicate any~~
928 ~~information already obtained while completing the forms required~~

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929 ~~under subsection (1).~~

930 ~~e. A voter registration application with all of the~~
931 ~~applicant's voter registration information required to establish~~
932 ~~the applicant's eligibility pursuant to s. 97.041 must be~~
933 ~~presented to the applicant to review and verify the voter~~
934 ~~registration information received and provide an electronic~~
935 ~~signature affirming the accuracy of the information provided.~~

936 ~~d. The voter registration application may not be used to~~
937 ~~change the party affiliation of the applicant unless the~~
938 ~~applicant designates a change in party affiliation and provides~~
939 ~~a separate signature consenting to the party affiliation change.~~

940 ~~e. After verifying the voter registration information and~~
941 ~~providing his or her electronic signature, the applicant must be~~
942 ~~provided with a printed receipt that includes such information~~
943 ~~and documents any change in party affiliation.~~

944 ~~2. If the applicant declines to register to vote, update~~
945 ~~the applicant's voter registration record, or change the~~
946 ~~applicant's address by either orally declining or by failing to~~
947 ~~sign the voter registration application, the Department of~~
948 ~~Highway Safety and Motor Vehicles must note such declination on~~
949 ~~its records and shall forward the declination to the statewide~~
950 ~~voter registration system.~~

951 ~~(3) For the purpose of this section, the Department of~~
952 ~~Highway Safety and Motor Vehicles, with the approval of the~~
953 ~~Department of State, shall prescribe:~~

954 ~~(a) A voter registration application that is the same in~~
955 ~~content, format, and size as the uniform statewide voter~~
956 ~~registration application prescribed under s. 97.052; and~~

957 ~~(b) A form that will inform applicants under subsection (1)~~

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958 ~~of the information contained in paragraph (2) (a).~~

959 ~~(4) The Department of Highway Safety and Motor Vehicles~~
960 ~~must electronically transmit completed voter registration~~
961 ~~applications within 24 hours after receipt to the statewide~~
962 ~~voter registration system. Completed paper voter registration~~
963 ~~applications received by the Department of Highway Safety and~~
964 ~~Motor Vehicles shall be forwarded within 5 days after receipt to~~
965 ~~the supervisor of the county where the office that processed or~~
966 ~~received that application is located.~~

967 ~~(5) The Department of Highway Safety and Motor Vehicles~~
968 ~~must send, with each driver license renewal extension~~
969 ~~application authorized pursuant to s. 322.18(8), a uniform~~
970 ~~statewide voter registration application, the voter registration~~
971 ~~application prescribed under paragraph (3) (a), or a voter~~
972 ~~registration application developed especially for the purposes~~
973 ~~of this subsection by the Department of Highway Safety and Motor~~
974 ~~Vehicles, with the approval of the Department of State, which~~
975 ~~must meet the requirements of s. 97.052.~~

976 ~~(4)~~(6) A person providing voter registration services for a
977 driver license office may not:

978 (a) ~~Make any change to an applicant's party affiliation~~
979 ~~unless the applicant provides a separate signature consenting to~~
980 ~~the party affiliation change or discuss or~~ Seek to influence an
981 applicant's political preference or party registration;

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

983 (c) Make any statement to an applicant or take any action
984 the purpose or effect of which is to discourage the applicant
985 from registering to vote; or

986 (d) Disclose any applicant's voter registration information

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987 except as needed for the administration of voter registration.

988 (5)~~(7)~~ The Department of Highway Safety and Motor Vehicles
989 shall collect data determined necessary by the Department of
990 State for program evaluation and reporting to the Election
991 Assistance Commission pursuant to federal law.

992 (6)~~(8)~~ The Department of Highway Safety and Motor Vehicles
993 shall must ensure that all voter registration services provided
994 by driver license offices are in compliance with the federal
995 Voting Rights Act ~~of 1965~~.

996 (7)~~(9)~~ The Department of Highway Safety and Motor Vehicles
997 shall retain complete records of voter registration information
998 received, processed, and submitted to the Department of State
999 ~~statewide voter registration system~~ by the Department of Highway
1000 Safety and Motor Vehicles. The retention of such ~~These~~ records
1001 is shall be for the explicit purpose of supporting audit and
1002 accounting controls established to ensure accurate and complete
1003 electronic transmission of records between the Department of
1004 State ~~statewide voter registration system~~ and the Department of
1005 Highway Safety and Motor Vehicles.

1006 (8)~~(10)~~ The Department of State shall provide the
1007 Department of Highway Safety and Motor Vehicles with an
1008 electronic database of street addresses valid for use as the
1009 address of legal residence as required in s. 97.053(5). The
1010 Department of Highway Safety and Motor Vehicles shall compare
1011 the address provided by the applicant against the database of
1012 valid street addresses. If the address provided by the applicant
1013 does not match a valid street address in the database, the
1014 applicant will be asked to verify the address provided. The
1015 Department of Highway Safety and Motor Vehicles may shall not

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1016 reject any application for voter registration for which a valid
1017 match cannot be made.

1018 (9)~~(11)~~ The Department of Highway Safety and Motor Vehicles
1019 shall enter into an agreement with the Department of State to
1020 match information in the statewide voter registration system
1021 with information in the database of the Department of Highway
1022 Safety and Motor Vehicles to the extent required to verify the
1023 accuracy of the driver license number, Florida identification
1024 number, or last four digits of the social security number
1025 provided on applications for voter registration as required in
1026 s. 97.053.

1027 (10)~~(12)~~ The Department of Highway Safety and Motor
1028 Vehicles shall enter into an agreement with the Commissioner of
1029 Social Security as required by the Help America Vote Act of 2002
1030 to verify the last four digits of the social security number
1031 provided in applications for voter registration as required in
1032 s. 97.053.

1033 (11)~~(13)~~ The Department of Highway Safety and Motor
1034 Vehicles shall ~~must~~ assist the Department of State in regularly
1035 identifying changes in residence address on the driver license
1036 or identification card of a voter. The Department of State shall
1037 ~~must~~ report each such change to the appropriate supervisor of
1038 elections who must change the voter's registration records in
1039 accordance with s. 98.065(4).

1040 ~~(14) The Department of Highway Safety and Motor Vehicles~~
1041 ~~shall ensure that information technology processes and updates~~
1042 ~~do not alter an applicant's party affiliation without the~~
1043 ~~written consent of the applicant.~~

1044 Section 8. Section 97.0575, Florida Statutes, is amended to

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1045 read:

1046 97.0575 Third-party voter registration organizations.—

1047 (1) Before engaging in any voter registration activities, a
1048 third-party voter registration organization must register and
1049 provide to the division, in an electronic format, the following
1050 information:

1051 (a) The names of the officers of the organization and the
1052 name and permanent address of the organization.

1053 (b) The name and address of the organization's registered
1054 agent in the state.

1055 (c) The names, permanent addresses, and temporary
1056 addresses, if any, of each registration agent registering
1057 persons to vote in this state on behalf of the organization.
1058 This paragraph does not apply to persons who only solicit
1059 applications and do not collect or handle voter registration
1060 applications.

1061 ~~(d) Beginning November 6, 2024, the specific general
1062 election cycle for which the third party voter registration
1063 organization is registering persons to vote.~~

1064 ~~(e) An affirmation that each person collecting or handling
1065 voter registration applications on behalf of the third party
1066 voter registration organization has not been convicted of a
1067 felony violation of the Election Code, a felony violation of an
1068 offense specified in s. 825.103, a felony offense specified in
1069 s. 98.0751(2)(b) or (c), or a felony offense specified in
1070 chapter 817, chapter 831, or chapter 837. A third party voter
1071 registration organization is liable for a fine in the amount of
1072 \$50,000 for each such person who has been convicted of a felony
1073 violation of the Election Code, a felony violation of an offense~~

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1074 ~~specified in s. 825.103, a felony offense specified in s.~~
1075 ~~98.0751(2) (b) or (c), or a felony offense specified in chapter~~
1076 ~~817, chapter 831, or chapter 837 who is collecting or handling~~
1077 ~~voter registration applications on behalf of the third-party~~
1078 ~~voter registration organization.~~

1079 ~~(f) An affirmation that each person collecting or handling~~
1080 ~~voter registration applications on behalf of the third-party~~
1081 ~~voter registration organization is a citizen of the United~~
1082 ~~States of America. A third-party voter registration organization~~
1083 ~~is liable for a fine in the amount of \$50,000 for each such~~
1084 ~~person who is not a citizen and is collecting or handling voter~~
1085 ~~registration applications on behalf of the third-party voter~~
1086 ~~registration organization.~~

1087 ~~(2) Beginning November 6, 2024, the registration of a~~
1088 ~~third-party voter registration organization automatically~~
1089 ~~expires at the conclusion of the specific general election cycle~~
1090 ~~for which the third-party voter registration organization is~~
1091 ~~registered.~~

1092 ~~(3)~~ The division or the supervisor of elections shall make
1093 voter registration forms available to third-party voter
1094 registration organizations. All such forms must contain
1095 information identifying the organization to which the forms are
1096 provided. The division shall maintain a database of all third-
1097 party voter registration organizations and the voter
1098 registration forms assigned to the third-party voter
1099 registration organization. Each supervisor of elections shall
1100 provide to the division information on voter registration forms
1101 assigned to and received from third-party voter registration
1102 organizations. The information must be provided in a format and

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1103 at times as required by the division by rule. The division shall
 1104 update information on third-party voter registrations daily and
 1105 make the information publicly available.

1106 ~~(4) A third-party voter registration organization that~~
 1107 ~~collects voter registration applications shall provide a receipt~~
 1108 ~~to an applicant upon accepting possession of his or her~~
 1109 ~~application. The division shall adopt by rule a uniform format~~
 1110 ~~for the receipt by October 1, 2023. The format must include, but~~
 1111 ~~need not be limited to, the name of the applicant, the date the~~
 1112 ~~application is received, the name of the third-party voter~~
 1113 ~~registration organization, the name of the registration agent,~~
 1114 ~~the applicant's political party affiliation, and the county in~~
 1115 ~~which the applicant resides.~~

1116 (3) (a) ~~(5) (a)~~ A third-party voter registration organization
 1117 that collects voter registration applications serves as a
 1118 fiduciary to the applicant and shall ensure that any voter
 1119 registration application entrusted to the organization,
 1120 irrespective of party affiliation, race, ethnicity, or gender,
 1121 is promptly delivered to the division or the supervisor of
 1122 elections ~~in the county in which the applicant resides~~ within 14
 1123 ~~10~~ days after the application is completed by the applicant, but
 1124 not after registration closes for the next ensuing election. If
 1125 a voter registration application collected by any third-party
 1126 voter registration organization is not promptly delivered to the
 1127 division or supervisor of elections ~~in the county in which the~~
 1128 ~~applicant resides~~, the third-party voter registration
 1129 organization is liable for the following fines:

1130 1. A fine in the amount of \$50 ~~per each day late, up to~~
 1131 ~~\$2,500,~~ for each application received by the division or the

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1132 supervisor of elections in the county in which the applicant
1133 resides more than 10 days after the applicant delivered the
1134 completed voter registration application to the third-party
1135 voter registration organization or any person, entity, or agent
1136 acting on its behalf. A fine in the amount of \$250 ~~\$2,500~~ for
1137 each application received if the third-party voter registration
1138 organization or person, entity, or agency acting on its behalf
1139 acted willfully.

1140 2. A fine in the amount of \$100 ~~per each day late, up to~~
1141 ~~\$5,000~~, for each application collected by a third-party voter
1142 registration organization or any person, entity, or agent acting
1143 on its behalf, before book closing for any given election for
1144 federal or state office and received by the division or the
1145 supervisor of elections in the county in which the applicant
1146 resides after the book-closing deadline for such election. A
1147 fine in the amount of \$500 ~~\$5,000~~ for each application received
1148 if the third-party voter registration organization or any
1149 person, entity, or agency acting on its behalf acted willfully.

1150 3. A fine in the amount of \$500 for each application
1151 collected by a third-party voter registration organization or
1152 any person, entity, or agent acting on its behalf, which is not
1153 submitted to the division or supervisor of elections in the
1154 county in which the applicant resides. A fine in the amount of
1155 \$1,000 ~~\$5,000~~ for any application not submitted if the third-
1156 party voter registration organization or person, entity, or
1157 agency acting on its behalf acted willfully.

1158
1159 The aggregate fine which may be assessed pursuant to this
1160 paragraph against a third-party voter registration organization,

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1161 including affiliate organizations, for violations committed in a
1162 calendar year is \$1,000 ~~\$250,000~~.

1163 (b) A showing by the third-party voter registration
1164 organization that the failure to deliver the voter registration
1165 application within the required timeframe is based upon force
1166 majeure or impossibility of performance shall be an affirmative
1167 defense to a violation of this subsection. The secretary may
1168 waive the fines described in this subsection upon a showing that
1169 the failure to deliver the voter registration application
1170 promptly is based upon force majeure or impossibility of
1171 performance.

1172 ~~(6) If a person collecting voter registration applications~~
1173 ~~on behalf of a third-party voter registration organization~~
1174 ~~alters the voter registration application of any other person,~~
1175 ~~without the other person's knowledge and consent, in violation~~
1176 ~~of s. 104.012(4) and is subsequently convicted of such offense,~~
1177 ~~the applicable third-party voter registration organization is~~
1178 ~~liable for a fine in the amount of \$5,000 for each application~~
1179 ~~altered.~~

1180 ~~(7) If a person collecting voter registration applications~~
1181 ~~on behalf of a third-party voter registration organization~~
1182 ~~copies a voter's application or retains a voter's personal~~
1183 ~~information, such as the voter's Florida driver license number,~~
1184 ~~Florida identification card number, social security number, or~~
1185 ~~signature, for any reason other than to provide such application~~
1186 ~~or information to the third-party voter registration~~
1187 ~~organization in compliance with this section, the person commits~~
1188 ~~a felony of the third degree, punishable as provided in s.~~
1189 ~~775.082, s. 775.083, or s. 775.084.~~

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1190 (4)~~(8)~~ If the Secretary of State reasonably believes that a
1191 person has committed a violation of this section, the secretary
1192 may refer the matter to the Attorney General for enforcement.
1193 The Attorney General may institute a civil action for a
1194 violation of this section or to prevent a violation of this
1195 section. An action for relief may include a permanent or
1196 temporary injunction, a restraining order, or any other
1197 appropriate order.

1198 ~~(9) The division shall adopt by rule a form to elicit~~
1199 ~~specific information concerning the facts and circumstances from~~
1200 ~~a person who claims to have been registered to vote by a third-~~
1201 ~~party voter registration organization but who does not appear as~~
1202 ~~an active voter on the voter registration rolls. The division~~
1203 ~~shall also adopt rules to ensure the integrity of the~~
1204 ~~registration process, including controls to ensure that all~~
1205 ~~completed forms are promptly delivered to the division or a~~
1206 ~~supervisor in the county in which the applicant resides.~~

1207 (5)~~(10)~~ The date on which an applicant signs a voter
1208 registration application is presumed to be the date on which the
1209 third-party voter registration organization received or
1210 collected the voter registration application.

1211 ~~(11) A third-party voter registration organization may not~~
1212 ~~mail or otherwise provide a voter registration application upon~~
1213 ~~which any information about an applicant has been filled in~~
1214 ~~before it is provided to the applicant. A third-party voter~~
1215 ~~registration organization that violates this section is liable~~
1216 ~~for a fine in the amount of \$50 for each such application.~~

1217 ~~(12) The requirements of this section are retroactive for~~
1218 ~~any third party voter registration organization registered with~~

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1219 ~~the department as of July 1, 2023, and must be complied with~~
1220 ~~within 90 days after the department provides notice to the~~
1221 ~~third-party voter registration organization of the requirements~~
1222 ~~contained in this section. Failure of the third-party voter~~
1223 ~~registration organization to comply with the requirements within~~
1224 ~~90 days after receipt of the notice shall automatically result~~
1225 ~~in the cancellation of the third-party voter registration~~
1226 ~~organization's registration.~~

1227 Section 9. Part III of chapter 97, Florida Statutes,
1228 consisting of sections 97.21-97.28, Florida Statutes, is created
1229 and entitled "Florida Voting Rights Act."

1230 Section 10. Section 97.21, Florida Statutes, is created to
1231 read:

1232 97.21 Prohibitions on voter suppression and vote dilution.-

1233 (1) PROHIBITING VOTER SUPPRESSION.-

1234 (a) A local government, state agency, or state official may
1235 not implement, impose, or enforce any election policy or
1236 practice, or take any other action or fail to take any action,
1237 which results in, will result in, or is intended to result in
1238 any of the following:

1239 1. A material disparity in voter participation, access to
1240 voting opportunities, or the opportunity or ability to
1241 participate in the political process between protected class
1242 members and other members of the electorate.

1243 2. Based on the totality of the circumstances, an
1244 impairment of the equal opportunity or ability of protected
1245 class members to participate in any stage of the political
1246 process.

1247 (b) It is not a violation of paragraph (a) if a local

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1248 government, state agency, or state official demonstrates by
1249 clear and convincing evidence that:

1250 1. The election policy or practice is necessary to
1251 significantly further an important and particularized
1252 governmental interest; and

1253 2. There is no alternative election policy or practice that
1254 results in a smaller disparity between protected class members
1255 and other members of the electorate.

1256 (c) Notwithstanding paragraph (b), a violation always
1257 exists under paragraph (a) if:

1258 1. The local government, state agency, or state official
1259 takes action intended to result in a material disparity; or

1260 2. The material disparity results from:

1261 a. The closure, relocation, or consolidation of, or failure
1262 to provide, one or more polling places, early voting sites, or
1263 secure ballot intake stations; or the reassignment of voters to
1264 precincts or polling places or of precincts to polling places;

1265 b. The local government's selection of or change to the
1266 time or date of an election;

1267 c. The local government conducting elections on dates that
1268 do not align with federal or state elections;

1269 d. The date the local government selects for a special
1270 election, and there exists an alternate date in a reasonable
1271 timeframe in which the disparity would be materially less
1272 significant; or

1273 e. The failure to schedule a special election in a
1274 reasonable timeframe, allowing a vacancy in an office where
1275 protected class members are generally able to elect candidates
1276 of their choice.

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1277 (2) PROHIBITING VOTE DILUTION.—

1278 (a) A local government may not employ an at-large method of
1279 election, a district-based method of election, a share-based
1280 method of election, or other method of election for any office
1281 which has the effect, will likely have the effect, or is
1282 motivated in part by the intent of diluting the vote of
1283 protected class members.

1284 (b) To establish a violation under paragraph (a), it must
1285 be established that:

1286 1.a. Elections in the local government exhibit racially
1287 polarized voting resulting in an impairment of the equal
1288 opportunity or ability of protected class members to nominate or
1289 elect candidates of their choice; or

1290 b. Based on the totality of the circumstances, the equal
1291 opportunity or ability of protected class members to nominate or
1292 elect candidates of their choice is impaired; and

1293 2. Another method of election or changes to the existing
1294 method of election which could be constitutionally adopted or
1295 ordered under s. 97.28 would likely mitigate the impairment. For
1296 the purpose of satisfying such requirement, it is not necessary
1297 for the total number or share of protected class members to
1298 exceed any numerical threshold in any district or in the local
1299 government as a whole.

1300 (3) GUIDELINES AND RELEVANT CIRCUMSTANCES FOR EVALUATING
1301 VOTER SUPPRESSION AND VOTE DILUTION.—

1302 (a)1. To evaluate the totality of circumstances under
1303 subparagraph (1)(a)2. or sub-subparagraph (2)(b)1.b., the
1304 following factors may be relevant:

1305 a. The history of discrimination;

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- 1306 b. The extent to which the protected class members have
1307 been elected to office;
- 1308 c. The use of any election policy or practice that may
1309 enhance the dilutive effective of a method of election in the
1310 local government.
- 1311 d. The extent to which protected class members or
1312 candidates experienced any history of unequal access to
1313 election-administration or campaign finance processes that
1314 determine which candidates will receive access to the ballot or
1315 receive financial or other support in a given election for an
1316 office of the local government;
- 1317 e. The extent to which protected class members have
1318 historically made expenditures as defined in s. 106.011 at lower
1319 rates than other voters;
- 1320 f. The extent to which protected class members vote at
1321 lower rates than other voters;
- 1322 g. The extent to which protected class members are
1323 disadvantaged or otherwise bear the effects of public or private
1324 discrimination in areas that may hinder their ability to
1325 participate effectively in any stage of the political process,
1326 such as education, employment, health, criminal justice,
1327 housing, transportation, land use, or environmental protection;
- 1328 h. The use of overt or subtle racial appeals in political
1329 campaigns by governmental officials or in connection with the
1330 adoption or maintenance of the election policy or practice;
- 1331 i. The extent to which candidates face hostility or
1332 barriers while campaigning due to their membership in a
1333 protected class;
- 1334 j. The lack of responsiveness by elected officials to the

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1335 particular needs of protected class members or a community of
1336 protected class members;

1337 k. Whether the election policy or practice was designed to
1338 advance, and does materially advance, a valid and substantial
1339 state interest; and

1340 1. Other factors deemed relevant.

1341 2. A set number or combination of the factors in
1342 subparagraph 1. are not required to determine that a violation
1343 occurred.

1344 3. Evidence of these factors is most probative if it
1345 relates to the local government in which the alleged violation
1346 occurred, but still holds probative value if it relates to the
1347 geographic region in which the local government is located or to
1348 this state.

1349 (b) To determine whether elections in the local government
1350 exhibit racially polarized voting under sub-subparagraph
1351 (2) (b) 1.a.:

1352 1. Racially polarized voting must be assessed based on
1353 relevant election results, which may include, but are not
1354 limited to, elections for offices of the local government;
1355 elections held in the local government for other offices, such
1356 as state or federal offices; ballot measures; and other
1357 electoral choices that bear on the rights and privileges of the
1358 protected class.

1359 a. A set number or combination of elections may not be
1360 required to establish the existence of racially polarized
1361 voting.

1362 b. Evidence of nonpolarized voting in election for offices
1363 outside the local government may not preclude a finding of

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1364 racially polarized voting based on elections for offices of the
1365 local government.

1366 c. Nonstatistical or nonquantitative evidence may not
1367 preclude a finding of racially polarized voting based on
1368 statistical or quantitative evidence.

1369 d. Low turnout or registration rates among protected class
1370 members may not preclude a finding of racially polarized voting.

1371 2. Racially polarized voting may be assessed based only on
1372 the combined electoral preferences of members of a protected
1373 class or classes. There is no requirement that the electoral
1374 preferences of each protected class or any subgroup within a
1375 protected class be separately polarized from those of other
1376 voters.

1377 3. The causes of or reasons for racially polarized voting,
1378 including partisan explanations or discriminatory intent, are
1379 not relevant.

1380 (c)1. If evaluating whether a violation of subsection (1)
1381 or subsection (2) is present, the following circumstances are
1382 never relevant to such a violation:

1383 a. The total number or share of protected class members on
1384 whom the election policy or practice does not impose a material
1385 burden;

1386 b. The degree to which the election policy or practice has
1387 a long pedigree or was in widespread use at some earlier date;

1388 c. The use of an identical or similar election policy or
1389 practice in other jurisdictions;

1390 d. The availability of forms of voting unimpacted by the
1391 election policy or practice.

1392 2. A state interest in preventing voter fraud or bolstering

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1393 voter confidence in the integrity of elections is not relevant
1394 to an evaluation of whether a violation of subsection (1) or
1395 subsection (2) occurred unless there is substantial evidence of
1396 a number of instances that criminal activity by individual
1397 electors has occurred in the local government and the connection
1398 between the election policy or practice and a state interest in
1399 preventing voter fraud or bolstering voter confidence in the
1400 integrity of elections is supported by substantial evidence.

1401 3. Evidence concerning the intent of electors, elected
1402 officials, or public officials to discriminate against protected
1403 class members is never required under subsections (1) and (2).

1404 4. Whether protected class members typically elect
1405 candidates of their choice to the governmental body of a local
1406 government in approximate proportion to their total number or
1407 share of the population may be relevant under subsection (2).

1408 (4) Before filing an action against a local government
1409 pursuant to this section, a prospective plaintiff must send, by
1410 certified mail, return receipt requested, a notification letter
1411 to the local government asserting that the local government may
1412 be in violation of the provisions of this act. Such letter must
1413 be referred to as an "FLVRA notification letter."

1414 (a) Except as noted in paragraph (e), a party may not file
1415 an action against a local government pursuant to this section
1416 earlier than 50 days after sending an FLVRA notification letter
1417 to the local government.

1418 (b) Before receiving an FLVRA notification letter, or not
1419 later than 50 days after any FLVRA notification letter is sent
1420 to a local government, a local government may adopt a resolution
1421 that must be referred to as the "FLVRA Resolution" and that does

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1422 all of the following:

1423 1. Identifies a potential violation of this section by the
1424 local government.

1425 2. Identifies a specific remedy to the potential violation.

1426 3. Affirms the local government's intent to enact and
1427 implement a remedy for a potential violation.

1428 4. Sets forth specific measures the local government will
1429 take to enact and implement the remedy.

1430 5. Provides a schedule for the enactment and implementation
1431 of the remedy.

1432 (c) Except as noted in paragraph (e), a party that has sent
1433 an FLVRA notification letter may not file an action pursuant to
1434 this section earlier than 90 days after the adoption of an FLVRA
1435 Resolution.

1436 (d) If the remedy identified in an FLVRA Resolution is
1437 barred by state or local law, or a legislative body of a local
1438 government lacks authority under state or local law to enact or
1439 implement a remedy identified in an FLVRA Resolution within 90
1440 days after the adoption of such resolution, or if the local
1441 government is a covered jurisdiction under s. 97.25, the local
1442 government may nonetheless enact and implement the remedy
1443 identified in such resolution upon approval of the FLVRA
1444 Commission, which may provide approval only if it finds that the
1445 local government may be in violation of this act, the proposed
1446 remedy would address a potential violation, and implementation
1447 of the proposed remedy is feasible. The approval of a remedy by
1448 the FLVRA Commission does not bar an action to challenge the
1449 remedy.

1450 (e) If, pursuant to this subsection, a local government

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1451 enacts or implements a remedy or the FLVRA Commission approves a
1452 proposed remedy, a party that sent an FLVRA notification letter
1453 may submit a claim for reimbursement from the local government
1454 for the costs associated with producing and sending such
1455 notification letter. The party must submit the claim in writing
1456 and substantiate the claim with financial documentation,
1457 including a detailed invoice for any demography services or
1458 analysis of voting patterns in the local government. If a party
1459 and local government fail to agree to a reimbursement amount,
1460 either the party or local government may file an action for a
1461 declaratory judgment for a clarification of rights.

1462 (f) Notwithstanding this subsection, a party may bring a
1463 cause of action for a violation of this section under any of the
1464 following circumstances:

1465 1. The action is commenced within 1 year after the adoption
1466 of a challenged method of election, ordinance, resolution, rule,
1467 policy, standard, regulation, procedure, or law.

1468 2. The prospect of obtaining relief under this section
1469 would be futile.

1470 3. Another party has already submitted a notification
1471 letter under this subsection alleging a substantially similar
1472 violation and that party is eligible to bring a cause of action
1473 under this subsection.

1474 4. Following the party's submission of an FLVRA
1475 notification letter, the local government has adopted an FLVRA
1476 Resolution that identifies a remedy that would not cure the
1477 violation identified in the notification letter.

1478 5. The party is seeking preliminary relief with respect to
1479 an upcoming election in accordance with s. 97.28.

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1480 (g) Any local government that receives an FLVRA
1481 notification letter or adopts an FLVRA Resolution must provide a
1482 copy to the FLVRA Commission within 1 day after receipt or
1483 adoption. The FLVRA Commission shall promptly post all FLVRA
1484 notification letters and FLVRA Resolutions on its website. The
1485 FLVRA Commission may adopt rules identifying other materials and
1486 information that must be provided to the FLVRA Commission by
1487 local governments, as well as procedures for transmittal of
1488 materials and information from local governments to the FLVRA
1489 Commission.

1490 (5) A local government may not assert the doctrine of
1491 laches as a defense to claims brought under this section. A
1492 local government may not assert that plaintiffs have failed to
1493 comply with any notice, exhaustion, or other procedural
1494 requirements under state law, other than the requirements in
1495 this section, as a defense to claims brought under this section.

1496 (6) An individual or entity aggrieved by a violation of
1497 this section, the Attorney General, or the FLVRA Commission may
1498 file an action alleging a violation of this section to enforce
1499 compliance with this section. An entity aggrieved by a violation
1500 of this section includes, but is not limited to, any entity
1501 whose membership includes individuals aggrieved by a violation
1502 of this section or whose mission would be frustrated by a
1503 violation of this section, including, but not limited to, an
1504 entity that would expend or divest resources to fulfill its
1505 mission as a result of such violation or must expend greater
1506 resources or efforts to advocate before an elected body that is
1507 less responsible to the entity or its members due to the alleged
1508 violation. An entity may not be compelled to disclose the

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1509 identity of any specific member to pursue a claim on behalf of
 1510 its members. This subsection shall be liberally construed to
 1511 confer standing as broadly as the State Constitution allows.
 1512 Such a claim may be filed pursuant to the Florida Rules of Civil
 1513 Procedure or in the Second Judicial Circuit of Florida. Members
 1514 of two or more protected classes that are politically cohesive
 1515 in a local government may jointly file an action. In an action
 1516 involving a districting plan, any individual who resides in the
 1517 defendant jurisdiction and is a member of the affected class or
 1518 classes, whether he or she resides in any particular district,
 1519 may challenge the districting plan as a whole.

1520 Section 11. Section 97.22, Florida Statutes, is created to
 1521 read:

1522 97.22 Florida Voting Rights Act Commission.-

1523 (1) There is created the Florida Voting Rights Act (FLVRA)
 1524 Commission within the Department of State. The FLVRA Commission
 1525 is a separate budget entity, as provided in the General
 1526 Appropriations Act, and shall prepare and submit a budget
 1527 request in accordance with chapter 216. The FLVRA Commission is
 1528 responsible for administering the Florida Voting Rights Act. The
 1529 FLVRA Commission must have its own staff, including management,
 1530 research, and enforcement personnel, and is not subject to
 1531 control, supervision, or direction by the Department of State.

1532 (2) (a) The FLVRA Commission shall be composed of five
 1533 commissioners, each of whom shall serve a staggered 5-year term.
 1534 Commissioners must be compensated for their actual time spent on
 1535 the FLVRA Commission's business at an hourly rate equivalent to
 1536 the rate of an assistant attorney general.

1537 1. A nominating committee shall identify qualified

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1538 candidates to serve as commissioners. The nominating committee
1539 shall be composed of nominating organizations that are selected
1540 as follows:

1541 a. Organizations may apply to the Secretary of State to be
1542 certified as organizational nominators for 5-year terms, after
1543 which the organizations may be recertified. The Secretary of
1544 State must certify any organization that applies to be an
1545 organizational nominator if it meets all of the following
1546 qualifications:

1547 (I) Has demonstrated commitment to the purposes of this act
1548 and securing the voting rights of protected class members, such
1549 as referencing such class members in the organization's mission
1550 statement, involvement in numerous voting rights cases brought
1551 in this state on behalf of members of protected classes, or
1552 advocacy in support of this act.

1553 (II) Is registered as a nonprofit corporation with the
1554 Secretary of State.

1555 (III) Has been in continuous operation as a nonprofit
1556 organization under s. 501(c)(3) of the Internal Revenue Code or
1557 as a nonprofit corporation registered with the Secretary of
1558 State for at least 20 years.

1559 b. If the Secretary of State fails to timely certify an
1560 organization that satisfies the qualifications specified in sub-
1561 subparagraph a. following the organization's application as an
1562 organizational nominator, the organization may file an action
1563 against the Secretary of State for a declaratory judgment
1564 certifying the organization as an organizational nominator.

1565 2. An organizational nominator may be removed for cause by
1566 a majority vote of all fellow nominators.

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1567 3. If there are fewer than 16 organizational nominators
1568 certified by the Secretary of State, the nominating committee
1569 must be composed of all such organizational nominators. If there
1570 are 16 or more organizational nominators certified by the
1571 Secretary of State, the nominating committee must be composed of
1572 15 organizational nominators randomly selected from all the
1573 nominators by lot on an annual basis.

1574 4. The nominating committee shall select its own chair to
1575 preside over meetings and votes.

1576 (b) Commissioners shall be selected as follows:

1577 1. The nominating committee shall solicit applications to
1578 serve on the FLVRA Commission from across this state. A
1579 commissioner must satisfy all of the following criteria:

1580 a. Is a resident of this state.

1581 b. Is a member in good standing of The Florida Bar with at
1582 least 5 years of legal experience.

1583 c. Has experience representing or advocating on behalf of
1584 members of protected classes.

1585 d. Has not served in elected office within the preceding 5
1586 years.

1587 e. Is not currently serving in any governmental office or
1588 holding any political party office.

1589 2. The nominating committee shall maintain a qualified
1590 candidate pool composed of 30 candidates to serve on the FLVRA
1591 Commission. Individuals may be added to the qualified applicant
1592 pool only upon a vote of three-fifths of the nominating
1593 committee.

1594 3. All members of the FLVRA Commission must be randomly
1595 selected from the qualified candidate pool. Upon the initial

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1596 formation of the FLVRA Commission, five commissioners must be
1597 selected by lot from the qualified candidate pool and randomly
1598 assigned to term lengths of 5 years, 4 years, 3 years, 2 years,
1599 and 1 year. At least 60 days in advance of the conclusion of
1600 each commissioner's term, a new commissioner must be randomly
1601 selected by lot from the qualified candidate pool to serve a 5-
1602 year term upon the conclusion of the commissioner's term. If a
1603 vacancy occurs, a new commissioner must be randomly selected by
1604 lot from the qualified candidate pool within 30 days after the
1605 vacancy occurring to complete the vacated term.

1606 (3) In any action or investigation to enforce this section,
1607 the FLVRA Commission may subpoena witnesses; administer oaths;
1608 examine individuals under oath; determine material facts; and
1609 compel the production of records, books, papers, contracts, and
1610 other documents in accordance with the Florida Rules of Civil
1611 Procedure.

1612 (4) The FLVRA Commission may hire any staff and make any
1613 expenditure necessary to fulfill its responsibilities.

1614 (5) The FLVRA Commission may adopt rules to administer and
1615 enforce this part.

1616 Section 12. Section 97.23, Florida Statutes, is created to
1617 read:

1618 97.23 Statewide database and institute.-

1619 (1) The FLVRA Commission shall enter into an agreement with
1620 one or more postsecondary educational institutions in this state
1621 to create the Florida Voting and Elections Database and
1622 Institute, to maintain and administer a central repository of
1623 elections and voting data available to the public from all local
1624 governments in this state, and to foster, pursue, and sponsor

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1625 research on existing laws and best practices in voting and
1626 elections. The parties to that agreement shall enter into a
1627 memorandum of understanding that includes the process for
1628 selecting the director of the database and institute.

1629 (2) The database and institute shall provide a center for
1630 research, training, and information on voting systems and
1631 election administration. The database and institute may do any
1632 of the following:

1633 (a) Conduct noncredit classes and classes for credit.

1634 (b) Organize interdisciplinary groups of scholars to
1635 research voting and elections in this state.

1636 (c) Conduct seminars involving voting and elections.

1637 (d) Establish a nonpartisan centralized database in order
1638 to collect, archive, and make publicly available, at no cost,
1639 accessible data pertaining to elections, voter registration, and
1640 ballot access in this state.

1641 (e) Assist in the dissemination of election data to the
1642 public.

1643 (f) Publish books and periodicals on voting and elections
1644 in this state.

1645 (g) Provide nonpartisan technical assistance to local
1646 governments, scholars, and the general public seeking to use the
1647 resources of the database and institute.

1648 (3) The database and institute shall make available, and
1649 maintain in an electronic format, all relevant election and
1650 voting data and records for at least the previous 12-year
1651 period. The data, information, and estimates maintained by the
1652 database and institute must be posted online and made available
1653 to the public at no cost. Maps, polling places, and vote-by-mail

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1654 ballot secure intake stations must be made available in a
1655 geospatial file format. The database and institute shall prepare
1656 any estimates made under this section by applying the most
1657 advanced and validated peer-reviewed methodologies available.
1658 Data and records that must be maintained include, but are not
1659 limited to, all of the following:

1660 (a) Estimates of the total population, voting age
1661 population, and citizen voting age population by racial, color,
1662 or language minority group and disability status, broken down by
1663 precinct level on a year-by-year basis, for every local
1664 government in this state, based on data from the United States
1665 Census Bureau or the American Community Survey or data of
1666 comparable quality collected by a public office.

1667 (b) Election results at the precinct level for every
1668 federal, state, and local election held in every local
1669 government in this state.

1670 (c) Contemporaneous voter registration lists, voter history
1671 files, polling places, and vote-by-mail secure ballot intake
1672 stations for every election in every local government in this
1673 state.

1674 (d) Contemporaneous maps or other documentation of the
1675 configuration of precincts.

1676 (e) Lists of polling places, including, but not limited to,
1677 lists of precincts assigned to each polling place, if
1678 applicable.

1679 (f) Adopted district or redistricting plans for every
1680 election in every local government in this state.

1681 (g) A current record, updated monthly, of persons eligible
1682 to register to vote who have a prior criminal conviction and

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1683 whose eligibility has been restored in compliance with s.
1684 98.0751.

1685 (h) Any other data that the director of the database and
1686 institute considers necessary to maintain in furtherance of the
1687 purposes of the database and institute.

1688 (4) All state agencies and local governments shall timely
1689 provide the director of the database and institute with any
1690 information requested by the director. No later than 90 days
1691 after an election, each local government shall transmit to the
1692 database and institute copies of all of the following:

1693 (a) Election results at the precinct level.

1694 (b) Contemporaneous voter registration lists.

1695 (c) Voter history files.

1696 (d) Maps, descriptions, and shapefiles for election
1697 districts.

1698 (e) Lists of polling places, shapefiles, or descriptions of
1699 the precincts assigned to each polling place.

1700 (f) Any other data as requested by the database and
1701 institute.

1702 (5) Any state entity identified by the director of the
1703 database and institute as possessing data, statistics, or other
1704 information required by the database and institute to carry out
1705 its duties and responsibilities shall provide such data,
1706 statistics, or information annually to the database and
1707 institute at the request of the director.

1708 (6) If a state agency or local government fails to provide
1709 any information to the database and institute as required by
1710 this section, the director of the database and institute, the
1711 Attorney General, or the FLVRA Commission may file an action to

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1712 enforce compliance with this section. An entity aggrieved by a
1713 violation of this section includes, but is not limited to, any
1714 entity whose membership includes individuals aggrieved by this
1715 section or whose mission would be frustrated by a violation of
1716 this section, including, but not limited to, an entity that
1717 would expend or divest resources to fulfill its mission as a
1718 result of such violation or must expend greater resources or
1719 efforts to advocate before an elected body that is less
1720 responsive to the entity or its members due to the alleged
1721 violation. An entity may not be compelled to disclose the
1722 identity of any specific member to pursue a claim on behalf of
1723 its members. This section must be liberally construed to confer
1724 standing as broadly as the State Constitution allows. Such claim
1725 may be filed pursuant to the Florida Rules of Civil Procedure or
1726 in the Second Judicial Circuit.

1727 (7) No later than 90 days after the end of each state
1728 fiscal year, the database and institute shall publish a report
1729 on the priorities and finances of the database and institute.

1730 (8) The database and institute shall provide nonpartisan
1731 technical assistance to local governments, researchers, and
1732 members of the public seeking to use the resources of the
1733 database.

1734 (9) There is a rebuttable presumption that the data,
1735 estimates, or other information maintained by the database and
1736 institute is valid.

1737 Section 13. Section 97.24, Florida Statutes, is created to
1738 read:

1739 97.24 Language access.—

1740 (1) As used in this section, the term:

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1741 (a) "Limited English proficient individual" means an
1742 individual who does not speak English as his or her primary
1743 language and who speaks, reads, or understands the English
1744 language other than "very well" in accordance with United States
1745 Census Bureau data or data of comparable quality collected by a
1746 governmental entity.

1747 (b) "Native American" includes any person recognized by the
1748 United States Census Bureau or the state as "American Indian."

1749 (2) The FLVRA Commission must designate one or more
1750 languages, other than English, for which assistance in voting
1751 and elections must be provided in a local government if the
1752 FLVRA Commission finds that a significant and substantial need
1753 exists for such assistance.

1754 (3) Based on the best available data, which may include
1755 information from the United States Census Bureau's American
1756 Community Survey or data of comparable quality collected by a
1757 governmental entity, the FLVRA Commission must find that a
1758 significant and substantial need exists if:

1759 (a) More than 2 percent, but no fewer than 200 citizens of
1760 voting age, of a local government speak a language other than
1761 English and are limited English proficient individuals.

1762 (b) More than 4,000 citizens of voting age of a local
1763 government speak a language other than English and are limited
1764 English proficient individuals.

1765 (4) In the case of a local government that contains any
1766 part of a Native American reservation, if more than 2 percent of
1767 the Native American citizens of voting age within the Native
1768 American reservation are proficient in a language other than
1769 English and are limited English proficient individuals, the

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1770 local government must provide materials in such language.

1771 (5) (a) On an annual basis, the FLVRA Commission shall
1772 publish on its website a list of all of the following:

1773 1. Each local government in which assistance in voting and
1774 elections in a language other than English must be provided.

1775 2. Each language in which such assistance must be provided
1776 in each local government.

1777 (b) The FLVRA Commission's determinations under this
1778 section are effective upon publication, and the FLVRA Commission
1779 must distribute this information to each affected local
1780 government.

1781 (6) Each local government described in paragraph (5) (a)
1782 must provide assistance in voting and elections, including
1783 related materials, in any language designated by the FLVRA
1784 Commission under paragraph (5) (a) to voters in a local
1785 government who are limited English proficient individuals.

1786 (7) Whenever the FLVRA Commission determines that, pursuant
1787 to this section, language assistance must be provided by a local
1788 government, the local government must provide competent
1789 assistance in each designated language and provide related
1790 materials in English and in each designated language, including
1791 voter registration or voting notices, forms, instructions,
1792 assistance, ballots, or other materials or information relating
1793 to the electoral process. However, in the case of a language
1794 that is oral or unwritten, including historically unwritten
1795 languages, as may be the case for some Native Americans, a local
1796 government may provide only oral instructions, assistance, or
1797 other information on the electoral process in such language. All
1798 materials provided in a designated language must be of an equal

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1799 quality to the corresponding English materials. All provided
1800 translations must convey the intent and essential meaning of the
1801 original text or communication and may not rely solely on
1802 automatic translation services. If available, language
1803 assistance must include live translation.

1804 (8) The FLVRA Commission shall establish a review process
1805 under which the FLVRA Commission determines, upon receipt of a
1806 request submitted under this subsection, whether a significant
1807 and substantial need exists in a local government for a language
1808 to be designated for language access and assistance in voting
1809 and elections if such need has not been found under subsection
1810 (3) or subsection (4). Such process, at a minimum, must include
1811 an opportunity for any voter or entity to submit a request for
1812 the commission to consider designating a language in a local
1813 government; an opportunity for public comment; and a procedure
1814 for determining that a local government must provide language
1815 assistance.

1816 (9) Any individual or entity aggrieved by a violation of
1817 this section, the Attorney General, or the FLVRA Commission may
1818 file an action alleging a violation of this section. An entity
1819 aggrieved by a violation of this section includes, but is not
1820 limited to, any entity whose membership includes individuals
1821 aggrieved by this section or whose mission would be frustrated
1822 by a violation of this section, including, but not limited to,
1823 an entity that would expend or divest resources to fulfill its
1824 mission as a result of such violation or must expend greater
1825 resources or efforts to advocate before an elected body that is
1826 less responsive to the entity or its members due to the alleged
1827 violation. An entity may not be compelled to disclose the

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1828 identity of any specific member to pursue a claim on behalf of
1829 its members. This section must be liberally construed to confer
1830 standing as broadly as the State Constitution allows. Such a
1831 claim may be filed pursuant to the Florida Rules of Civil
1832 Procedure or in the Second Judicial Circuit.

1833 Section 14. Section 97.25, Florida Statutes, is created to
1834 read:

1835 97.25 Preclearance.-

1836 (1) The enactment or implementation of a covered policy by
1837 a covered jurisdiction is subject to preclearance by the FLVRA
1838 Commission.

1839 (2) For purposes of this section, a covered policy includes
1840 any new or modified:

1841 (a) Election policy or practice.

1842 (b) Method of election, including districting or
1843 redistricting.

1844 (c) Form of government.

1845 (d) Annexation, incorporation, dissolution, consolidation,
1846 or division of a local government.

1847 (e) Removal of individuals from registry lists or
1848 enrollment lists and other activities concerning any such list.

1849 (f) Hours of any early voting site, or location or number
1850 of early voting sites, polling places, or secure ballot intake
1851 stations.

1852 (g) Assignment of voting precincts to polling places or
1853 secure ballot intake station locations.

1854 (h) Assistance offered to protected class members.

1855 (i) Any additional subject matter the FLVRA Commission may
1856 identify for inclusion in this subsection, pursuant to FLVRA

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1857 Commission rule, if the FLVRA Commission determines that any
1858 election policy or practice may have the effect of diminishing
1859 the right to vote of any protected class member or have the
1860 effect of violating this act.

1861 (3) Following each decennial census, if a covered
1862 jurisdiction does not make changes to its method of election,
1863 including, but not limited to, maintaining an at-large method of
1864 election or not making revisions to a district-based method of
1865 election, the method of election must be deemed a covered policy
1866 and must be submitted to the FLVRA Commission pursuant to this
1867 section.

1868 (4) A covered jurisdiction includes any of the following:

1869 (a) A local government that, within the preceding 25 years,
1870 has been subject to a court order, government enforcement
1871 action, court-approved consent decree, or other settlement in
1872 which the local government conceded liability, based upon a
1873 violation of this act, the federal Voting Rights Act, the 15th
1874 Amendment to the United States Constitution, a voting-related
1875 violation of the 14th Amendment to the United States
1876 Constitution, or any violation of any other state or federal
1877 election law, concerning discrimination against members of a
1878 protected class.

1879 (b) A local government that, within the preceding 25 years,
1880 has been subject to any court order, government enforcement
1881 action, court-approved consent decree, or any other settlement
1882 in which the local government conceded liability, based upon a
1883 violation of any state or federal civil rights law or the 14th
1884 Amendment to the United States Constitution, concerning
1885 discrimination against members of a protected class.

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1886 (c) A local government that, during the preceding 3 years,
1887 has failed to comply with its obligation to provide data or
1888 information to the database pursuant to s. 97.23.

1889 (d) A local government that, during the preceding 25 years,
1890 was found to have enacted or implemented a covered policy
1891 without obtaining preclearance for that policy pursuant to this
1892 section.

1893 (e) A local government that contains at least 1,000
1894 eligible voters of any protected class, or in which members of
1895 any protected class constitute at least 10 percent of the
1896 eligible voter population of the local government, and in which,
1897 in any year in the preceding 10 years, the percentage of voters
1898 of any protected class in a local government which participated
1899 in any general election for any local government office was at
1900 least 10 percentage points lower than the percentage of all
1901 voters in the local government who participated in such
1902 election.

1903 (f) A local government that contains at least 1,000
1904 eligible voters of any protected class, or in which members of
1905 any protected class constitute at least 10 percent of the
1906 eligible voter population of the local government, and in which,
1907 in any year in the preceding 10 years, the percentage of
1908 eligible voters of that protected class who were registered to
1909 vote was at least 10 percentage points lower than the percentage
1910 of all eligible voters in the local government who registered to
1911 vote.

1912 (g) A local government that contains at least 1,000
1913 eligible voters of any protected class, or in which members of
1914 any protected class constitute at least 10 percent of the

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1915 eligible voter population of the local government, and in which,
1916 in any year in the preceding 10 years, based on data made
1917 available by the United States Census, the dissimilarity index
1918 of such protected class, calculated using census tracts, was in
1919 excess of 50 percent with respect to the race, color, or
1920 language minority group that comprises a plurality within the
1921 local government.

1922 (h) A local government that contains at least 1,000
1923 eligible voters of any protected class, or in which members of
1924 any protected class constitute at least 10 percent of the
1925 eligible voter population of the local government, and in which,
1926 in any year in the preceding 10 years, the poverty rate among
1927 the population of such protected class exceeded the poverty rate
1928 among the population of the local government as a whole by at
1929 least 10 percentage points.

1930 (i) A county that contains at least 1,000 eligible voters
1931 of any protected class, or in which members of any protected
1932 class constitute at least 10 percent of the eligible voter
1933 population of the county, and in which, in any year in the
1934 preceding 10 years, the arrest rate among members of such
1935 protected class exceeded the arrest rate among the population of
1936 the county as a whole by at least 10 percentage points.

1937 (j) Any school district that contains at least 1,000
1938 eligible voters of any protected class, or in which members of
1939 any protected class constitute at least 10 percent of the
1940 eligible voter population of the school district, and in which,
1941 in any year in the preceding 10 years, the graduation rate of
1942 such protected class was lower than the graduation rate of the
1943 entire district student population by at least 10 percentage

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1944 points.

1945 (5) The FLVRA Commission shall determine on an annual basis
1946 which local governments are covered jurisdictions and publish a
1947 list of such jurisdictions on its website.

1948 (6) If a covered jurisdiction seeks preclearance from the
1949 FLVRA Commission for the adoption or implementation of any
1950 covered policy, the covered jurisdiction must submit the covered
1951 policy to the FLVRA Commission in writing and may obtain
1952 preclearance in accordance with this section.

1953 (a) The FLVRA Commission shall review the covered policy
1954 submitted for preclearance, including any comments submitted by
1955 members of the public, and make a determination to grant or deny
1956 preclearance. The covered jurisdiction bears the burden of proof
1957 in any preclearance determinations.

1958 (b)1. The FLVRA Commission may deny preclearance to a
1959 submitted covered policy only if it determines that:

1960 a. The covered policy is more likely than not to diminish
1961 the opportunity or ability of protected class members to
1962 participate in the political process and elect candidates of
1963 their choice or otherwise influence the outcome of elections; or

1964 b. The covered policy is more likely than not to violate
1965 this act.

1966 2. If the FLVRA Commission denies preclearance, the
1967 applicable covered jurisdiction may not enact or implement the
1968 covered policy. The FLVRA Commission shall provide a written
1969 explanation for a denial.

1970 (c) If the FLVRA Commission grants preclearance to a
1971 covered policy, the covered jurisdiction may immediately enact
1972 or implement the covered policy. A determination by the FLVRA

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1973 Commission to grant preclearance is not admissible in, and may
1974 not be considered by, a court in any subsequent action
1975 challenging the covered policy. If the FLVRA Commission fails to
1976 deny or grant preclearance to a submitted covered policy within
1977 the time periods set forth in paragraph (d), the covered policy
1978 is deemed to be precleared, and the covered jurisdiction may
1979 enact or implement the covered policy.

1980 (d) If a covered policy concerns the method of election for
1981 a legislative body, districting or redistricting, the number of
1982 seats on the legislative body, or annexation, incorporation,
1983 dissolution, consolidation, or division of a local government,
1984 the FLVRA Commission must review the covered policy, including
1985 any comments submitted by members of the public, and make a
1986 determination to deny or grant preclearance within 60 days after
1987 the submission of the covered policy. The FLVRA Commission may
1988 invoke up to two extensions of 90 days each to make such a
1989 determination. For all other covered policies, the FLVRA
1990 Commission shall review the covered policy, including any public
1991 comment, and make a determination to deny or grant preclearance
1992 within 30 days after the submission of the covered policy. The
1993 FLVRA Commission may invoke an extension of 60 days to make such
1994 a determination.

1995 (e) Any denial of preclearance under this section may be
1996 appealed only by the covered jurisdiction and must be filed in
1997 the Second Judicial Circuit. Other parties may not file an
1998 action to appeal a denial of preclearance or intervene in any
1999 such action brought by the covered jurisdiction.

2000 (7) If any covered jurisdiction enacts or implements any
2001 covered policy without obtaining preclearance for such covered

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2002 policy in accordance with this section, any individual or entity
2003 aggrieved by such a violation, the director of the database and
2004 institute, the Attorney General, or the FLVRA Commission may
2005 file an action to enjoin enactment or implementation and seek
2006 sanctions against the covered jurisdiction for violations of
2007 this section. An entity aggrieved by a violation of this section
2008 includes, but is not limited to, any entity whose membership
2009 includes individuals aggrieved by this section or whose mission
2010 would be frustrated by a violation of this section, including,
2011 but not limited to, an entity that would expend or divest
2012 resources to fulfill its mission as a result of such violation
2013 or must expend greater resources or efforts to advocate before
2014 an elected body that is less responsive to the entity or its
2015 members due to the alleged violation. An entity may not be
2016 compelled to disclose the identity of any specific member to
2017 pursue a claim on behalf of its members. This section must be
2018 liberally construed to confer standing as broadly as the State
2019 Constitution allows. Such a claim may be filed pursuant to the
2020 Florida Rules of Civil Procedure or in the Second Judicial
2021 Circuit. A claim under this subsection does not preclude, bar,
2022 or limit in any way any other claims that may be brought
2023 regarding the covered policy, including claims brought under
2024 other sections of this act.

2025 (8) If the FLVRA Commission approves preclearance for a
2026 covered policy in violation of this section, identifies or fails
2027 to identify a list of local governments that are covered
2028 jurisdictions in violation of this section, or otherwise fails
2029 to properly implement this section, any individual or entity
2030 aggrieved by such a violation may file an action seeking

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2031 appropriate relief, including, but not limited to, injunctive
2032 relief on the FLVRA Commission or any other party, as the court
2033 deems necessary to enforce this section. An entity aggrieved by
2034 a violation of this section includes, but is not limited to, any
2035 entity whose membership includes individuals aggrieved by this
2036 section or whose mission would be frustrated by a violation of
2037 this section, including, but not limited to, an entity that
2038 would expend or divest resources to fulfill its mission as a
2039 result of such violation or must expend greater resources or
2040 efforts to advocate before an elected body that is less
2041 responsive to the entity or its members due to the alleged
2042 violation. An entity may not be compelled to disclose the
2043 identity of any specific member to pursue a claim on behalf of
2044 its members. This section must be liberally construed to confer
2045 standing as broadly as the State Constitution allows. Such a
2046 claim may be filed pursuant to the Florida Rules of Civil
2047 Procedure or in the Second Judicial Circuit. A claim under this
2048 subsection does not preclude, bar, or limit any other claims
2049 that may be brought regarding any covered policy, including
2050 claims brought under other sections of this act.

2051 (9) The FLVRA Commission shall adopt rules to implement
2052 this section, including rules concerning the content of and
2053 procedure for preclearance submission, procedures for public
2054 comment and transparency regarding preclearance determinations,
2055 and procedures for expedited and emergency preclearance
2056 determinations which deviate from the timelines provided in
2057 paragraph (6) (d), provided that such preclearance determinations
2058 are preliminary.

2059 Section 15. Section 97.26, Florida Statutes, is created to

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2060 read:

2061 97.26 Voter intimidation, deception, and obstruction.-

2062 (1) A person may not, whether acting under color of law or
2063 otherwise, engage in acts of intimidation, deception, or
2064 obstruction, or any other tactic that has the effect of or may
2065 reasonably have the effect of interfering with another person's
2066 right to vote.

2067 (2) A violation of subsection (1) includes any of the
2068 following:

2069 (a) The use of force or threats to use force, or the use of
2070 any other conduct to practice intimidation, which causes or will
2071 reasonably have the effect of causing interference with an
2072 individual's right to vote.

2073 (b) Knowingly using a deceptive or fraudulent device,
2074 contrivance, or communication that causes or will reasonably
2075 have the effect of causing interference with an individual's
2076 right to vote.

2077 (c) The obstruction of, impediment to, or interference with
2078 access to any early voting site, polling place, secure ballot
2079 intake station, or office of the supervisor of elections in a
2080 manner that causes or will reasonably have the effect of causing
2081 interference with an individual's right to vote or causing any
2082 delay in voting or the voting process.

2083 (3) (a) In any action to enforce this section, there is a
2084 rebuttable presumption that a person has violated this section
2085 if he or she openly carries or brandishes a firearm, an
2086 imitation firearm, a toy gun, a machete, an axe, a sword, or any
2087 weapon as defined in s. 790.001 while:

2088 1. Interacting with or observing any person voting or

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2089 attempting to vote;

2090 2. Urging or aiding any person to vote or attempt to vote,
2091 whether as part of official election administration activities
2092 or unofficial activities; or

2093 3. Exercising any power or duty in administering elections,
2094 including, but not limited to, vote counting, canvassing, or
2095 certifying returns.

2096 (b) Law enforcement officers acting within the scope of
2097 their official duties are not subject to the presumption under
2098 paragraph (a), but a court may nonetheless consider a law
2099 enforcement officer's possession of a firearm in determining
2100 whether the officer violated this section.

2101 (4) Any individual or entity aggrieved by a violation of
2102 this section, the Attorney General, or the FLVRA Commission may
2103 file a civil action alleging a violation of this section. An
2104 entity aggrieved by a violation of this section includes, but is
2105 not limited to, any entity whose membership includes individuals
2106 aggrieved by this section or whose mission would be frustrated
2107 by a violation of this section, including, but not limited to,
2108 an entity that would expend or divest resources to fulfill its
2109 mission as a result of such violation or must expend greater
2110 resources or efforts to advocate before an elected body that is
2111 less responsive to the entity or its members due to the alleged
2112 violation. An entity may not be compelled to disclose the
2113 identity of any specific member to pursue a claim on behalf of
2114 its members. This section must be liberally construed to confer
2115 standing as broadly as the State Constitution allows. Such a
2116 claim may be filed pursuant to the Florida Rules of Civil
2117 Procedure or in the Second Judicial Circuit.

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2118 (5) In addition to any remedies that may be imposed under
2119 s. 97.28, if the court finds a violation of this section, the
2120 court must order appropriate remedies that are tailored to
2121 addressing the violation, including, but not limited to,
2122 providing for additional time for individuals to vote in an
2123 election, a primary, or a referendum and awarding nominal
2124 damages for any violation and compensatory or punitive damages
2125 for any willful violation.

2126 Section 16. Section 97.27, Florida Statutes, is created to
2127 read:

2128 97.27 Democracy canon.—

2129 (1) Any provision of this code and any regulation, charter,
2130 home rule ordinance, or other enactment of the state or any
2131 local government relating to the right to vote must be liberally
2132 construed in favor of the rights enumerated in paragraphs (a)-
2133 (e), as follows:

2134 (a) Protecting the right to cast a ballot and make the
2135 ballot valid.

2136 (b) Ensuring eligible individuals seeking voter
2137 registration are not impaired in being registered.

2138 (c) Ensuring voters are not impaired in voting, including,
2139 but not limited to, having their votes counted.

2140 (d) Making the fundamental right to vote more accessible to
2141 eligible voters.

2142 (e) Ensuring equitable access for protected class members
2143 to opportunities to be registered to vote and to vote.

2144 (2) It is the policy of the state that courts should
2145 exercise their discretion on any issue, including, but not
2146 limited to, questions of discovery, procedure, admissibility of

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2147 evidence, or remedies, in favor of the rights enumerated in
2148 paragraphs (1)(a)-(e) to the extent allowable by law.
2149 Furthermore, it is the policy of the state to promote the free
2150 flow of documents and information concerning the intent of
2151 public officials in actions concerning the right to vote.
2152 Accordingly, in any action under this act, the federal Voting
2153 Rights Act, or a voting-related claim under the State
2154 Constitution or the United States Constitution, sovereign,
2155 governmental, executive, legislative, or deliberative immunities
2156 and privileges, including any evidentiary privileges, may not be
2157 asserted. However, this section does not apply to any attorney-
2158 client or attorney work-product privileges.

2159 Section 17. Section 97.28, Florida Statutes, is created to
2160 read:

2161 97.28 Remedies.-

2162 (1) If a court finds a violation of this act, the court
2163 must order appropriate remedies that are tailored to address
2164 such violation and to ensure protected class members have
2165 equitable opportunities to fully participate in the political
2166 process and that the remedies can be implemented in a manner
2167 that will not unduly disrupt the administration of an ongoing or
2168 imminent election. Appropriate remedies include, but need not be
2169 limited to, any of the following:

2170 (a) Another method of election or changes to the existing
2171 method of election.

2172 (b) Elimination of staggered elections so that all members
2173 of the legislative body are elected at the same time.

2174 (c) Reasonably increasing the size of the legislative body.

2175 (d) Additional voting days or hours.

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- 2176 (e) Additional polling places and early voting sites.
2177 (f) Additional opportunities to return ballots.
2178 (g) Holding special elections.
2179 (h) Expanded opportunities for voter registration.
2180 (i) Additional voter education.
2181 (j) The restoration or addition of individuals to registry
2182 lists.
2183 (k) Retaining jurisdiction for such a period of time as the
2184 court deems appropriate.
2185 (2) The court shall consider remedies proposed by any party
2186 to the action or by interested nonparties. The court may not
2187 give deference or priority to a proposed remedy because it is
2188 proposed by the state or local government.
2189 (3) If necessary to remedy a violation of this act, the
2190 court is empowered to require a local government to implement
2191 remedies that are inconsistent with any other law and any
2192 special act, charter or home rule ordinance, or other enactment
2193 of the state or local government.
2194 (4) Notwithstanding the Florida Rules of Civil Procedure or
2195 any other law, the court must grant a temporary injunction and
2196 any other preliminary relief requested under this section with
2197 respect to an upcoming election if the court determines that the
2198 party is more likely than not to succeed on the merits and that
2199 it is possible to implement an appropriate temporary remedy that
2200 would resolve the violation alleged under this section before
2201 the next general election.
2202 (5) In any action to enforce this act, the court shall
2203 award reasonable attorney fees and litigation costs, including,
2204 but not limited to, expert witness fees and expenses, to the

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2205 party that filed an action, other than a state or local
2206 government, and that prevailed in such action. The party that
2207 filed the action is deemed to have prevailed when, as a result
2208 of litigation, the party against whom the action was filed has
2209 yielded some or all of the relief sought in the action. In the
2210 case of a party against whom an action was filed and who
2211 prevailed, the court may not award the party any costs unless
2212 the court finds the action to be frivolous, unreasonable, or
2213 without foundation.

2214 Section 18. Paragraph (b) of subsection (4) of section
2215 98.045, Florida Statutes, is amended to read:

2216 98.045 Administration of voter registration.—

2217 (4) STATEWIDE ELECTRONIC DATABASE OF VALID RESIDENTIAL
2218 STREET ADDRESSES.—

2219 (b) The department shall make the statewide database of
2220 valid street addresses available to the Department of Highway
2221 Safety and Motor Vehicles as provided in s. 97.057(8) ~~s.~~
2222 ~~97.057(10)~~. The Department of Highway Safety and Motor Vehicles
2223 shall use the database for purposes of validating the legal
2224 residential addresses provided in voter registration
2225 applications received by the Department of Highway Safety and
2226 Motor Vehicles.

2227 Section 19. Subsections (1) and (2) of section 98.255,
2228 Florida Statutes, are amended to read:

2229 98.255 Voter education programs.—

2230 (1) The Department of State shall adopt rules prescribing
2231 minimum standards for nonpartisan voter education. The standards
2232 shall, at a minimum, address:

2233 (a) Voter registration;

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2234 (b) Balloting procedures, by mail and polling place;
2235 (c) Voter rights and responsibilities;
2236 (d) Distribution of sample ballots; ~~and~~
2237 (e) Public service announcements; and
2238 (f) Plain writing standards consistent with official
2239 federal guidelines for the Plain Writing Act of 2010 and United
2240 States Election Assistance Commission best practices for
2241 designing effective voter education materials.

2242 (2) Each county supervisor shall implement the minimum
2243 voter education standards, and shall conduct additional
2244 nonpartisan education efforts as necessary to ensure that voters
2245 have a working knowledge of the voting process. This includes
2246 providing, as far as possible, public-facing voter information
2247 in plain language reasonably calculated to be understood by
2248 persons with an 8th grade reading level or lower.

2249 Section 20. Section 100.51, Florida Statutes, is created to
2250 read:

2251 100.51 General Election Day paid holiday.—In order to
2252 encourage civic participation, enable more individuals to serve
2253 as poll workers, and provide additional time for the resolution
2254 of any issue that arises while a voter is casting his or her
2255 ballot, General Election Day shall be a paid holiday. A voter is
2256 entitled to absent himself or herself from any service or
2257 employment in which he or she is engaged or employed during the
2258 time the polls are open on General Election Day. A voter who
2259 absents himself or herself under this section may not be
2260 penalized in any way, and a deduction may not be made from his
2261 or her usual salary or wages, on account of his or her absence.

2262 Section 21. Section 101.016, Florida Statutes, is created

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2263 to read:

2264 101.016 Strategic elections equipment reserve.—The Division
2265 of Elections shall maintain a strategic elections equipment
2266 reserve of voting systems that may be deployed in the event of
2267 an emergency as defined in s. 101.732 or upon the occurrence of
2268 equipment capacity issues due to unexpected voter turnout. The
2269 reserve must include tabulation equipment and any other
2270 necessary equipment, including, but not limited to, printers,
2271 which are in use by each supervisor of elections. In lieu of
2272 maintaining a physical reserve of such equipment, the division
2273 may contract with a vendor of voting equipment to provide such
2274 equipment on an as-needed basis.

2275 Section 22. Section 101.019, Florida Statutes, is repealed.

2276 Section 23. Subsections (1) and (2) of section 101.048,
2277 Florida Statutes, are amended to read:

2278 101.048 Provisional ballots.—

2279 (1) At all elections, a voter claiming to be properly
2280 registered in this ~~the~~ state and eligible to vote ~~at the~~
2281 ~~precinct~~ in the election but whose eligibility cannot be
2282 determined, a person whom an election official asserts is not
2283 eligible, including, but not limited to, a person to whom notice
2284 has been sent pursuant to s. 98.075(7), but for whom a final
2285 determination of eligibility has not been made, and other
2286 persons specified in the code shall be entitled to vote a
2287 provisional ballot at any precinct in the county in which the
2288 voter claims to be registered. Once voted, the provisional
2289 ballot must be placed in a secrecy envelope and thereafter
2290 sealed in a provisional ballot envelope. The provisional ballot
2291 must be deposited in a ballot box. All provisional ballots must

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2292 remain sealed in their envelopes for return to the supervisor of
2293 elections. The department shall prescribe the form of the
2294 provisional ballot envelope. A person casting a provisional
2295 ballot has the right to present written evidence supporting his
2296 or her eligibility to vote to the supervisor of elections by not
2297 later than 5 p.m. on the second day following the election.

2298 (2) (a) The county canvassing board shall examine each
2299 Provisional Ballot Voter's Certificate and Affirmation to
2300 determine if the person voting that ballot was entitled to vote
2301 in the county in which ~~at the precinct where~~ the person cast a
2302 vote in the election and that the person had not already cast a
2303 ballot in the election. In determining whether a person casting
2304 a provisional ballot is entitled to vote, the county canvassing
2305 board shall review the information provided in the Voter's
2306 Certificate and Affirmation, written evidence provided by the
2307 person pursuant to subsection (1), information provided in any
2308 cure affidavit and accompanying supporting documentation
2309 pursuant to subsection (6), any other evidence presented by the
2310 supervisor, and, in the case of a challenge, any evidence
2311 presented by the challenger. A ballot of a person casting a
2312 provisional ballot must ~~shall~~ be canvassed pursuant to paragraph
2313 (b) unless the canvassing board determines by a preponderance of
2314 the evidence that the person was not entitled to vote.

2315 (b) If it is determined that the person was registered and
2316 entitled to vote in the county in which ~~at the precinct where~~
2317 the person cast a vote in the election, the canvassing board
2318 must compare the signature on the Provisional Ballot Voter's
2319 Certificate and Affirmation or the provisional ballot cure
2320 affidavit with the signature on the voter's registration or

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2321 precinct register. A provisional ballot may be counted only if:

2322 1. The signature on the voter's certificate or the cure
2323 affidavit matches the elector's signature in the registration
2324 books or the precinct register; however, in the case of a cure
2325 affidavit, the supporting identification listed in subsection
2326 (6) must also confirm the identity of the elector; or

2327 2. The cure affidavit contains a signature that does not
2328 match the elector's signature in the registration books or the
2329 precinct register, but the elector has submitted a current and
2330 valid Tier 1 form of identification confirming his or her
2331 identity pursuant to subsection (6).

2332

2333 For purposes of this paragraph, any canvassing board finding
2334 that signatures do not match must be by majority vote and beyond
2335 a reasonable doubt.

2336 (c) Any provisional ballot not counted must remain in the
2337 envelope containing the Provisional Ballot Voter's Certificate
2338 and Affirmation, and the envelope must ~~shall~~ be marked "Rejected
2339 as Illegal."

2340 (d) If a provisional ballot is validated following the
2341 submission of a cure affidavit, the supervisor must make a copy
2342 of the affidavit, affix it to a voter registration application,
2343 and immediately process it as a valid request for a signature
2344 update pursuant to s. 98.077.

2345 Section 24. Paragraph (a) of subsection (1) and paragraphs
2346 (c) and (d) of subsection (3) of section 101.62, Florida
2347 Statutes, are amended, and subsection (7) is added to that
2348 section, to read:

2349 101.62 Request for vote-by-mail ballots.—

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2350 (1) REQUEST.—

2351 (a) The supervisor shall accept a request for a vote-by-
2352 mail ballot only from a voter or, if directly instructed by the
2353 voter, a member of the voter's immediate family or the voter's
2354 legal guardian. A request may be made in person, in writing, by
2355 telephone, or through the supervisor's website. The department
2356 shall prescribe by rule by October 1, 2023, a uniform statewide
2357 application to make a written request for a vote-by-mail ballot
2358 which includes fields for all information required in this
2359 subsection. One request is deemed sufficient to receive a vote-
2360 by-mail ballot for all elections until the voter or the voter's
2361 designee notifies the supervisor that the voter cancels such
2362 request through the end of the calendar year of the next
2363 regularly scheduled general election, unless the voter or the
2364 voter's designee indicates at the time the request is made the
2365 elections ~~within such period~~ for which the voter desires to
2366 receive a vote-by-mail ballot. The supervisor must cancel a
2367 request for a vote-by-mail ballot when any first-class mail or
2368 nonforwardable mail sent by the supervisor to the voter is
2369 returned as undeliverable. If the voter requests a vote-by-mail
2370 ballot thereafter, the voter must provide or confirm his or her
2371 current residential address.

2372 (3) DELIVERY OF VOTE-BY-MAIL BALLOTS.—

2373 (c) Except as otherwise provided in paragraph (a) or
2374 paragraph (b), the supervisor shall mail vote-by-mail ballots
2375 within 2 business days after receiving a request for such a
2376 ballot, but no later than the 11th ~~10th~~ day before election day.
2377 The deadline to submit a request for a ballot to be mailed is 5
2378 p.m. local time on the 12th day before an upcoming election.

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2379 (d) Upon a request for a vote-by-mail ballot, the
2380 supervisor shall provide a vote-by-mail ballot to each voter by
2381 whom a request for that ballot has been made, by one of the
2382 following means:

2383 1. By nonforwardable, return-if-undeliverable mail to the
2384 voter's current mailing address on file with the supervisor or
2385 any other address the voter specifies in the request. The
2386 envelopes must be prominently marked "Do Not Forward."

2387 2. By forwardable mail, e-mail, or facsimile machine
2388 transmission to absent uniformed services voters and overseas
2389 voters. The absent uniformed services voter or overseas voter
2390 may designate in the vote-by-mail ballot request the preferred
2391 method of transmission. If the voter does not designate the
2392 method of transmission, the vote-by-mail ballot must be mailed.

2393 3. By personal delivery to the voter after vote-by-mail
2394 ballots have been mailed and up to 7 p.m. on election day upon
2395 presentation of the identification required in s. 101.043.

2396 4. By delivery to the voter's designee after vote-by-mail
2397 ballots have been mailed and up to 7 p.m. on election day. Any
2398 voter may designate in writing a person to pick up the ballot
2399 for the voter; ~~however, the person designated may not pick up~~
2400 ~~more than two vote-by-mail ballots per election, other than the~~
2401 ~~designee's own ballot, except that additional ballots may be~~
2402 ~~picked up for members of the designee's immediate family. The~~
2403 ~~designee shall provide to the supervisor the written~~
2404 ~~authorization by the voter and a picture identification of the~~
2405 ~~designee and must complete an affidavit. The designee shall~~
2406 ~~state in the affidavit that the designee is authorized by the~~
2407 ~~voter to pick up that ballot and shall indicate if the voter is~~

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2408 ~~a member of the designee's immediate family and, if so, the~~
2409 ~~relationship. The department shall prescribe the form of the~~
2410 ~~affidavit. If the supervisor is satisfied that the designee is~~
2411 ~~authorized to pick up the ballot and that the signature of the~~
2412 ~~voter on the written authorization matches the signature of the~~
2413 ~~voter on file, the supervisor must give the ballot to that~~
2414 ~~designee for delivery to the voter.~~

2415 5. Except as provided in s. 101.655, the supervisor may not
2416 deliver a vote-by-mail ballot to a voter or a voter's designee
2417 pursuant to subparagraph 3. or subparagraph 4., respectively,
2418 during the mandatory early voting period and up to 7 p.m. on
2419 election day, unless there is an emergency, to the extent that
2420 the voter will be unable to go to a designated early voting site
2421 in his or her county or to his or her assigned polling place on
2422 election day. If a vote-by-mail ballot is delivered, the voter
2423 or his or her designee must execute an affidavit affirming to
2424 the facts which allow for delivery of the vote-by-mail ballot.
2425 The department shall adopt a rule providing for the form of the
2426 affidavit.

2427 (7) DEADLINE EXTENSION.—If a deadline under this section
2428 falls on a day when the office of the supervisor is scheduled to
2429 be closed, the deadline must be extended until the next business
2430 day.

2431 Section 25. Paragraph (a) of subsection (1) and subsections
2432 (2) and (4) of section 101.64, Florida Statutes, are amended to
2433 read:

2434 101.64 Delivery of vote-by-mail ballots; envelopes; form.—

2435 (1)(a) The supervisor shall enclose with each vote-by-mail
2436 ballot two envelopes: a secrecy envelope, into which the absent

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2437 voter must ~~elector shall~~ enclose his or her marked ballot; and a
 2438 postage prepaid mailing envelope, into which the absent voter
 2439 must ~~elector shall~~ then place the secrecy envelope, which must
 2440 ~~shall~~ be addressed to the supervisor and also bear on the back
 2441 side a certificate in substantially the following form:

2442 Note: Please Read Instructions Carefully Before
 2443 Marking Ballot and Completing Voter's Certificate.

2444 VOTER'S CERTIFICATE

2445 I,, do solemnly swear or affirm that I am a qualified
 2446 and registered voter of County, Florida, and that I have
 2447 not and will not vote more than one ballot in this election. I
 2448 understand that if I commit or attempt to commit any fraud in
 2449 connection with voting, vote a fraudulent ballot, or vote more
 2450 than once in an election, I can be convicted of a felony of the
 2451 third degree and fined up to \$5,000 and/or imprisoned for up to
 2452 5 years. I also understand that failure to sign this certificate
 2453 will invalidate my ballot.

2454 . . . (Date) . . .

2455 . . . (Voter's Signature or Last Four Digits of Social Security
 2456 Number) . . .

2457 . . . (E-Mail Address) (Home Telephone Number) . . .

2458 . . . (Mobile Telephone Number) . . .

2459 (2) The certificate must ~~shall~~ be arranged on the back of
 2460 the mailing envelope so that the line for the signature or last
 2461 four digits of the social security number of the voter ~~absent~~
 2462 ~~elector~~ is across the seal of the envelope; however, a ~~no~~
 2463 statement may not ~~shall~~ appear on the envelope which indicates
 2464 that a signature or the last four digits of the social security
 2465 number of the voter must cross the seal of the envelope. The

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2466 voter must ~~absent elector shall~~ execute the certificate on the
2467 envelope.

2468 (4) The supervisor shall mark, code, indicate on, or
2469 otherwise track the precinct of the voter ~~absent elector~~ for
2470 each vote-by-mail ballot.

2471 Section 26. Section 101.65, Florida Statutes, is amended to
2472 read:

2473 101.65 Instructions to absent electors.—The supervisor
2474 shall enclose with each vote-by-mail ballot separate printed
2475 instructions in substantially the following form; however, where
2476 the instructions appear in capitalized text, the text of the
2477 printed instructions must be in bold font:

2478
2479 READ THESE INSTRUCTIONS CAREFULLY
2480 BEFORE MARKING BALLOT.

2481
2482 1. VERY IMPORTANT. In order to ensure that your vote-by-
2483 mail ballot will be counted, it should be completed and returned
2484 as soon as possible so that it can reach the supervisor of
2485 elections of the county in which your precinct is located no
2486 later than 7 p.m. on the day of the election. However, if you
2487 are an overseas voter casting a ballot in a presidential
2488 preference primary or general election, your vote-by-mail ballot
2489 must be postmarked or dated no later than the date of the
2490 election and received by the supervisor of elections of the
2491 county in which you are registered to vote no later than 10 days
2492 after the date of the election. Note that the later you return
2493 your ballot, the less time you will have to cure any signature
2494 deficiencies, which may cause your ballot not to be counted ~~is~~

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2495 ~~authorized until 5 p.m. on the 2nd day after the election.~~

2496 2. Mark your ballot in secret as instructed on the ballot.

2497 You must mark your own ballot unless you are unable to do so

2498 because of blindness, disability, or inability to read or write.

2499 3. Mark only the number of candidates or issue choices for

2500 a race as indicated on the ballot. If you are allowed to "Vote

2501 for One" candidate and you vote for more than one candidate,

2502 your vote in that race will not be counted.

2503 4. Place your marked ballot in the enclosed secrecy

2504 envelope.

2505 5. Insert the secrecy envelope into the enclosed mailing

2506 envelope which is addressed to the supervisor.

2507 6. Seal the mailing envelope and completely fill out the

2508 Voter's Certificate on the back of the mailing envelope.

2509 7. VERY IMPORTANT. In order for your vote-by-mail ballot to

2510 be counted, you must sign your name or print the last four

2511 digits of your social security number on the line above (Voter's

2512 Signature or Last Four Digits of Social Security Number). A

2513 vote-by-mail ballot will be considered illegal and not be

2514 counted if the signature or the last four digits of the social

2515 security number on the voter's certificate do ~~does~~ not match the

2516 signature or social security number on record. The signature on

2517 file at the time the supervisor of elections in the county in

2518 which your precinct is located receives your vote-by-mail ballot

2519 is the signature that will be used to verify your signature on

2520 the voter's certificate. If you need to update your signature

2521 for this election, send your signature update on a voter

2522 registration application to your supervisor of elections ~~so that~~

2523 ~~it is received before your vote-by-mail ballot is received.~~

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2524 8. VERY IMPORTANT. If you are an overseas voter, you must
2525 include the date you signed the Voter's Certificate or printed
2526 the last four digits of your social security number on the line
2527 above (Date) or your ballot may not be counted.

2528 9. Mail, deliver, or have delivered the completed mailing
2529 envelope. Be sure there is sufficient postage if mailed. THE
2530 COMPLETED MAILING ENVELOPE CAN BE DELIVERED TO THE OFFICE OF THE
2531 SUPERVISOR OF ELECTIONS OF THE COUNTY IN WHICH YOUR PRECINCT IS
2532 LOCATED OR DROPPED OFF AT AN AUTHORIZED SECURE BALLOT INTAKE
2533 STATION, AVAILABLE AT EACH EARLY VOTING LOCATION.

2534 10. FELONY NOTICE. It is a felony under Florida law to
2535 accept any gift, payment, or gratuity in exchange for your vote
2536 for a candidate. It is also a felony under Florida law to vote
2537 in an election using a false identity or false address, or under
2538 any other circumstances making your ballot false or fraudulent.

2539 Section 27. Paragraphs (a) and (b) of subsection (1),
2540 paragraph (c) of subsection (2), and paragraphs (a), (c), and
2541 (d) of subsection (4) of section 101.68, Florida Statutes, are
2542 amended to read:

2543 101.68 Canvassing of vote-by-mail ballot.—

2544 (1)(a) The supervisor of the county where the absent
2545 elector resides shall receive the voted ballot, at which time
2546 the supervisor shall compare the signature or the last four
2547 digits of the social security number of the elector on the
2548 voter's certificate with the signature or the last four digits
2549 of the social security number of the elector in the registration
2550 books or the precinct register to determine whether the elector
2551 is duly registered in the county and must record on the
2552 elector's registration record that the elector has voted. During

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2553 the signature comparison process, the supervisor may not use any
2554 knowledge of the political affiliation of the elector whose
2555 signature is subject to verification.

2556 (b) An elector who dies after casting a vote-by-mail ballot
2557 but on or before election day must ~~shall~~ remain listed in the
2558 registration books until the results have been certified for the
2559 election in which the ballot was cast. The supervisor shall
2560 safely keep the ballot unopened in his or her office until the
2561 county canvassing board canvasses the vote pursuant to
2562 subsection (2).

2563 (2)

2564 (c)1. The canvassing board must, if the supervisor has not
2565 already done so, compare the signature or the last four digits
2566 of the social security number of the elector on the voter's
2567 certificate or on the vote-by-mail ballot cure affidavit as
2568 provided in subsection (4) with the signature or last four
2569 digits of the social security number of the elector in the
2570 registration books or the precinct register to see that the
2571 elector is duly registered in the county and to determine the
2572 legality of that vote-by-mail ballot. A vote-by-mail ballot may
2573 only be counted if:

2574 a. The signature or last four digits of the social security
2575 number on the voter's certificate or the cure affidavit match
2576 ~~matches~~ the elector's signature or last four digits of the
2577 social security number in the registration books or precinct
2578 register; however, in the case of a cure affidavit, the
2579 supporting identification listed in subsection (4) must also
2580 confirm the identity of the elector; or

2581 b. The cure affidavit contains a signature or the last four

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2582 digits of a social security number which do ~~that does~~ not match
2583 the elector's signature or last four digits of the social
2584 security number in the registration books or precinct register,
2585 but the elector has submitted a current and valid Tier 1
2586 identification pursuant to subsection (4) which confirms the
2587 identity of the elector.

2588

2589 For purposes of this subparagraph, any canvassing board finding
2590 that an elector's signatures or last four digits of the
2591 elector's social security number do not match must be by
2592 majority vote and beyond a reasonable doubt.

2593 2. The ballot of an elector who casts a vote-by-mail ballot
2594 shall be counted even if the elector dies on or before election
2595 day, as long as, before the death of the voter, the ballot was
2596 postmarked by the United States Postal Service, date-stamped
2597 with a verifiable tracking number by a common carrier, or
2598 already in the possession of the supervisor.

2599 3. A vote-by-mail ballot is not considered illegal if the
2600 signature or last four digits of the social security number of
2601 the elector do ~~does~~ not cross the seal of the mailing envelope.

2602 4. ~~If any elector or candidate present believes that a~~
2603 ~~vote-by-mail ballot is illegal due to a defect apparent on the~~
2604 ~~voter's certificate or the cure affidavit, he or she may, at any~~
2605 ~~time before the ballot is removed from the envelope, file with~~
2606 ~~the canvassing board a protest against the canvass of that~~
2607 ~~ballot, specifying the precinct, the voter's certificate or the~~
2608 ~~cure affidavit, and the reason he or she believes the ballot to~~
2609 ~~be illegal. A challenge based upon a defect in the voter's~~
2610 ~~certificate or cure affidavit may not be accepted after the~~

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2611 ~~ballot has been removed from the mailing envelope.~~

2612 ~~5.~~ If the canvassing board determines that a ballot is
2613 illegal, a member of the board must, without opening the
2614 envelope, mark across the face of the envelope: "rejected as
2615 illegal." The cure affidavit, if applicable, the envelope, and
2616 the ballot therein must ~~shall~~ be preserved in the manner that
2617 official ballots are preserved.

2618 (4) (a) As soon as practicable, the supervisor shall, on
2619 behalf of the county canvassing board, attempt to notify an
2620 elector who has returned a vote-by-mail ballot that does not
2621 include the elector's signature or last four digits of the
2622 elector's social security number or contains a signature or the
2623 last four digits of a social security number that do ~~does~~ not
2624 match the elector's signature or last four digits of the
2625 elector's social security number in the registration books or
2626 precinct register by:

2627 1. Notifying the elector of the signature or last four
2628 digits of the social security number deficiency by e-mail and
2629 directing the elector to the cure affidavit and instructions on
2630 the supervisor's website;

2631 2. Notifying the elector of the signature or last four
2632 digits of the social security number deficiency by text message
2633 and directing the elector to the cure affidavit and instructions
2634 on the supervisor's website; or

2635 3. Notifying the elector of the signature or last four
2636 digits of the social security number deficiency by telephone and
2637 directing the elector to the cure affidavit and instructions on
2638 the supervisor's website.

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2640 In addition to the notification required under subparagraph 1.,
2641 subparagraph 2., or subparagraph 3., the supervisor must notify
2642 the elector of the signature or last four digits of the social
2643 security number deficiency by first-class mail and direct the
2644 elector to the cure affidavit and instructions on the
2645 supervisor's website. Beginning the day before the election, the
2646 supervisor is not required to provide notice of the signature
2647 deficiency by first-class mail, but shall continue to provide
2648 notice as required under subparagraph 1., subparagraph 2., or
2649 subparagraph 3.

2650 (c) The elector must complete a cure affidavit in
2651 substantially the following form:

2652

2653 VOTE-BY-MAIL BALLOT CURE AFFIDAVIT

2654

2655 I,, am a qualified voter in this election and
2656 registered voter of County, Florida. I do solemnly swear or
2657 affirm that I requested and returned the vote-by-mail ballot and
2658 that I have not and will not vote more than one ballot in this
2659 election. I understand that if I commit or attempt any fraud in
2660 connection with voting, vote a fraudulent ballot, or vote more
2661 than once in an election, I may be convicted of a felony of the
2662 third degree and fined up to \$5,000 and imprisoned for up to 5
2663 years. I understand that my failure to sign this affidavit means
2664 that my vote-by-mail ballot will be invalidated.

2665

2666 ... (Voter's Signature or Last Four Digits of Social Security
2667 Number) ...

2668 ... (Address) ...

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

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

1. In order to ensure that your vote-by-mail ballot will be counted, your affidavit should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 5 p.m. on the 2nd day after the election.

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

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

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

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2698 the state, a county, or a municipality; or

2699 b. Tier 2 identification.—ONLY IF YOU DO NOT HAVE A TIER 1
2700 FORM OF IDENTIFICATION, identification that shows your name and
2701 current residence address: current utility bill, bank statement,
2702 government check, paycheck, or government document (excluding
2703 voter information card).

2704 4. Place the envelope bearing the affidavit into a mailing
2705 envelope addressed to the supervisor. Insert a copy of your
2706 identification in the mailing envelope. Mail (if time permits),
2707 deliver, or have delivered the completed affidavit along with
2708 the copy of your identification to your county supervisor of
2709 elections. Be sure there is sufficient postage if mailed and
2710 that the supervisor's address is correct. Remember, your
2711 information MUST reach your county supervisor of elections no
2712 later than 5 p.m. on the 2nd day after the election, or your
2713 ballot will not count.

2714 5. Alternatively, you may fax or e-mail your completed
2715 affidavit and a copy of your identification to the supervisor of
2716 elections. If e-mailing, please provide these documents as
2717 attachments.

2718 Section 28. Section 101.69, Florida Statutes, is amended to
2719 read:

2720 101.69 Voting in person; return of vote-by-mail ballot.—

2721 (1) The provisions of this code may ~~shall~~ not be construed
2722 to prohibit any voter ~~elector~~ from voting in person at the
2723 voter's ~~elector's~~ precinct on the day of an election or at an
2724 early voting site, notwithstanding that the voter ~~elector~~ has
2725 requested a vote-by-mail ballot for that election. A voter ~~An~~
2726 ~~elector~~ who has returned a voted vote-by-mail ballot to the

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2727 supervisor, however, is deemed to have cast his or her ballot
2728 and is not entitled to vote another ballot or to have a
2729 provisional ballot counted by the county canvassing board. A
2730 voter ~~An elector~~ who has received a vote-by-mail ballot and has
2731 not returned the voted ballot to the supervisor, but desires to
2732 vote in person, shall return the ballot, whether voted or not,
2733 to the election board in the voter's ~~elector's~~ precinct or to an
2734 early voting site. The returned ballot must ~~shall~~ be marked
2735 "canceled" by the board and placed with other canceled ballots.
2736 However, if the voter ~~elector~~ does not return the ballot and the
2737 election official:

2738 (a) Confirms that the supervisor has received the voter's
2739 ~~elector's~~ vote-by-mail ballot, the voter may ~~elector shall~~ not
2740 be allowed to vote in person. If the voter ~~elector~~ maintains
2741 that he or she has not returned the vote-by-mail ballot or
2742 remains eligible to vote, the voter must ~~elector shall~~ be
2743 provided a provisional ballot as provided in s. 101.048.

2744 (b) Confirms that the supervisor has not received the
2745 voter's ~~elector's~~ vote-by-mail ballot, the voter must ~~elector~~
2746 ~~shall~~ be allowed to vote in person as provided in this code. The
2747 voter's ~~elector's~~ vote-by-mail ballot, if subsequently received,
2748 may ~~shall~~ not be counted and must ~~shall~~ remain in the mailing
2749 envelope, and the envelope must ~~shall~~ be marked "Rejected as
2750 Illegal."

2751 (c) Cannot determine whether the supervisor has received
2752 the voter's ~~elector's~~ vote-by-mail ballot, the voter ~~elector~~ may
2753 vote a provisional ballot as provided in s. 101.048.

2754 (2) (a) The supervisor shall allow a voter ~~an elector~~ who
2755 has received a vote-by-mail ballot to physically return a voted

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2756 vote-by-mail ballot to the supervisor by placing the return mail
2757 envelope containing his or her marked ballot in a secure ballot
2758 intake station. Secure ballot intake stations must ~~shall~~ be
2759 placed at the main office of the supervisor, at each permanent
2760 branch office of the supervisor which meets the criteria set
2761 forth in s. 101.657(1) (a) for branch offices used for early
2762 voting and which is open for at least the minimum number of
2763 hours prescribed by s. 98.015(4), and at each early voting site.
2764 Secure ballot intake stations may also be placed at any other
2765 site that would otherwise qualify as an early voting site under
2766 s. 101.657(1). Secure ballot intake stations must be
2767 geographically located so as to provide all voters in the county
2768 with an equal opportunity to cast a ballot, insofar as is
2769 practicable. ~~Except for secure ballot intake stations at an
2770 office of the supervisor, a secure ballot intake station may
2771 only be used during the county's early voting hours of operation
2772 and must be monitored in person by an employee of the
2773 supervisor's office. A secure ballot intake station at an office
2774 of the supervisor must be continuously monitored in person by an
2775 employee of the supervisor's office when the secure ballot
2776 intake station is accessible for deposit of ballots.~~

2777 (b) A supervisor shall designate each secure ballot intake
2778 station location at least 30 days before an election. The
2779 supervisor shall provide the address of each secure ballot
2780 intake station location to the division at least 30 days before
2781 an election. After a secure ballot intake station location has
2782 been designated, it may not be moved or changed except as
2783 approved by the division to correct a violation of this
2784 subsection.

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2785 (c)1. On each day of early voting, all secure ballot intake
2786 stations must be emptied at the end of early voting hours and
2787 all ballots retrieved from the secure ballot intake stations
2788 must be returned to the supervisor's office.

2789 2. For secure ballot intake stations located at an office
2790 of the supervisor, all ballots must be retrieved before the
2791 secure ballot intake station is no longer monitored by an
2792 ~~employee~~ of the supervisor.

2793 3. Employees of the supervisor must comply with procedures
2794 for the chain of custody of ballots as required by s.
2795 101.015(4).

2796 ~~(3) If any secure ballot intake station is left accessible~~
2797 ~~for ballot receipt other than as authorized by this section, the~~
2798 ~~supervisor is subject to a civil penalty of \$25,000. The~~
2799 ~~division is authorized to enforce this provision.~~

2800 Section 29. Subsection (1) of section 104.42, Florida
2801 Statutes, is amended to read:

2802 104.42 Fraudulent registration and illegal voting;
2803 investigation.—

2804 (1) The supervisor of elections is authorized to
2805 investigate fraudulent registrations and illegal voting and to
2806 report his or her findings to the local state attorney ~~and the~~
2807 ~~Office of Election Crimes and Security.~~

2808 Section 30. This act shall take effect July 1, 2025.