

By Senator Garcia

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1 A bill to be entitled
2 An act relating to elections; amending s. 97.021,
3 F.S.; defining terms; making technical changes;
4 amending s. 101.015, F.S.; requiring the Department of
5 State to adopt rules for minimum standards for
6 security measures for electronic and electromechanical
7 voting and other election systems; requiring that the
8 Election Technology Advisory Board annually evaluate
9 such rules; requiring that the department annually
10 update such rules; revising the standards for such
11 rules; requiring that voting and other election
12 systems comply with specified standards; providing the
13 required standards that must be met or exceeded;
14 requiring the Election Technology Advisory Board to
15 resolve conflicts among differing standards by making
16 a specified determination; providing exceptions to
17 such standards under specified circumstances;
18 requiring that security measures be outlined in the
19 county security plan approved by the department;
20 requiring the department to adopt or modify specified
21 rules; requiring that a certain full supply chain
22 analysis be conducted on specified components;
23 requiring the Election Technology Advisory Board to
24 make certain recommendations; making technical
25 changes; amending s. 101.017, F.S.; revising the name
26 of the Bureau of Voting Systems to the Bureau of
27 Voting Systems and Other Election Systems; providing
28 that the bureau is also responsible for other election
29 technology standards and certification; requiring that

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30 the bureau hire a certain number of credentialed
31 cybersecurity experts; requiring that the Florida
32 Cybersecurity Advisory Council and a state security
33 risk assessment team review all county security plans
34 and election security rules biennially; creating s.
35 101.018, F.S.; creating the Election Technology
36 Advisory Board; providing the board's
37 responsibilities, membership, and quorum requirements;
38 providing for future legislative review and repeal of
39 the advisory board; amending s. 101.293, F.S.;

40 providing that other election systems are subject to
41 competitive solicitation requirements under specified
42 conditions; making technical changes; amending s.
43 101.294, F.S.; requiring the Division of Elections to
44 adopt specified rules; prohibiting governing bodies
45 from purchasing any other election system unless such
46 system has been certified by the Department of State;
47 requiring governing bodies to notify the division of
48 purchasing or selling other election systems;
49 requiring the division to inform governing bodies of
50 the availability of new or used other election
51 systems; prohibiting vendors from providing other
52 election systems that are uncertified to local
53 governing bodies and supervisors of elections;
54 requiring that vendors of other election systems
55 provide a certain certification to local governing
56 bodies or supervisors of elections; amending s.
57 101.295, F.S.; providing criminal penalties for
58 members of governing bodies who purchase or sell other

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59 election systems in violation of specified provisions;
60 increasing the criminal penalty for such members who
61 purchase or sell voting equipment; amending s. 101.34,
62 F.S.; providing that supervisors of elections are the
63 custodians of other election systems; authorizing
64 supervisors of elections to appoint deputies to
65 prepare and supervise other election systems;
66 reenacting and amending s. 101.341, F.S.; prohibiting
67 specified persons from accepting employment or any
68 consideration from persons or entities involved in the
69 purchase, repair, or sale of other election systems
70 and election materials under specified conditions;
71 prohibiting supervisors and their employees from
72 seeking employment, contracts, or other relationships
73 with specified suppliers on behalf of the employees'
74 family members; requiring such persons to advise
75 family members that such relationships create the
76 appearance of a conflict of interest; requiring
77 supervisors to notify the Secretary of State of such
78 conflict; authorizing the secretary to remove or
79 retain supervisors under specified conditions;
80 requiring the secretary to promptly report certain
81 information to the public; providing criminal
82 penalties; making technical changes; amending s.
83 101.5604, F.S.; authorizing boards of county of
84 commissioners to adopt, purchase, or otherwise procure
85 other election systems under specified conditions;
86 providing that counties may use either electronic or
87 electromechanical precinct-count tabulation voting

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88 systems or count ballots by hand at the precinct
89 level; amending s. 101.5605, F.S.; requiring the
90 Department of State to examine publicly all other
91 election systems submitted and make a certain
92 determination; authorizing persons owning or
93 interested in other election systems to submit such
94 systems to the department for examination; requiring
95 the department to employ specified individuals;
96 prohibiting the Secretary of State and examiners from
97 having a pecuniary interest in other election systems,
98 election materials, and election-related service
99 providers; requiring disclosure of potential conflicts
100 under specified conditions; providing that any
101 examiners who have a conflict be excluded from certain
102 activities; requiring that persons contracting with
103 the Department of State to provide other election
104 systems have a registered agent in this state; making
105 technical changes; amending s. 101.5606, F.S.;

106 revising the requirements voting systems must meet to
107 be approved by the Department of State; prohibiting
108 other election systems or election vendors from being
109 approved by the department unless certain conditions
110 are confirmed; amending s. 101.56065, F.S.; revising
111 definitions; requiring vendors to file a written
112 disclosure with the department identifying defects in
113 other election systems; requiring the department to
114 suspend the use of systems if a certain determination
115 is made; prohibiting the sale, lease, or use of other
116 election systems under a specified condition;

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117 requiring, rather than authorizing, the department to
118 initiate investigations under certain circumstances;
119 revising the civil penalty for vendors that fail to
120 disclose or cure a defect; revising the actions the
121 department is authorized or required to take if it
122 finds a defect existed; conforming provisions to
123 changes made by the act; making technical changes;
124 amending s. 101.5612, F.S.; requiring that a
125 certification team inspect and approve all source code
126 for specified equipment; requiring the Secretary of
127 State and vendors to maintain specified certificates;
128 requiring vendors to prepare a code package and
129 digital signature using such certificate and submit
130 both to the secretary; requiring the secretary to
131 promptly and permanently publish such materials on its
132 publicly available website; requiring the secretary to
133 follow such process for all change events; prohibiting
134 the installation of certain software; requiring that a
135 certain list of all systems be posted on the website
136 and updated under specified conditions; requiring that
137 certain tests be sufficient to make certain
138 determinations; requiring that the same testing
139 standards be implemented on other election systems;
140 requiring supervisors of elections to have other
141 election systems publicly tested; specifying that
142 voting system testing must ascertain that such system
143 will correctly count votes cast for all offices and
144 measures; requiring, rather than authorizing,
145 supervisors to conduct additional testing within a

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146 specified timeframe under certain conditions;
147 requiring that other election system testing ascertain
148 that the system will correctly perform its designated
149 functions during an election; requiring that all
150 testing be subject to public notice of the time and
151 place; requiring, rather than authorizing, supervisors
152 or other municipal elections officials to give a
153 certain notice to candidates; specifying that
154 designees from political parties are allowed in work
155 areas during testing and ballot counting; authorizing
156 the party designee to observe other election systems
157 during elections, request inspection of and photograph
158 system settings, and have access to a certain hotline;
159 providing that the public must be able to observe
160 tabulators and other election equipment through
161 specified means; prohibiting designees and the public
162 from interfering with certain operations of the
163 canvassing board; requiring that the public and
164 designees be able to call a hotline and submit a work
165 ticket; requiring that such calls be monitored by the
166 state and canvassing board; authorizing political
167 parties to have designees monitor the hotline;
168 requiring that a randomly selected number of test
169 ballots from public participants be chosen; providing
170 that after reconciliation, two batches of ballots be
171 comingled and reconciled again; requiring that such
172 process be repeated and errorless results be achieved
173 under specified conditions; requiring that voting
174 systems in absentee vote counting centers be publicly

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175 tested; revising the sample selection process for such
176 testing; requiring that a randomly selected number of
177 test ballots from public participants be chosen;
178 providing that after reconciliation, two batches of
179 ballots be comingled and reconciled again; requiring
180 that such process be repeated and errorless results be
181 achieved under specified conditions; requiring that
182 other election systems that are determined to have an
183 error in their functions or security measures be
184 deemed unsatisfactory; requiring the canvassing board,
185 with assistance from specified experts, to take steps
186 to determine the cause of the error, identify and test
187 other devices, and test a number of additional devices
188 to make a certain determination; prohibiting systems
189 from allowing remote logins; requiring that specified
190 seals be used to seal specified points of entry for
191 voting devices; revising the written statements
192 executed by a canvassing board or its representative
193 to include the number of seals and other election
194 systems; requiring that tabulating devices and other
195 election systems that are unsatisfactory be recoded,
196 repaired, or replaced and be available for retesting;
197 requiring that records of certain tests on other
198 election systems be kept; requiring that certain
199 records related to testing be available through public
200 records requests at no charge; authorizing the posting
201 of such records on the election office website;
202 requiring that records be kept for a specified
203 timeframe; making technical changes; amending s.

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204 101.591, F.S.; revising when county canvassing boards
205 or local boards responsible for certifying elections
206 must conduct a manual audit; specifying how such
207 manual audit must be conducted; revising the contents
208 of the tally sheet used by precincts for ballots
209 collected and counted; requiring the canvassing board
210 and public observers to be present for specified
211 actions; requiring that such actions be videotaped and
212 livestreamed; requiring that automated audits use
213 original paper ballots; requiring that precincts be
214 randomly selected by the county canvassing board or
215 the local board responsible for certifying an election
216 at a publicly noticed meeting; requiring that audits
217 be completed and results made public before an
218 election is certified; making a technical change;
219 amending ss. 101.68 and 101.69, F.S.; conforming
220 cross-references; providing an effective date.

221

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

223

224 Section 1. Section 97.021, Florida Statutes, is amended to
225 read:

226 97.021 Definitions.—For the purposes of this code, except
227 where the context clearly indicates otherwise, the term:

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

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

231 (a) A member of a uniformed service on active duty who, by
232 reason of such active duty, is absent from the place of

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233 residence where the member is otherwise qualified to vote;

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

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

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

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

250 (5) "Auditable storage methods" means using a systematic,
251 independent, documented process when obtaining records or
252 information and then assessing the records or information
253 objectively to determine whether all requirements are fulfilled;
254 recording all information in a manner that allows election
255 officials to review the activities that occurred on the voting
256 equipment to verify or reconstruct the steps followed without
257 compromising the ballot or voter secrecy; and having a paper
258 printout produced by the direct-recording electronic voting
259 machines, which election officials may use to cross-check
260 electronically tabulated totals. The term also includes
261 maintaining, at a minimum, two sets of records that are

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262 different in form to create resistance to accidental or
263 deliberate damage, one set which is usable in a counting process
264 and one set which is usable to verify its agreement with the
265 other set or sets of records used in the counting process.

266 (6) "Automatic tabulating equipment" means an apparatus
267 that automatically examines, counts, and records votes.

268 (7)~~(6)~~ "Ballot" or "official ballot" when used in reference
269 to:

270 (a) "Electronic or electromechanical devices" means a
271 ballot that is voted by the process of electronically
272 designating, including by touchscreen, or marking with a marking
273 device for tabulation by automatic tabulating equipment or data
274 processing equipment.

275 (b) "Marksense ballots" means that printed sheet of paper,
276 used in conjunction with an electronic or electromechanical vote
277 tabulation voting system, containing the names of candidates, or
278 a statement of proposed constitutional amendments or other
279 questions or propositions submitted to the electorate at any
280 election, on which sheet of paper an elector casts his or her
281 vote.

282 (8) (a)~~(7)~~ "Candidate" means any person to whom any ~~one or~~
283 ~~more~~ of the following applies:

284 1. (a) ~~Any person who~~ Seeks to qualify for nomination or
285 election by means of the petitioning process.

286 2. (b) ~~Any person who~~ Seeks to qualify for election as a
287 write-in candidate.

288 3. (c) ~~Any person who~~ Receives contributions or makes
289 expenditures, or gives his or her consent for any other person
290 to receive contributions or make expenditures, with a view to

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291 bringing about his or her nomination or election to, or
292 retention in, public office.

293 4.~~(d)~~ ~~Any person who~~ Appoints a treasurer and designates a
294 primary depository.

295 5.~~(e)~~ ~~Any person who~~ Files qualification papers and
296 subscribes to a candidate's oath as required by law.

297 (b) ~~The term~~ ~~However, this definition~~ does not include any
298 candidate for a political party executive committee.

299 (9) "Data network communications" means the transfer of
300 data and information between various endpoints or systems using
301 a communication network. The communication network may be local,
302 as in within a building, or across a wide area, as in spread
303 amongst buildings or across a distance, and may be wired or
304 wireless.

305 (10)~~(8)~~ "Department" means the Department of State.

306 (11)~~(9)~~ "Division" means the Division of Elections of the
307 Department of State.

308 (12)~~(10)~~ "Early voting" means casting a ballot prior to
309 election day at a location designated by the supervisor of
310 elections and depositing the voted ballot in the tabulation
311 system.

312 (13)~~(11)~~ "Early voting area" means the area designated by
313 the supervisor of elections at an early voting site at which
314 early voting activities occur, including, but not limited to,
315 lines of voters waiting to be processed, the area where voters
316 check in and are processed, and the area where voters cast their
317 ballots.

318 (14)~~(12)~~ "Early voting site" means those locations
319 specified in s. 101.657 and the building in which early voting

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320 occurs.

321 ~~(15)~~~~(13)~~ "Election" means any primary election, special
322 primary election, special election, general election, or
323 presidential preference primary election.

324 ~~(16)~~~~(14)~~ "Election board" means the clerk and inspectors
325 appointed to conduct an election.

326 ~~(17)~~~~(15)~~ "Election costs" shall include, but not be limited
327 to, expenditures for all paper supplies such as envelopes,
328 instructions to voters, affidavits, reports, ballot cards,
329 ballot booklets for vote-by-mail voters, postage, notices to
330 voters; advertisements for registration book closings, testing
331 of voting equipment, sample ballots, and polling places; forms
332 used to qualify candidates; polling site rental and equipment
333 delivery and pickup; data processing time and supplies; election
334 records retention; and labor costs, including those costs
335 uniquely associated with vote-by-mail ballot preparation, poll
336 workers, and election night canvass.

337 (18) "Election data" means all information and electronic
338 records pertaining to a specific election, including, but not
339 limited to, ballot design, inbound and outbound mailing, chain
340 of custody, postal billing, data network communication logs,
341 election reporting, and vote-by-mail ballot tracking.

342 (19) "Election Technology Advisory Board" means a group of
343 diversely credentialed experts capable of assessing compliance
344 with state, federal, and commercial standards and evaluating
345 evolving information technology, cybersecurity, manual process
346 controls, pre-election certification auditing, and other
347 enterprise risk management standards.

348 ~~(20)~~~~(16)~~ "Elector" is synonymous with the word "voter" or

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349 "qualified elector or voter," except where the word is used to
350 describe presidential electors.

351 (21)~~(17)~~ "General election" means an election held on the
352 first Tuesday after the first Monday in November in the even-
353 numbered years, for the purpose of filling national, state,
354 county, and district offices and for voting on constitutional
355 amendments not otherwise provided for by law.

356 (22)~~(18)~~ "Lists of registered electors" means names and
357 associated information of registered electors maintained by the
358 department in the statewide voter registration system or
359 generated or derived from the statewide voter registration
360 system. Lists may be produced in printed or electronic format.

361 (23)~~(19)~~ "Member of the Merchant Marine" means an
362 individual, other than a member of a uniformed service or an
363 individual employed, enrolled, or maintained on the Great Lakes
364 for the inland waterways, who is:

365 (a) Employed as an officer or crew member of a vessel
366 documented under the laws of the United States, a vessel owned
367 by the United States, or a vessel of foreign-flag registry under
368 charter to or control of the United States; or

369 (b) Enrolled with the United States for employment or
370 training for employment, or maintained by the United States for
371 emergency relief service, as an officer or crew member of such
372 vessel.

373 (24)~~(20)~~ "Minor political party" is any group as specified
374 in s. 103.095 which on January 1 preceding a primary election
375 does not have registered as members 5 percent of the total
376 registered electors of the state.

377 (25)~~(21)~~ "Newspaper of general circulation" means a

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378 newspaper printed in the language most commonly spoken in the
379 area within which it circulates and which is readily available
380 for purchase by all inhabitants in the area of circulation, but
381 does not include a newspaper intended primarily for members of a
382 particular professional or occupational group, a newspaper the
383 primary function of which is to carry legal notices, or a
384 newspaper that is given away primarily to distribute
385 advertising.

386 ~~(26)-(22)~~ "Nominal value" means having a retail value of \$10
387 or less.

388 ~~(27)-(23)~~ "Nonpartisan office" means an office for which a
389 candidate is prohibited from campaigning or qualifying for
390 election or retention in office based on party affiliation.

391 ~~(28)-(24)~~ "Office that serves persons with disabilities"
392 means any state office that takes applications either in person
393 or over the telephone from persons with disabilities for any
394 program, service, or benefit primarily related to their
395 disabilities.

396 (29) "Other election system" means any information
397 technology other than the voting systems used in the election
398 process which can add, delete, or modify ballots or votes or
399 which store critical election data. The term includes hosted
400 technologies or service providers that store or have access to
401 critical election data. The term also includes, but is not
402 limited to, the voter registration system, e-pollbooks,
403 tabulation systems, mail sorters, election night reporting,
404 ballot tracking solutions, and future technologies integrated
405 into the election process.

406 ~~(30)-(25)~~ "Overseas voter" means:

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

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

413 (c) A person who resides outside the United States and, but
414 for such residence, would be qualified to vote in the last place
415 in which the person was domiciled before leaving the United
416 States.

417 ~~(31)-(26)~~ "Overvote" means that the elector marks or
418 designates more names than there are persons to be elected to an
419 office or designates more than one answer to a ballot question,
420 and the tabulator records no vote for the office or question.

421 ~~(32)-(27)~~ "Persons with disabilities" means individuals who
422 have a physical or mental impairment that substantially limits
423 one or more major life activities.

424 ~~(33)-(28)~~ "Petition circulator" means an entity or
425 individual who collects signatures for compensation for the
426 purpose of qualifying a proposed constitutional amendment for
427 ballot placement.

428 ~~(34)-(29)~~ "Polling place" is the building which contains the
429 polling room where ballots are cast.

430 ~~(35)-(30)~~ "Polling room" means the actual room in which
431 ballots are cast on election day and during early voting.

432 (36) "Portable data storage" means a compact plug-and-play
433 storage device, such as a USB flash drive, which is designed to
434 hold digital data of any kind.

435 ~~(37)-(31)~~ "Primary election" means an election held

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436 preceding the general election for the purpose of nominating a
437 party nominee to be voted for in the general election to fill a
438 national, state, county, or district office.

439 (38)~~(32)~~ "Provisional ballot" means a conditional ballot,
440 the validity of which is determined by the canvassing board.

441 (39)~~(33)~~ "Public assistance" means assistance provided
442 through the food assistance program under the federal
443 Supplemental Nutrition Assistance Program; the Medicaid program;
444 the Special Supplemental Food Program for Women, Infants, and
445 Children; and the Temporary Cash Assistance Program.

446 (40)~~(34)~~ "Public office" means any federal, state, county,
447 municipal, school, or other district office or position which is
448 filled by vote of the electors.

449 (41)~~(35)~~ "Qualifying educational institution" means any
450 public or private educational institution receiving state
451 financial assistance which has, as its primary mission, the
452 provision of education or training to students who are at least
453 18 years of age, provided such institution has more than 200
454 students enrolled in classes with the institution and provided
455 that the recognized student government organization has
456 requested this designation in writing and has filed the request
457 with the office of the supervisor of elections in the county in
458 which the institution is located.

459 (42)~~(36)~~ "Special election" is a special election called
460 for the purpose of voting on a party nominee to fill a vacancy
461 in the national, state, county, or district office.

462 (43)~~(37)~~ "Special primary election" is a special nomination
463 election designated by the Governor, called for the purpose of
464 nominating a party nominee to be voted on in a general or

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465 special election.

466 ~~(44)-(38)~~ "Supervisor" means the supervisor of elections.

467 ~~(45)-(39)~~ "Tactile input device" means a device that
468 provides information to a voting system by means of a voter
469 touching the device, such as a keyboard, and that complies with
470 the requirements of s. 101.56062(1)(k) and (l).

471 ~~(46)-(40)~~ "Third-party registration organization" means any
472 person, entity, or organization soliciting or collecting voter
473 registration applications. A third-party voter registration
474 organization does not include:

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

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

482 ~~(47)-(41)~~ "Undervote" means that the elector does not
483 properly designate any choice for an office or ballot question,
484 and the tabulator records no vote for the office or question.

485 ~~(48)-(42)~~ "Uniformed services" means the Army, Navy, Air
486 Force, Marine Corps, Space Force, and Coast Guard, the
487 commissioned corps of the Public Health Service, and the
488 commissioned corps of the National Oceanic and Atmospheric
489 Administration.

490 (49) "Voter data" means all voter records pertaining to an
491 individual voter, including voter registration, voter signature,
492 voter registration changes, voted status, and voting history.

493 ~~(50)-(43)~~ "Voter interface device" means any device that

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494 communicates voting instructions and ballot information to a
495 voter and allows the voter to select and vote for candidates and
496 issues. A voter interface device may not be used to tabulate
497 votes. Any vote tabulation must be based upon a subsequent scan
498 of the marked marksense ballot or the voter-verifiable paper
499 output after the voter interface device process has been
500 completed.

501 (51)~~(44)~~ "Voter registration agency" means any office that
502 provides public assistance, any office that serves persons with
503 disabilities, any center for independent living, or any public
504 library.

505 (52)~~(45)~~ "Voter registration official" means any supervisor
506 of elections or individual authorized by the Secretary of State
507 to accept voter registration applications and execute updates to
508 the statewide voter registration system.

509 (53)~~(46)~~ "Voting booth" or "booth" means that booth or
510 enclosure wherein an elector casts his or her ballot for
511 tabulation by an electronic or electromechanical device.

512 (54)~~(47)~~ "Voting system" means a method of casting and
513 processing votes that functions wholly or partly by use of
514 electromechanical or electronic apparatus or by use of marksense
515 ballots and includes, but is not limited to, the procedures for
516 casting and processing votes and the programs, operating
517 manuals, supplies, printouts, and other software necessary for
518 the system's operation.

519 Section 2. Section 101.015, Florida Statutes, is amended to
520 read:

521 101.015 Standards for voting systems, other election
522 systems, and election material security.-

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523 (1) The Department of State shall adopt rules which
524 establish minimum standards for hardware, ~~and~~ software, and
525 security measures for electronic and electromechanical voting
526 systems and other election systems. Such rules must be evaluated
527 annually by the Election Technology Advisory Board and updated
528 annually by the department. The rules must ~~shall~~ contain
529 standards for:

- 530 (a) Functional requirements;
531 (b) Performance levels;
532 (c) Physical and design characteristics;
533 (d) Documentation requirements; ~~and~~
534 (e) Evaluation criteria;~~-~~
535 (f) Security, auditability, chain of custody, and reporting
536 compliance;
537 (g) Auditable storage methods;
538 (h) Portable data storage requirements;
539 (i) Which data network communications components, sub-
540 components, configurations, and settings are specifically
541 allowed or prohibited, as applicable;
542 (j) On-premises deployment requirements;
543 (k) Hardware self-diagnostics, reporting, maintenance plan,
544 and emergency support requirements;
545 (l) Department review and favorable assessment of vendor
546 software development methodology, code, and functionality; and
547 (m) Department review and favorable assessment of vendor
548 information security practices.

549 (2) (a) All voting and other election systems must comply
550 with state, federal, and commercial standards in addition to
551 evolving technology, cybersecurity, manual process control, pre-

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552 election certification auditing, and other enterprise risk
553 management standards that are relevant to the criteria set forth
554 in this section. Notwithstanding the relevant standards, all of
555 the following requirements must be met or exceeded:

556 1. Tabulators may not use internal or external hardware
557 that enables cellular, Wi-Fi, Bluetooth, or other wireless data
558 communications.

559 2. Data network communications must use an Ethernet switch
560 and category 6 Ethernet cables or the current equivalent
561 technology.

562 3. Voting systems and other elections systems must be based
563 on open source code that is compiled and distributed by the
564 department, or based on proprietary software that is inspected
565 using real-time reporting and auditing.

566 4. All software development must be conducted in the United
567 States by United States citizens and must use data stored in the
568 United States.

569 5. Maintenance must be performed by United States citizens
570 who annually satisfy a background screening requirement.

571 6. Auditable storage methods must ensure that election data
572 is immutable.

573 7. Portable storage media must be compatible with state-
574 approved county elections security plans that specify portable
575 media chain of custody requirements.

576 8. Use of hosted services is discouraged and may be
577 certified only if all of the following apply:

578 a. The vendor has secure enclaves.

579 b. The vendor is based within the United States.

580 c. Data is stored only in the United States.

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581 d. The software is developed by United States citizens who
582 annually satisfy background screening requirements.

583 e. The hosting of services is operated solely by United
584 States citizens who annually satisfy background screening
585 requirements.

586 9. System pre-election testing must include evaluation of
587 security software and network communication settings.

588 10. System precertification mini-audits must include
589 verification that systems settings have not been changed and
590 that unauthorized data network communication or unauthorized
591 system access has not occurred.

592 (b) If there is a conflict between standards, the Election
593 Technology Advisory Board must determine which standard is to be
594 used based on efficacy, relevancy, cost, and election timeline
595 constraints. Systems deployed before July 1, 2025, or adoption
596 of a department rule or the issuance of new or updated standards
597 may continue to be used if security measures are put in place
598 which adequately mitigate noncompliance risks. The security
599 measures must be outlined in the county security plan approved
600 by the department, as required by department rule. The
601 department shall adopt or modify rules to enforce this
602 subsection.

603 (3) A full supply chain analysis must be conducted on
604 legacy and new hardware, firmware, and software to ensure the
605 certified hardware and software are produced and developed in
606 the United States using components that are free from malware,
607 spyware, and hidden communication or connection capabilities.
608 The Election Technology Advisory Board shall make
609 recommendations on the remedy for legacy technologies that do

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610 not meet the requirements of this section.

611 (4) Each odd-numbered year the Department of State shall
612 review the rules governing standards and certification of voting
613 systems to determine the adequacy and effectiveness of such
614 rules in assuring that elections are fair and impartial.

615 (5)~~(3)~~ The Department of State shall adopt rules to achieve
616 and maintain the maximum degree of correctness, impartiality,
617 and efficiency of the procedures of voting, including write-in
618 voting, and of counting, tabulating, and recording votes by
619 voting systems used in this state.

620 (6) (a)~~(4) (a)~~ The Department of State shall adopt rules
621 establishing minimum security standards for voting systems. The
622 standards must, at a minimum, ~~must~~ address the following:

623 1. Chain of custody of ballots, including a detailed
624 description of procedures to create a complete written record of
625 the chain of custody of ballots and paper outputs beginning with
626 their receipt from a printer or manufacturer until such time as
627 they are destroyed.

628 2. Transport of ballots, including a description of the
629 method and equipment used and a detailed list of the names of
630 all individuals involved in such transport.

631 3. Ballot security, including a requirement that all
632 ballots be kept in a locked room in the supervisor's office, a
633 facility controlled by the supervisor or county canvassing
634 board, or a public place in which the county canvassing board is
635 canvassing votes until needed for canvassing and returned
636 thereafter.

637 (b)1. Each supervisor shall establish written procedures to
638 assure accuracy and security in his or her county, including

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639 procedures related to early voting pursuant to s. 101.657. Such
640 procedures must ~~shall~~ be reviewed in each odd-numbered year by
641 the department.

642 2. Each supervisor shall submit any revisions to the
643 security procedures to the department at least 45 days before
644 early voting commences pursuant to s. 101.657 in an election in
645 which they are to take effect.

646 (7) (a) ~~(5) (a)~~ The Department of State shall adopt rules
647 which establish standards for provisional approval of hardware
648 and software for innovative use of electronic and
649 electromechanical voting systems. Such rules must ~~shall~~ contain
650 standards for:

- 651 1. Functional requirements;
- 652 2. Performance levels;
- 653 3. Physical and design characteristics;
- 654 4. Documentation requirements;
- 655 5. Evaluation criteria;
- 656 6. Audit capabilities; and
- 657 7. Consideration of prior use of a system.

658 (b) A voting system may ~~shall~~ be provisionally approved for
659 ~~a total of~~ no more than 2 years, and the Department of State has
660 the authority to revoke such approval. Provisional approval of a
661 system may ~~shall~~ not be granted by the Department of State to
662 supersede certification requirements of this section.

663 (c)1. No provisionally approved system may be used in any
664 election, including any municipal election, without the
665 authorization of the Department of State.

666 2. An application for use of a provisionally approved
667 system must ~~shall~~ be submitted at least 120 days before ~~prior to~~

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668 the intended use by the supervisor of elections or municipal
669 elections official. Such application must ~~shall~~ request
670 authorization for use of the system in a specific election. Each
671 application must ~~shall~~ state the election, the number of
672 precincts, and the number of anticipated voters for which the
673 system is requested for use.

674 3. The Department of State shall authorize or deny
675 authorization of the use of the provisionally approved system
676 for the specific election and shall notify the supervisor of
677 elections or municipal elections official in writing of the
678 authorization or denial of authorization, along with the reasons
679 therefor, within 45 days after receipt of the application.

680 (d) A contract for the use of a provisionally approved
681 system for a specific election may be entered into with the
682 approval of the Department of State. No contract for title to a
683 provisionally approved system may be entered into.

684 (e) The use of any provisionally approved system is ~~shall~~
685 ~~be~~ valid for all purposes.

686 (8) ~~(6)~~ All electronic and electromechanical voting systems
687 purchased on or after January 1, 1990, must meet the minimum
688 standards established under subsection (1). All electronic and
689 electromechanical voting systems in use on or after July 1,
690 1993, must meet the minimum standards established under
691 subsection (1) or subsection (7) ~~(5)~~.

692 (9) ~~(7)~~ The Division of Elections shall review the voting
693 systems certification standards and ensure that new technologies
694 are available for selection by boards of county commissioners
695 which meet the requirements for voting systems and meet user
696 standards. The Division of Elections shall continuously review

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697 the voting systems certification standards to ensure that new
698 technologies are appropriately certified for all elections in a
699 timely manner. The division shall also develop methods to
700 determine the will of the public with respect to voting systems.

701 Section 3. Section 101.017, Florida Statutes, is amended to
702 read:

703 101.017 Bureau of Voting Systems and Other Election Systems
704 Certification.—There is created a Bureau of Voting Systems and
705 Other Election Systems Certification within the Division of
706 Elections of the Department of State which shall provide
707 technical support to the supervisors of elections and which is
708 responsible for voting system and other election technology
709 standards and certification. The positions necessary for the
710 bureau to accomplish its duties must ~~shall~~ be established
711 through the budgetary process and include at least two
712 credentialed cybersecurity experts. All county security plans
713 and rules relating to election security must be reviewed by the
714 Florida Cybersecurity Advisory Council and a state security risk
715 assessment team at least every odd-numbered year.

716 Section 4. Section 101.018, Florida Statutes, is created to
717 read:

718 101.018 Election Technology Advisory Board.—

719 (1) There is created under the Executive Office of the
720 Governor, and with the guidance of the state chief information
721 officer, the Secretary of State, and the Florida Cybersecurity
722 Advisory Council, the Election Technology Advisory Board.

723 (2) The board shall be responsible for all of the
724 following:

725 (a) Making recommendations on election technology and

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726 security standards, certification, procurement, and management
727 policies. If multiple federal or commercial standard options
728 exist, the board must make a recommendation of the standard to
729 be followed based on efficacy, relevancy, cost, and election
730 timeline constraints.

731 (b) Assessing the adherence to and effectiveness of such
732 policies and providing reports on the board's findings and
733 recommendations annually to the Legislature and biannually to
734 the Secretary of State. The report must include a review and
735 assessment of the security plans implemented by the supervisors
736 and procedural and information technology audit reports.

737 (c) Directing and participating in election security risk
738 assessments annually with guidance and participation from the
739 state chief information officer, the Secretary of State, the
740 Florida Cybersecurity Advisory Council, and industry experts.

741 (3) (a) The Governor shall appoint at least five members to
742 the board.

743 (b) The board must be composed of the following members:

744 1. At least two members with cybersecurity credentials and
745 a minimum of 10 years of cybersecurity experience.

746 2. At least one member with proven leadership in relevant
747 emerging technologies, such as network communications or
748 artificial intelligence.

749 3. At least one member with a proven track record of
750 success in planning, implementing, and overseeing technology in
751 one of the following areas:

752 a. The military.

753 b. A commercial enterprise.

754 c. A government enterprise.

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755 4. At least one member with proven leadership as a former
756 supervisor of elections.

757 5. At least two members from each major political party.

758 (c) All members must be qualified electors in this state. A
759 member may not be a current employee, contractor, grantee,
760 beneficiary, shareholder, or immediate family member of a
761 supervisor of elections, the department, an election industry
762 vendor, the Federal Government, a foreign government, or a
763 foreign country of concern as defined in s. 287.138.

764 (d) Three members constitute a quorum.

765 (4) In accordance with s. 20.052(8), this section is
766 repealed October 2, 2028, unless reviewed and saved through
767 reenactment by the Legislature.

768 Section 5. Subsection (1) of section 101.293, Florida
769 Statutes, is amended to read:

770 101.293 Competitive sealed bids and proposals required.—

771 (1) Any purchase of voting equipment or other election
772 systems, the individual or combined retail value of which is in
773 excess of the threshold amount for CATEGORY TWO purchases
774 provided in s. 287.017, by a governing body must ~~shall~~ be by
775 means of competitive sealed bids or competitive sealed proposals
776 from at least two bidders, except under the following
777 conditions:

778 (a) If a majority of the governing body agrees by vote that
779 an emergency situation exists in regard to the purchase of such
780 equipment to the extent that the potential benefits derived from
781 competitive sealed bids or competitive sealed proposals are
782 outweighed by the detrimental effects of a delay in the
783 acquisition of such equipment; or

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784 (b) If a majority of the governing body finds that there is
785 but a single source from which suitable equipment may be
786 obtained.

787
788 If such conditions are found to exist, the chair of the
789 governing body must ~~shall~~ certify to the Division of Elections
790 the situation and conditions requiring an exception to the
791 competitive sealed bidding and competitive sealed proposal
792 requirements of this section. Such certification must ~~shall~~ be
793 maintained on file by the division.

794 Section 6. Section 101.294, Florida Statutes, is amended to
795 read:

796 101.294 Purchase and sale of voting equipment and other
797 election systems.-

798 (1) The Division of Elections of the Department of State
799 shall adopt uniform rules for the purchase, use, and sale of
800 voting equipment and other election systems in this ~~the~~ state.
801 Such rules must prohibit outsourcing operations or using the
802 same vendor for multiple functions that, when combined, would
803 enable a single vendor to compromise election security or block
804 transparency or auditing. A ~~No~~ governing body may not ~~shall~~
805 purchase or cause to be purchased any voting equipment or other
806 election systems unless such equipment has been certified for
807 use in this state by the Department of State.

808 (2) Any governing body contemplating the purchase or sale
809 of voting equipment or other election systems shall notify the
810 Division of Elections of such considerations. The division shall
811 attempt to coordinate the sale of excess or outmoded equipment
812 by one county with purchases of necessary equipment by other

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813 counties.

814 (3) The division shall inform the governing bodies of the
815 various counties of the state of the availability of new or used
816 voting equipment or other election systems and of sources
817 available for obtaining such equipment.

818 (4) A vendor of voting equipment or other election systems
819 may not provide an uncertified voting or other election system,
820 voting or other election system component, or voting or other
821 election system upgrade to a local governing body or supervisor
822 of elections in this state.

823 (5) Before or in conjunction with providing a voting or
824 other election system, voting or other election system
825 component, or voting or other election system upgrade, the
826 vendor shall provide the local governing body or supervisor of
827 elections with a sworn certification that the voting or other
828 election system, voting or other election system component, or
829 voting or other election system upgrade being provided has been
830 certified by the Division of Elections.

831 Section 7. Section 101.295, Florida Statutes, is amended to
832 read:

833 101.295 Penalties for violation.—

834 (1) Any member of a governing body which purchases or sells
835 voting equipment or other election systems in violation of the
836 provisions of ss. 101.292-101.295, which member knowingly votes
837 to purchase or sell voting equipment or other election systems
838 in violation of the provisions of ss. 101.292-101.295, commits a
839 felony of the third ~~is guilty of a misdemeanor of the first~~
840 degree, punishable as provided by s. 775.082, ~~or~~ s. 775.083, or
841 s. 775.084, and is ~~shall be~~ subject to suspension from office on

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842 the grounds of malfeasance.

843 (2) Any vendor, chief executive officer, or vendor
844 representative of voting equipment who provides a voting system,
845 voting system component, or voting system upgrade in violation
846 of this chapter commits a felony of the third degree, punishable
847 as provided in s. 775.082, s. 775.083, or s. 775.084.

848 Section 8. Section 101.34, Florida Statutes, is amended to
849 read:

850 101.34 Custody of voting system and other election
851 systems.—The supervisor of elections shall be the custodian of
852 the voting system and other election systems in the county, and
853 he or she shall appoint deputies necessary to prepare and
854 supervise the voting system and other election systems before
855 ~~prior to~~ and during elections. The compensation for such
856 deputies shall be paid by the supervisor of elections.

857 Section 9. Subsection (1) of section 101.341, Florida
858 Statutes, is amended, and subsection (2) of that section is
859 reenacted, to read:

860 101.341 Prohibited activities by voting system, other
861 election system, and election material custodians and deputy
862 custodians.—

863 (1) A ~~No~~ voting system, other election system, or election
864 material custodian or deputy custodian or other employee of the
865 supervisor of elections, which employee's duties are primarily
866 involved with the preparation, maintenance, or repair of voting
867 equipment or other election systems, may not accept employment
868 or any form of consideration from any person or business entity
869 involved in the purchase, repair, or sale of voting equipment,
870 other election systems, or election materials unless such

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871 employment has the prior written approval of the supervisor of
872 elections of the county by which such person is employed. The
873 supervisor of elections and his or her employees may not seek
874 employment, contracts, or other relationships with suppliers of
875 voting systems, other election systems, election material
876 vendors, or election-related service providers on behalf of
877 family members and must advise family members that such
878 employment, contract, or other relationship creates the
879 appearance of a conflict of interest. The supervisor of
880 elections shall notify the Secretary of State immediately upon
881 learning of such conflict. The Secretary of State may remove a
882 supervisor of elections after learning of a conflict, but not
883 after the conflict is resolved or may retain the supervisor with
884 mandatory satisfactory quarterly reviews of the conflict until
885 it is resolved or until the supervisor has left office. The
886 Secretary of State shall promptly report to the public notice of
887 the conflict, disposition of the office, subsequent reviews, and
888 resolution of the conflict.

889 (2) Any person violating the provisions of this section is
890 guilty of a misdemeanor of the first degree, punishable as
891 provided by s. 775.082 or s. 775.083. Such person shall also be
892 subject to immediate discharge from his or her position.

893 Section 10. Section 101.5604, Florida Statutes, is amended
894 to read:

895 101.5604 Adoption of system; procurement of equipment;
896 commercial tabulations.—The board of county commissioners of any
897 county, at any regular meeting or a special meeting called for
898 the purpose, may, upon consultation with the supervisor of
899 elections, adopt, purchase or otherwise procure, and provide for

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900 the use of any electronic or electromechanical voting or other
901 election system approved by the Department of State in all or a
902 portion of the election precincts of that county. Thereafter the
903 electronic or electromechanical voting or other election system
904 may be used for voting at all elections for public and party
905 offices and on all measures and for receiving, registering, and
906 counting the votes thereof in such election precincts as the
907 governing body directs. A county may ~~must~~ use an electronic or
908 electromechanical precinct-count tabulation voting system or may
909 count ballots by hand at the precinct level.

910 Section 11. Section 101.5605, Florida Statutes, is amended
911 to read:

912 101.5605 Examination and approval of equipment.—

913 (1) The Department of State shall publicly examine all
914 makes of electronic or electromechanical voting systems and
915 other election systems submitted to it and determine whether the
916 systems comply with the requirements of s. 101.5606.

917 (2) (a) Any person owning or interested in an electronic or
918 electromechanical voting system or other election system may
919 submit it to the Department of State for examination. The vote
920 counting segment must ~~shall~~ be certified after a satisfactory
921 evaluation testing has been performed according to the standards
922 adopted under s. 101.015(1). This testing must ~~shall~~ include,
923 but is not limited to, testing of all software required for the
924 voting system's operation; the ballot reader; the rote
925 processor, especially in its logic and memory components; the
926 digital printer; the fail-safe operations; the counting center
927 environmental requirements; and the equipment reliability
928 estimate. For the purpose of assisting in examining the system,

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929 the department shall employ or contract for the services of
930 multiple individuals ~~at least one individual~~ who collectively
931 have expertise in the ~~is expert in one or more~~ fields of
932 software design, cybersecurity, data security, data processing,
933 mechanical engineering, and public administration and shall
934 require from each ~~the~~ individual a written report of his or her
935 examination.

936 (b) The person submitting a system for approval or the
937 board of county commissioners of any county seeking approval of
938 a given system shall reimburse the Department of State in an
939 amount equal to the actual costs incurred by the department in
940 examining the system. Such reimbursement must ~~shall~~ be made
941 regardless of whether ~~or not~~ the system is approved by the
942 department.

943 (c) ~~Neither~~ The Secretary of State or an ~~nor any~~ examiner
944 may not ~~shall~~ have any pecuniary interest in any voting
945 equipment, other election systems, election materials, or
946 election-related service providers. Upon learning of a potential
947 conflict, an examiner must disclose in writing to his or her
948 supervisor all potential conflicts regarding a family member's
949 relationships to the voting system, other election systems,
950 election materials, or election-related service providers. The
951 examiner must be excluded from all activities related to the
952 entity with which there is a conflict.

953 (d) The Department of State shall approve or disapprove any
954 voting system or other election system submitted to it within
955 120 days after the date of its initial submission.

956 (3) (a) Before the Department of State approves the
957 electronic or electromechanical voting system or other election

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958 system, the person who submitted it for examination must ~~shall~~
959 provide the department with the name, mailing address, and
960 telephone number of a registered agent, which agent must have
961 and continuously maintain an office in this state. Any change in
962 the name, address, or telephone number of the registered agent
963 must ~~shall~~ promptly be made known to the department.

964 (b) Before entering into a contract for the sale or lease
965 of a voting system or other election system, any of which is
966 approved under this section, to any county, the person entering
967 into such contract shall provide the department with the name,
968 mailing address, and telephone number of a registered agent,
969 which agent must have and continuously maintain an office in
970 this state. Any change in the name, address, or telephone number
971 of the registered agent must ~~shall~~ promptly be made known to the
972 department.

973 (c) The department's proof of delivery or attempted
974 delivery to the last mailing address of the registered agent on
975 file with the department at the time of delivery or attempted
976 delivery is valid for all notice purposes.

977 (d) Within 30 days after completing the examination and
978 upon approval of any electronic or electromechanical voting
979 system, the Department of State shall make and maintain a report
980 on the system, together with a written or printed description
981 and drawings and photographs clearly identifying the system and
982 the operation thereof. As soon as practicable after such filing,
983 the department shall send a notice of certification and, upon
984 request, a copy of the report to the governing bodies of the
985 respective counties of the state. Any voting system that does
986 not receive the approval of the department may not be adopted

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987 for or used at any election.

988 (e) After a voting system has been approved by the
989 Department of State, any change or improvement in the system is
990 required to be approved by the department prior to the adoption
991 of such change or improvement by any county. If any such change
992 or improvement does not comply with the requirements of this
993 act, the department must ~~shall~~ suspend all sales of the
994 equipment or system in the state until the equipment or system
995 complies with the requirements of this act.

996 (4) The Department of State may at any time reexamine any
997 system, or any part thereof, which has previously been approved
998 for the purpose of updating the certification of the system.

999 Section 12. Section 101.5606, Florida Statutes, is amended
1000 to read:

1001 101.5606 Requirements for approval of systems.—

1002 (1) An ~~No~~ electronic or electromechanical voting system may
1003 not ~~shall~~ be approved by the Department of State unless it is so
1004 constructed that it, at a minimum, does all of the following:

1005 (a) ~~(1)~~ ~~It~~ Permits and requires voting in secrecy and
1006 protects confidential voter information, including voter driver
1007 license numbers, social security numbers, signatures, and voted
1008 status, during an election.

1009 (b) ~~(2)~~ Allows ~~It permits~~ each elector to vote at any
1010 election for all persons and offices for whom and for which the
1011 elector is lawfully entitled to vote, and no others; to vote for
1012 as many persons for an office as the elector is entitled to vote
1013 for; and to vote for or against any question upon which the
1014 elector is entitled to vote.

1015 (c) ~~(3)~~ ~~It~~ Immediately rejects a ballot where the number of

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1016 votes for an office or measure exceeds the number which the
1017 voter is entitled to cast or where the tabulating equipment
1018 reads the ballot as a ballot with no votes cast.

1019 (d)~~(4)~~ For voting systems using marksense ballots, ~~it~~
1020 accepts a rejected ballot pursuant to paragraph (c) ~~subsection~~
1021 ~~(3)~~ if a voter chooses to cast the ballot, but records no vote
1022 for any office that has been overvoted or undervoted.

1023 (e)~~(5)~~ ~~It~~ Is capable of correctly counting votes.

1024 (f)~~(6)~~ Allows ~~It permits~~ each voter at a primary election
1025 to vote only for the candidates seeking nomination by the
1026 political party in which such voter is registered, for any
1027 candidate for nonpartisan office, and for any question upon
1028 which the voter is entitled to vote.

1029 (g)~~(7)~~ At presidential elections, allows ~~it permits~~ each
1030 elector, by one operation, to vote for all presidential electors
1031 of a party or for all presidential electors of candidates for
1032 President and Vice President with no party affiliation.

1033 (h)~~(8)~~ ~~It~~ Provides a method for write-in voting.

1034 (i)~~(9)~~ ~~It~~ Is capable of accumulating a count of the
1035 specific number of ballots tallied for a precinct, accumulating
1036 total votes by candidate for each office, and accumulating total
1037 votes for and against each question and issue of the ballots
1038 tallied for a precinct.

1039 (j)~~(10)~~ ~~It~~ Is capable of tallying votes from ballots of
1040 different political parties from the same precinct, in the case
1041 of a primary election.

1042 (k)~~(11)~~ ~~It~~ Is capable of automatically producing precinct
1043 totals in printed form.

1044 (l)~~(12)~~ If it is of a type which registers votes

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1045 electronically, allows ~~it will permit~~ each voter to change his
1046 or her vote for any candidate or upon any question appearing on
1047 the official ballot up to the time that the voter takes the
1048 final step to register his or her vote and to have the vote
1049 computed.

1050 (m) ~~(13)~~ It Is capable of providing records from which the
1051 operation of the voting system may be audited. Audit reports
1052 must be published and made available for inspection during and
1053 after an election to the supervisor of elections, canvassing
1054 boards, and the public. Audits and reports must include the
1055 operating system and other third-party applications on the
1056 system.

1057 (n) ~~(14)~~ It Uses a precinct-count tabulation system.

1058 (o) ~~(15)~~ It Does not use an apparatus or device for the
1059 piercing of ballots by the voter.

1060 (2) Any other election system or election vendor may not be
1061 approved by the Department of State unless it is confirmed that
1062 it, at a minimum, does all of the following:

1063 (a) Protects confidential voter information, including
1064 driver license numbers, social security numbers, signatures, and
1065 voted status, before an election.

1066 (b) Protects all election information that is not made
1067 publicly available.

1068 (c) Adequately performs the functions for which it was
1069 advertised and marketed.

1070 (d) Is capable of providing records from which the
1071 operation of other election systems may be audited. Audit
1072 reports must be published and made available for inspection
1073 during and after an election to the supervisor of elections,

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1074 canvassing boards, and the public. Such reports must be suited
1075 for performing manual cross-checks during system operation in
1076 order to verify that unauthorized communications capability and
1077 use of unauthorized portable media access were not granted.

1078 Section 13. Section 101.56065, Florida Statutes, is amended
1079 to read:

1080 101.56065 Voting system and other election system defects;
1081 disclosure; investigations; penalties.—

1082 (1) For purposes of this section, the term:

1083 (a) "Defect" means:

1084 1. Any failure, fault, or flaw in an electronic or
1085 electromechanical voting or other election system approved
1086 pursuant to s. 101.5605 which results in nonconformance with the
1087 standards in a manner that affects the timeliness or accuracy of
1088 the casting or counting of ballots; enables theft of,
1089 modification of, or access to confidential voter or election
1090 data; enables the introduction of malware; or exposes the
1091 state's systems or data to bad actors outside the country or to
1092 individuals who are not United States citizens; or

1093 2. Any failure or inability of the voting or other election
1094 system manufacturer or vendor to make available or provide
1095 approved replacements of hardware or software to the counties
1096 that have purchased the approved voting or other election
1097 system, the unavailability of which results in the system's
1098 nonconformance with the standards in a manner that affects the
1099 timeliness or accuracy of the casting or counting of ballots or
1100 enables the insertion of illegal ballots, the change of or
1101 deletion of legal ballots, the fabrication of a false identity
1102 for voting purposes, or the impersonation of an eligible voter.

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1103 (b) "Standards" refers to the requirements in ss. 101.5606
1104 and 101.56062 under which a voting or other election system was
1105 approved for use in the state.

1106 (c) "Vendor" means a person who submits or previously
1107 submitted a voting or other election system that was approved by
1108 the Department of State in accordance with s. 101.5605, or a
1109 person who enters into a contract for the sale or lease of a
1110 voting or other election system to any county, or that
1111 previously entered into such a contract that has not expired.

1112 (2) (a) On January 1 of every odd-numbered year, each vendor
1113 shall file a written disclosure with the department identifying
1114 any known defect in the voting or other election system or the
1115 fact that there is no known defect, the effect of any defect on
1116 the operation and use of the approved ~~voting~~ system, and any
1117 known corrective measures to cure a defect, including, but not
1118 limited to, advisories and bulletins issued to system users.

1119 (b) Implementation of corrective measures approved by the
1120 department which enable a system to conform to the standards and
1121 ensure the timeliness and accuracy of the casting and counting
1122 of ballots constitutes a cure of a defect.

1123 (c) If a vendor becomes aware of the existence of a defect,
1124 he or she must file a new disclosure with the department as
1125 provided in paragraph (a) within 30 days after the date the
1126 vendor determined or reasonably should have determined that the
1127 defect existed.

1128 (d) If a vendor discloses to the department that a defect
1129 exists, the department may suspend all sales or leases of the
1130 voting system in this ~~the~~ state and may suspend the use of the
1131 system in any election in this ~~the~~ state. If the department

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1132 determines that the defect creates a security risk or impacts
1133 vote counting accuracy or the ballot acceptance error rate, the
1134 department must suspend the use of the system. The department
1135 shall provide written notice of any such suspension to each
1136 affected vendor and supervisor of elections. If the department
1137 determines that the defect no longer exists, the department must
1138 ~~shall~~ lift the suspension and provide written notice to each
1139 affected vendor and supervisor of elections.

1140 (e) If a vendor fails to file a required disclosure for a
1141 voting or other election system previously approved by the
1142 department, that system may not be sold, leased, or used for
1143 elections in this ~~the~~ state until it has been submitted for
1144 examination and approval and adopted for use pursuant to s.
1145 101.5605. The department shall provide written notice to all
1146 supervisors of elections that the system is no longer approved.

1147 (3) (a) If the department has reasonable cause to believe a
1148 voting or other election system approved pursuant to s. 101.5605
1149 contains a defect either before, during, or after an election
1150 which has not been disclosed pursuant to subsection (2), the
1151 department must ~~may~~ investigate whether the voting or other
1152 election system has a defect.

1153 (b) If the department has reasonable cause pursuant to
1154 paragraph (a) or if the supervisor of elections of a county that
1155 purchased or leased a voting or other election system that
1156 contains the alleged defect requests, in writing, an
1157 investigation by the department, the department must ~~may~~
1158 initiate an investigation ~~pursuant to paragraph (a) on its own~~
1159 ~~initiative or upon the written request of the supervisor of~~
1160 ~~elections of a county that purchased or leased a voting system~~

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1161 ~~that contains the alleged defect.~~

1162 (c) Upon initiating an investigation, the department shall
1163 provide written notice to the vendor and all of the supervisors
1164 of elections.

1165 (4) (a) If the department determines by a preponderance of
1166 the evidence that a defect exists in the voting system, or that
1167 a vendor failed to timely disclose a defect pursuant to
1168 subsection (2), the department must ~~shall~~ provide written notice
1169 to the affected vendor and supervisors of elections.

1170 (b) A vendor entitled to receive notice pursuant to
1171 paragraph (a) shall, within 10 days, file a written response to
1172 the department which:

1173 1. Denies that the alleged defect exists or existed as
1174 alleged by the department or that the vendor failed to timely
1175 disclose a defect, and sets forth the reasons for such denial;
1176 or

1177 2. Admits that the defect exists or existed as alleged by
1178 the department or that the vendor failed to timely disclose a
1179 defect.

1180 (c) If the defect has been cured, the vendor must ~~shall~~
1181 provide an explanation of how the defect was cured.

1182 (d) If the defect has not been cured, the vendor must ~~shall~~
1183 inform the department whether the defect can be cured and must
1184 ~~shall~~ provide the department with a plan for curing the defect.
1185 If the defect can be cured, the department must ~~shall~~ establish
1186 a timeframe within which to cure the defect.

1187 (5) If after receiving a response from the vendor, the
1188 department determines that a defect does not exist or has been
1189 cured within the timeframe established by the department, the

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1190 department may not ~~shall~~ take ~~no~~ further action.

1191 (6) If the department determines that~~+~~ a vendor failed to
1192 timely disclose a defect,~~+~~ or that a defect exists and a vendor
1193 has not filed a written response or has failed to cure within
1194 the timeframe established by the department, or if the defect
1195 cannot be cured, the department must ~~shall~~ impose a civil
1196 penalty of \$25,000 for the defect plus an amount equal to the
1197 actual costs incurred by the department in conducting the
1198 investigation and the actual costs incurred by the supervisor of
1199 elections for any hand counts or recounts or for conducting a
1200 new election because of the defect. If the defect cannot be
1201 cured, the vendor must refund a prorated share of the purchase
1202 price based upon the remaining useful life of the system.

1203 (7) (a) If the department finds that a defect existed,~~+~~
1204 ~~(a)~~ the department may suspend all sales and leases of the
1205 voting or other election system and may suspend its use in any
1206 county in this ~~the~~ state. The department shall provide written
1207 notice of the suspension to each affected vendor and supervisor
1208 of elections.

1209 (b) If the department determines that a defect no longer
1210 exists in a voting or other election system that has been
1211 suspended from use pursuant to paragraph (a), the department
1212 must ~~shall~~ lift the suspension and authorize the sale, lease,
1213 and use of the voting or other election system in any election
1214 in this ~~the~~ state. The department shall provide written notice
1215 that the suspension has been lifted to each affected vendor and
1216 supervisor of elections.

1217 (c) If the defect cannot be cured, the department may
1218 disapprove the voting or other election system for use in

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1219 elections in the state. The department shall provide written
1220 notice to all supervisors of elections that the system is no
1221 longer approved. After approval of a system has been withdrawn
1222 pursuant to this paragraph, the system may not be sold, leased,
1223 or used in elections in the state until it has been submitted
1224 for examination and approval and adopted for use pursuant to s.
1225 101.5605.

1226 (d) Any vendor against whom a civil penalty was imposed
1227 under this section may not submit a voting system for approval
1228 by the Department of State in accordance with s. 101.5605 or
1229 enter into a contract for sale or lease of a voting or other
1230 election system in this ~~the~~ state until the civil penalties have
1231 been paid and the department provides written confirmation to
1232 the supervisors of elections of the payment.

1233 (8) The department shall prepare a written report of any
1234 investigation conducted pursuant to this section.

1235 (9) The authority of the department under this section is
1236 in addition to, and not exclusive of, any other authority
1237 provided by law.

1238 (10) All proceedings under this section are exempt from
1239 chapter 120.

1240 Section 14. Section 101.5612, Florida Statutes, is amended
1241 to read:

1242 101.5612 Testing of voting and other election systems
1243 ~~tabulating equipment.~~

1244 (1) Before installation, a certification team must inspect
1245 and approve all source code for tabulating and other election
1246 equipment. The Secretary of State and the department's vendors
1247 shall maintain valid media-based extended validation

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1248 certificates issued and recognized by certificate authorities to
1249 each entity in its own legal name. Each vendor shall prepare its
1250 source code package, prepare a digital signature using such
1251 certificate, and submit both to the secretary. The secretary
1252 shall publish, promptly and permanently, the submitted materials
1253 on his or her publicly available website for public access. The
1254 secretary shall perform his or her verification process. Upon
1255 successful verification, the secretary shall produce a digitally
1256 signed build of the software using the aforementioned
1257 certificate and permanently publish it on his or her publicly
1258 available website adjacent to the vendor's source materials.
1259 This process must be followed for all subsequent change events,
1260 including modifications, enhancements, deletions, or
1261 replacements. Software may not be installed on any equipment
1262 that is not received from and signed by the secretary. A list of
1263 all systems, including the software version installed by the
1264 supervisors of elections, must be posted on the website and must
1265 be updated whenever the software versions are updated.

1266 (2) All electronic or electromechanical voting systems must
1267 ~~shall~~ be thoroughly tested at the conclusion of maintenance and
1268 programming. Tests must shall be sufficient to determine all of
1269 the following: ~~that~~

1270 (a) Whether the voting system is properly programmed.

1271 (b) Whether the election is correctly defined on the voting
1272 system. ~~and~~

1273 (c) Whether all of the voting system input, output, and
1274 communication devices are working properly.

1275 (d) Whether all settings are per department and security
1276 plan guidelines.

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1277 (e) Whether all security and system software is up to date.

1278 (f) Whether any unauthorized software has been installed.

1279 (g) Whether the system is free from malware.

1280 (h) Whether all removable storage is secure.

1281 (i) That unauthorized communications capability has not
1282 been installed.

1283 (j) Whether all of the input, output, and communication
1284 devices are working properly.

1285

1286 The same testing standards, including verification that the
1287 specified functions are working properly, must be implemented on
1288 other election systems.

1289 (3)~~(2)~~ On any day not more than 25 days before the
1290 commencement of early voting as provided in s. 101.657, the
1291 supervisor of elections shall have the automatic tabulating
1292 equipment and other election equipment publicly tested. The
1293 equipment testing must ~~to~~ ascertain that the equipment will
1294 correctly count the votes cast for all offices and on all
1295 measures. If the ballots to be used at the polling place on
1296 election day are not available at the time of the testing, the
1297 supervisor must ~~may~~ conduct an additional test not more than 10
1298 days before election day. Other election system testing must
1299 ascertain that the system will correctly perform its designated
1300 functions during the election, such as having the automated
1301 signature verification systems tested to determine whether they
1302 properly perform signature verification and are properly
1303 calibrated. Public notice of the time and place of the testing
1304 of voting and other election equipment must ~~test shall~~ be given
1305 at least 48 hours prior thereto by publication on the county

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1306 website as provided in s. 50.0311, on the supervisor of
1307 elections' website, or once in one or more newspapers of general
1308 circulation in the county. If the applicable website becomes
1309 unavailable or if there is no newspaper of general circulation
1310 in the county, the notice must be posted in at least four
1311 conspicuous places in the county. The supervisor or the
1312 municipal elections official shall ~~may~~, at the time of
1313 qualifying, give written notice of the time and location of the
1314 public preelection test to each candidate qualifying with that
1315 office and obtain a signed receipt that the notice has been
1316 given. The Department of State shall give written notice to each
1317 statewide candidate at the time of qualifying, or immediately at
1318 the end of qualifying, that the voting equipment will be tested
1319 and advise each candidate to contact the county supervisor of
1320 elections as to the time and location of the public preelection
1321 test. The supervisor or the municipal elections official shall,
1322 at least 30 days before the commencement of early voting as
1323 provided in s. 101.657, send written notice by certified mail to
1324 the county party chair of each political party and to all
1325 candidates for other than statewide office whose names appear on
1326 the ballot in the county and who did not receive written
1327 notification from the supervisor or municipal elections official
1328 at the time of qualifying, stating the time and location of the
1329 public preelection test of the automatic tabulating equipment
1330 and other election systems. The canvassing board shall convene,
1331 and each member of the canvassing board shall certify to the
1332 accuracy of the test. For the test, the canvassing board may
1333 designate one member to represent it. The test must ~~shall~~ be
1334 open to representatives of the political parties, the press, and

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1335 the public. Each political party may designate one person with
1336 expertise in the computer field who shall be allowed in the
1337 central counting room or work area when all tests are being
1338 conducted and when the official votes are being counted. The
1339 party designee may observe the other election systems during
1340 election operations, may request inspection of and photograph
1341 the system settings, may receive and retain these settings in
1342 print form, and may have access to a hotline to report
1343 technology issues. The public must be allowed to observe all
1344 tabulating equipment and election equipment while in use, either
1345 through direct observation or a video stream, and to request
1346 inspection of system settings provided that voter privacy is
1347 maintained. The designee or the public may not interfere with
1348 the normal operation of the canvassing board or election
1349 operations. However, the designee and the public must be able to
1350 call a hotline when an issue is identified and submit a work
1351 ticket. The calls to the hotline must be monitored by the state
1352 and the canvassing board. A political party may select to have
1353 the designees of the party monitor the hotline.

1354 (4)(3) For electronic or electromechanical voting systems
1355 configured to tabulate vote-by-mail ballots at a central or
1356 regional site, the public testing must ~~shall~~ be conducted by
1357 processing a preaudited group of ballots so produced as to
1358 record a predetermined number of valid votes for each candidate
1359 and on each measure and to include one or more ballots for each
1360 office which have activated voting positions in excess of the
1361 number allowed by law in order to test the ability of the
1362 automatic tabulating equipment to reject such votes. If any
1363 error is detected, the cause therefor must ~~shall~~ be corrected

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1364 and an errorless count must ~~shall~~ be made before the automatic
1365 tabulating equipment is approved. The test must ~~shall~~ be
1366 repeated and errorless results achieved immediately before the
1367 start of the official count of the ballots and again after the
1368 completion of the official count. The programs and ballots used
1369 for testing must ~~shall~~ be sealed and retained under the custody
1370 of the county canvassing board. Immediately after the preaudited
1371 group of ballots is run and results reconciled, a randomly
1372 selected number of test ballots from one or more public
1373 participants must be chosen. After the batch of ballots provided
1374 by the public is reconciled, the two batches must be comingled
1375 and reconciled again. The test of combined public and preaudited
1376 ballots must also be repeated and errorless results achieved
1377 immediately before the start of the official count of the
1378 ballots and again after the completion of the official count.

1379 (5) (a) 1. (4) (a) 1. For electronic or electromechanical voting
1380 systems configured to include electronic or electromechanical
1381 tabulation devices which are distributed to the precincts or
1382 used in an absentee vote counting center, all ~~or a sample~~ of the
1383 devices to be used in the election must ~~shall~~ be publicly
1384 tested. ~~If a sample is to be tested, the sample shall consist of~~
1385 ~~a random selection of at least 5 percent or 10 of the devices~~
1386 ~~for an optical scan system, whichever is greater. For~~
1387 touchscreen systems used for voters having a disability, all a
1388 ~~sample of at least 2 percent~~ of the devices must be tested. The
1389 test must ~~shall~~ be conducted by processing a group of no fewer
1390 than 20 ballots, causing the device to output results for the
1391 ballots processed, and comparing the output of results to the
1392 results expected for the ballots processed. The group of ballots

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1393 ~~must shall~~ be produced so as to record a predetermined number of
1394 valid votes for each candidate and on each measure and to
1395 include for each office one or more ballots which have activated
1396 voting positions in excess of the number allowed by law in order
1397 to test the ability of the tabulating device to reject such
1398 votes. Immediately after the official group of test ballots is
1399 run and results reconciled, a batch of up to 20 random test
1400 ballots from one or more public participants must be chosen if
1401 there are more than 20 ballot submissions proposed. After the
1402 batch of ballots provided by the public is reconciled, the two
1403 batches must be comingled and reconciled again. The test of
1404 combined public and official test ballots must be repeated and
1405 errorless results achieved immediately before the start of the
1406 official count of the ballots and again after the completion of
1407 the official count.

1408 2. If any tested tabulating device is found to have an
1409 error in tabulation or other election system is determined to
1410 have an error in its function or security measures, it must
1411 ~~shall~~ be deemed unsatisfactory. For each device deemed
1412 unsatisfactory, a report on the finding must be written and be
1413 publicly available for review. For each device or system deemed
1414 unsatisfactory, the canvassing board shall, with assistance from
1415 a county or state information technology expert, shall take
1416 steps to determine the cause of the error, ~~shall attempt to~~
1417 identify and test other devices that could reasonably be
1418 expected to have the same error, and shall test a number of
1419 additional devices sufficient to determine that all devices are
1420 satisfactory. Upon deeming any device unsatisfactory, the
1421 canvassing board may require all devices to be tested or may

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1422 declare that all devices are unsatisfactory. The system may not
1423 allow remote logins.

1424 3. If the operation or output of any tested tabulation
1425 device, such as spelling or the order of candidates on a report,
1426 is in error, such problem must ~~shall~~ be reported to the
1427 canvassing board. The canvassing board shall then determine
1428 whether ~~if~~ the reported problem warrants its deeming the device
1429 unsatisfactory.

1430 (b) At the completion of testing under this subsection, the
1431 canvassing board or its representative, the representatives of
1432 the political parties, and the candidates or their
1433 representatives who attended the test shall witness the
1434 resetting of each device that passed to a preelection state of
1435 readiness, ~~and~~ the sealing of its USB ports and other physical
1436 ports through which malware may be inserted, and the
1437 verification of its power receptacle using tamper evident
1438 uniquely serialized official security seals. Once sealed, the
1439 device or system must have a removable sticker placed on it
1440 which can be seen by public observers and employees. Such
1441 sticker must have a device or system identifier and checkboxes
1442 for each test performed and passed, including settings. The list
1443 of validated settings must be posted next to the test sticker
1444 ~~each device that passed in such a manner as to secure its state~~
1445 ~~of readiness until the opening of the polls.~~

1446 (c) The canvassing board or its representative shall
1447 execute a written statement setting forth the tabulation devices
1448 and other election systems tested, the results of the testing,
1449 the protective counter numbers, if applicable, of each
1450 tabulation device, the number of the seals ~~seal~~ securing each

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1451 tabulation device or other election system at the conclusion of
1452 testing, any problems reported to the board as a result of the
1453 testing, and whether each device tested is satisfactory or
1454 unsatisfactory.

1455 (d) Any tabulating device or other election system deemed
1456 unsatisfactory must ~~shall~~ be recoded, repaired, or replaced and
1457 must ~~shall~~ be made available for retesting. Such device must be
1458 determined by the canvassing board or its representative to be
1459 satisfactory before it may be used in any election. The
1460 canvassing board or its representative shall announce at the
1461 close of the first testing the date, place, and time that any
1462 unsatisfactory device will be retested or may, at the option of
1463 the board, notify by telephone each person who was present at
1464 the first testing as to the date, place, and time that the
1465 retesting will occur.

1466 (e) Records must be kept of all preelection testing of
1467 electronic or electromechanical tabulation devices and other
1468 election systems used in any election. Such records are to be
1469 present and available for inspection and reference during public
1470 preelection testing by any person in attendance during such
1471 testing and through a public records request at no charge. The
1472 test records may also be posted on the election office website.
1473 The need of the canvassing board for access to such records
1474 during the testing takes ~~shall take~~ precedence over the need of
1475 other attendees or the public to access such records so that the
1476 work of the canvassing board will not be delayed or hindered.
1477 Records of testing must include, for each device, the name of
1478 each person who tested the device and the date, place, time, and
1479 results of each test. Records of testing must ~~shall~~ be retained

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1480 as part of the official records of the election in which any
1481 device was used for a period of 22 months after election
1482 certification.

1483 (6)~~(5)~~ Any tests involving marksense ballots pursuant to
1484 this section must ~~shall~~ employ test ballots created by the
1485 supervisor of elections using actual ballots that have been
1486 printed for the election. If ballot-on-demand ballots will be
1487 used in the election, the supervisor must ~~shall~~ also create test
1488 ballots using the ballot-on-demand technology that will be used
1489 to produce ballots in the election, using the same paper stock
1490 as will be used for ballots in the election.

1491 Section 15. Section 101.591, Florida Statutes, is amended
1492 to read:

1493 101.591 Voting and other election system audit.—

1494 (1) On the second day after the closing of the polls
1495 ~~Immediately following the certification of each election,~~ the
1496 county canvassing board or the local board responsible for
1497 certifying the election shall conduct a manual audit and may
1498 also conduct ~~or~~ an automated, independent audit of the voting
1499 systems used in randomly selected precincts. The manual audit
1500 must be conducted in at least one precinct for each race on the
1501 ballot, and the precinct in which the race is audited must be
1502 randomly selected. The number of precincts where a manual audit
1503 is conducted must be no less than 5 percent but no more than 10
1504 percent of the precincts. If this results in more precincts than
1505 racess, the additional precincts must have a randomly selected
1506 race audited. If 5 percent of the precincts yields fewer than 5
1507 precincts, the county canvassing board or the local board
1508 responsible for certifying the election must randomly chose at

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1509 least 5 precincts. Random precincts must be selected using a
1510 lottery at a publicly noticed canvassing board meeting. If the
1511 results of the manual audit show a discrepancy of more than the
1512 margin of victory in any race, that race may not be certified
1513 until the discrepancy is resolved. If such discrepancy cannot be
1514 resolved, there must be a manual recount of the race in all
1515 precincts.

1516 (2) (a) For each precinct and race selected, a manual audit
1517 must ~~shall~~ consist of a public manual tally of the votes cast
1518 using original paper ballots in one randomly selected race that
1519 appears on the ballot. The tally sheet for the precinct must
1520 ~~shall~~ include election-day, vote-by-mail, early voting,
1521 provisional, and overseas ballots collected and counted through
1522 election day. The canvassing board and public observers must be
1523 present for the retrieval of sealed ballots, the opening of
1524 seals, and the manual recount. The manual recount procedure must
1525 be videotaped and livestreamed, ~~in at least 1 percent but no~~
1526 ~~more than 2 percent of the precincts chosen at random by the~~
1527 ~~county canvassing board or the local board responsible for~~
1528 ~~certifying the election. If 1 percent of the precincts is less~~
1529 ~~than one entire precinct, the audit shall be conducted using at~~
1530 ~~least one precinct chosen at random by the county canvassing~~
1531 ~~board or the local board responsible for certifying the~~
1532 ~~election. Such precincts shall be selected at a publicly noticed~~
1533 ~~canvassing board meeting.~~

1534 (b) An automated audit must ~~shall~~ consist of a public
1535 automated tally of the votes cast across every race that appears
1536 on the ballot and must use the original paper ballots. The tally
1537 sheet must ~~shall~~ include election day, vote-by-mail, early

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1538 voting, provisional, and overseas ballots in at least 20 percent
1539 of the precincts chosen at random by the county canvassing board
1540 or the local board responsible for certifying the election. Such
1541 precincts must ~~shall~~ be randomly selected at a publicly noticed
1542 canvassing board meeting.

1543 (c) The division shall adopt rules for approval of an
1544 independent audit system which provide that the system, at a
1545 minimum, must be:

- 1546 1. Completely independent of the primary voting system.
- 1547 2. Fast enough to produce final audit results within the
1548 timeframe prescribed in subsection (4).
- 1549 3. Capable of demonstrating that the ballots of record have
1550 been accurately adjudicated by the audit system.

1551 (3) The canvassing board shall post a notice of the audit,
1552 including the date, time, and place, in four conspicuous places
1553 in the county and on the home page of the county supervisor of
1554 elections website.

1555 (4) The audit must be completed and the results made public
1556 before ~~no later than 11:59 p.m. on the 7th day following~~
1557 certification of the election by the county canvassing board or
1558 the local board responsible for certifying the election.

1559 (5) By December 15 of each general election year, the
1560 county canvassing board or the board responsible for certifying
1561 the election shall provide a report with the results of the
1562 audit to the Department of State in a standard format as
1563 prescribed by the department. The report must be consolidated
1564 into one report with the overvote and undervote report required
1565 under s. 101.595(1). The report must ~~shall~~ contain, but is not
1566 limited to, the following items:

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- 1567 (a) The overall accuracy of audit.
- 1568 (b) A description of any problems or discrepancies
1569 encountered.
- 1570 (c) The likely cause of such problems or discrepancies.
- 1571 (d) Recommended corrective action with respect to avoiding
1572 or mitigating such circumstances in future elections.
- 1573 (6) If a manual recount is undertaken pursuant to s.
1574 102.166, the canvassing board is not required to perform the
1575 audit provided for in this section.
- 1576 Section 16. Paragraph (a) of subsection (2) of section
1577 101.68, Florida Statutes, is amended to read:
- 1578 101.68 Canvassing of vote-by-mail ballot.—
- 1579 (2) (a) The county canvassing board may begin the canvassing
1580 of vote-by-mail ballots upon the completion of the public
1581 testing of automatic tabulating equipment pursuant to s.
1582 101.5612(3) ~~s. 101.5612(2)~~, but must begin such canvassing by no
1583 later than noon on the day following the election. However,
1584 notwithstanding any such authorization to begin canvassing or
1585 otherwise processing vote-by-mail ballots early, no result shall
1586 be released until after the closing of the polls in that county
1587 on election day. Any supervisor, deputy supervisor, canvassing
1588 board member, election board member, or election employee who
1589 releases the results of a canvassing or processing of vote-by-
1590 mail ballots prior to the closing of the polls in that county on
1591 election day commits a felony of the third degree, punishable as
1592 provided in s. 775.082, s. 775.083, or s. 775.084.
- 1593 Section 17. Paragraph (c) of subsection (2) of section
1594 101.69, Florida Statutes, is amended to read:
- 1595 101.69 Voting in person; return of vote-by-mail ballot.—

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(2)

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

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

3. Employees of the supervisor must comply with procedures for the chain of custody of ballots as required by s. 101.015(6) ~~s. 101.015(4)~~.

Section 18. This act shall take effect July 1, 2025.