

1 A bill to be entitled
2 An act relating to elections during emergencies;
3 creating s. 101.7311, F.S.; requiring that elections,
4 in the event of an emergency, be conducted in
5 accordance with specified provisions and carried out
6 in a certain manner; amending s. 101.732, F.S.;
7 revising the definition of the term "emergency";
8 creating s. 101.7325, F.S.; authorizing supervisors of
9 elections to request approval from the Secretary of
10 State to take specified actions under specified
11 conditions; specifying requirements for such request;
12 requiring that supervisors submit all such requests at
13 once, to the extent practicable; authorizing the
14 submission of revised or additional requests under
15 specified circumstances; requiring the secretary to
16 approve or deny requests within a specified timeframe;
17 requiring the secretary to consider specified factors;
18 providing that requests are deemed approved under
19 specified conditions; requiring the secretary to
20 publish approvals and denials on the Department of
21 State's website; requiring the department to maintain
22 an official record of all requests, approvals, and
23 denials for public inspection; requiring that such
24 records be compiled in a certain format; requiring
25 that such records be used for specified purposes;

26 authorizing supervisors to take specified actions
27 under specified circumstances; specifying requirements
28 for such actions; amending s. 101.733, F.S.; requiring
29 that notice of a rescheduled election be posted on any
30 social media account controlled by the supervisor or
31 the supervisor's office, on the affected county's
32 social media accounts, and a certain newspaper;
33 requiring that contingency planning and procedures for
34 elections be implemented in accordance with specified
35 provisions; deleting provisions requiring the Division
36 of Elections to adopt rules for an elections emergency
37 contingency plan; creating s. 101.735, F.S.; requiring
38 the division to adopt by rule a statewide election
39 emergency contingency plan; requiring the plan to
40 include specified procedures; requiring supervisors,
41 in consultation with local emergency management
42 officials, to develop a local election emergency
43 contingency plan and submit such plan to the division
44 for approval by a specified date; requiring the
45 division to determine the sufficiency of such plan by
46 a specified date; requiring a supervisor to submit a
47 revised plan within a specified timeframe, under a
48 specified condition; providing criteria for
49 determining sufficiency; requiring that such plans be
50 implemented in conjunction with specified provisions

51 to ensure coordination of emergency powers and
52 availability of equipment; creating s. 101.736, F.S.;
53 defining the term "tabletop exercise"; requiring the
54 secretary, in coordination with the supervisors, to
55 develop an election emergency training program;
56 providing that the training program is required for
57 newly elected or appointed supervisors and critical
58 staff, as determined by the supervisor; requiring the
59 secretary to update such training periodically;
60 requiring the secretary to convene a workgroup by a
61 specified date to create a certain list; specifying
62 requirements for the workgroup; requiring the
63 secretary to use the list for specified actions;
64 creating s. 101.738, F.S.; requiring the division to
65 maintain a secure strategic election equipment reserve
66 for specified purposes; specifying requirements for
67 such reserve; authorizing the division, in lieu of a
68 reserve, to contract with certified vendors to provide
69 such equipment; specifying requirements for such
70 contract; requiring the division to submit an annual
71 report to the Governor and the Legislature by a
72 specified date; specifying requirements for the
73 report; amending s. 101.74, F.S.; revising the
74 criteria that a supervisor of elections uses to
75 establish an additional polling place under specified

76 circumstances; authorizing qualified electors of the
77 affected precinct to vote in the new location;
78 requiring the supervisor to provide notice of the
79 temporary polling place through specified means;
80 authorizing supervisors to coordinate with emergency
81 management officials; providing construction;
82 providing an effective date.
83

84 Be It Enacted by the Legislature of the State of Florida:
85

86 **Section 1. Section 101.7311, Florida Statutes, is created**
87 **to read:**

88 101.7311 Application of Elections Emergency Act.—In the
89 event of an emergency, elections must be conducted in accordance
90 with the Elections Emergency Act which governs the suspension,
91 delay, rescheduling, contingency planning, and deployment of
92 election equipment necessary to ensure a safe and orderly
93 election. These provisions must be carried out in a manner that
94 upholds the integrity of elections administration, fosters trust
95 in elections, and secures the maximum possible participation of
96 eligible voters.

97 **Section 2. Subsection (3) of section 101.732, Florida**
98 **Statutes, is amended to read:**

99 101.732 Definitions relating to Elections Emergency Act.—
100 As used in ss. 101.731-101.74:

(3) "Emergency" means any occurrence, or threat thereof, whether accidental, natural, or caused by human beings, in war or in peace, that results or may result in substantial injury or harm to the population or substantial damage to or loss of property to the extent it will prohibit an election officer's ability to conduct a safe and orderly election or impair the ability of voters to safely and accessibly cast their ballot in accordance with state and federal requirements ensuring equal opportunity for all eligible voters.

Section 3. Section 101.7325, Florida Statutes, is created to read:

101.7325 Election emergency.—

(1) If the Governor declares a state of emergency pursuant to s. 252.36 less than 60 days before an election, the supervisor of a county included in the state of emergency declaration may request approval from the Secretary of State to take any of the following actions necessary while the emergency declaration continues to include the county as an affected area:

(a) Notwithstanding s. 101.657(1)(d), allow early voting to occur the day before an election.

(b) Notwithstanding ss. 101.657 and 101.71, allow election day voting at early voting sites. The request must set forth sufficient facts to establish that a sufficient number of designated early voting sites, or sites that may be designated under subsection (3) are unavailable due to the emergency. For

126 purposes of this paragraph, reasons that a polling place may be
127 unavailable include, but are not limited to, the polling place
128 no longer being safe for occupancy, the polling place being
129 located in an area that is currently dangerous or difficult to
130 travel to and from, or the polling place lacking adequate
131 utilities. An early voting site designated as a polling place
132 under this paragraph must, to the maximum extent practicable, be
133 geographically located so as to provide all voters in the area
134 with an equal opportunity to cast a ballot.

135 (c) Notwithstanding the designation deadline in s.
136 101.69(2)(b), designate additional secure ballot intake
137 stations. The request must identify the locations of the
138 additional secure ballot intake stations.

139 (d) Notwithstanding s. 102.012(2), appoint inspectors and
140 clerks who are registered qualified electors of this state but
141 who are not registered qualified electors of the applicable
142 county.

143 (2) Each supervisor who submits a request pursuant to
144 subsection (1) shall, to the extent practicable, submit all such
145 requests at once. A supervisor may submit revised or additional
146 requests if the emergency situation in his or her affected
147 county changes. The Secretary of State shall approve or deny the
148 requests in writing within 36 hours after receipt. In deciding
149 whether to approve the requests, the Secretary of State shall
150 consider the severity of the natural emergency, the damage to

the impacted area, the extent of voter displacement, whether voters in an affected area have an equal opportunity to cast a ballot, and any factor that could impede voter access or transport to polling places, early voting sites, or supervisor offices. If the Secretary of State fails to approve or deny a request within the 36-hour period, the request is deemed approved. The Secretary of State shall publish each approval and denial on the department's website as soon as practicable. The department shall maintain an official record of all requests submitted under subsection (1), together with all approvals and denials, for public inspection pursuant to chapter 119 and shall compile such records in a format that facilitates review and analysis to strengthen future contingency planning and the development of best practices in election administration. Such records must also be used to inform the election emergency training program and best practices workgroup required under s. 101.736.

(3) If the Governor declares a state of emergency pursuant to s. 252.36 less than 60 days before an election, the supervisor of a county included in the state of emergency declaration may take any of the following actions necessary while the emergency declaration continues to include the county as an affected area, upon provision of notice to the Secretary of State:

(a) Notwithstanding the designation deadline in s.

176 101.657(1)(b), change the location of designated early voting
177 sites. The notice must identify the new address of each early
178 voting site and the hours during which early voting will occur
179 at each site.

180 (b) Notwithstanding the early voting site locations
181 specifically authorized in s. 101.657(1), designate early voting
182 sites at other locations in areas of the county where eligible
183 early voting locations are unavailable. The notice must set
184 forth sufficient facts to establish that a sufficient number of
185 early voting sites that were designated or that may be
186 designated under paragraph (a) are unavailable due to the
187 emergency. For purposes of this paragraph, reasons that an early
188 voting site may be unavailable include, but are not limited to,
189 the site no longer being safe for occupancy, the site being
190 located in an area that is currently dangerous or difficult to
191 travel to and from, or the site lacking adequate utilities. An
192 early voting site designated under this paragraph must, to the
193 maximum extent practicable, be geographically located so as to
194 provide all voters in the area with an equal opportunity to cast
195 a ballot.

196 (c) If the supervisor determines that a poll worker
197 shortage exists, appoint poll workers who have not met the
198 training requirements in s. 102.014. However, such poll workers
199 must have received the required training within the previous 2
200 years.

(d) Send a vote-by-mail ballot to a voter who has requested such ballot:

1. By forwardable mail or to an address other than the address listed for the voter in the statewide voter registration system.

2. Notwithstanding s. 101.62(1)(a) and (b), without the voter's written request or if a written request is not signed.

3. Notwithstanding s. 101.62(3)(c), as soon as practicable.

Section 4. Section 101.733, Florida Statutes, is amended to read:

101.733 Emergency suspension or delay of an election
~~emergency; purpose; elections emergency contingency plan.-~~
Because of the existing and continuing possibility of an emergency or common disaster occurring before or during a regularly scheduled or special election, and in order to ensure maximum citizen participation in the electoral process and provide a safe and orderly procedure for persons seeking to exercise their right to vote, generally to minimize to whatever degree possible a person's exposure to danger during declared states of emergency, and to protect the integrity of the electoral process, it is hereby found and declared to be necessary to designate a procedure for the emergency suspension or delay and rescheduling of elections.

(1) The Governor may, upon issuance of an executive order

226 declaring a state of emergency or impending emergency, suspend
227 or delay any election. The Governor may take such action
228 independently or at the request of the Secretary of State, a
229 supervisor of elections from a county affected by the emergency
230 circumstances, or a municipal clerk from a municipality affected
231 by the emergency circumstances.

232 (2) The Governor, upon consultation with the Secretary of
233 State, shall reschedule any election suspended or delayed due to
234 an emergency. The election shall be held within 10 days after
235 the date of the suspended or delayed election or as soon
236 thereafter as is practicable. Notice of the election must be
237 published on the affected county's website as provided in s.
238 50.0311, on the affected supervisor's website, on any official
239 social media account controlled by the supervisor or the
240 supervisor's office, on the affected county's official social
241 media accounts, and ~~or~~ at least once in a newspaper of general
242 circulation in the affected area and, where practicable,
243 broadcast as a public service announcement on radio and
244 television stations at least 1 week before the date the election
245 is to be held. Contingency planning and procedures for elections
246 suspended or delayed under this section must be implemented in
247 accordance with s. 101.735.

248 ~~(3) The Division of Elections of the Department of State~~
249 ~~shall adopt, by rule, an elections emergency contingency plan,~~
250 ~~which shall contain goals and policies that give specific~~

~~direction to state and local elections officials when an election has been suspended or delayed due to an emergency. The contingency plan shall be statewide in scope and shall address, but not be limited to, the following concerns:~~

~~(a) Providing a procedure for state and local elections officials to follow when an election has been suspended or delayed to ensure notice of the suspension or delay to the proper authorities, the electorate, the communications media, poll workers, and the custodians of polling places.~~

~~(b) Providing a procedure for the orderly conduct of a rescheduled election, whether municipal, county, district, or statewide in scope; coordinating those efforts with the appropriate elections official, and the members of the governing body holding such election, if appropriate; and working with the appropriate emergency management officials in determining the safety of existing polling places or designating additional polling places.~~

~~(c) Providing a procedure for the release and certification of election returns to the department for elections suspended or delayed and subsequently rescheduled under the provisions of ss. 101.731-101.74.~~

Section 5. Section 101.735, Florida Statutes, is created to read:

101.735 Election emergency contingency plans.—

(1) The division shall adopt by rule a statewide election

276 emergency contingency plan to provide specific direction in the
277 event that an emergency occurs preceding or during an election.
278 At a minimum, the contingency plan must include procedures to
279 accomplish all of the following:

280 (a) Ensure that necessary parties are notified of any
281 changes impacting an election that has been suspended, delayed,
282 rescheduled, or otherwise affected by an emergency. As used in
283 this paragraph, the term "necessary parties" includes proper
284 authorities, the electorate, the media, poll workers, and
285 polling place custodians.

286 (b) Ensure that an election that has been suspended,
287 delayed, rescheduled, or otherwise affected by an emergency is
288 conducted in a safe and orderly manner and include a plan to
289 coordinate the actions of the division, supervisors, county
290 canvassing boards and, if appropriate, members of the governing
291 body holding such election.

292 (c) Assess the safety and accessibility of existing
293 polling places and, when necessary, designate additional polling
294 places in coordination with emergency management officials.

295 (d) Release and certify returns to the division for
296 elections suspended, delayed, rescheduled, or otherwise affected
297 by an emergency.

298 (e) Coordinate efforts between supervisors in affected and
299 unaffected counties to ensure voting opportunities for affected
300 voters, including ensuring the delivery of vote-by-mail ballots

301 to law enforcement officers, military personnel, first
302 responders, and utility line workers.

303 (2) Each supervisor, in consultation with local emergency
304 management officials, shall develop a local election emergency
305 contingency plan. The plan must be submitted to the division for
306 approval by May 1 of every odd-numbered year. By May 30 of every
307 odd-numbered year, the division shall determine whether the plan
308 is sufficient under standard criteria adopted by rule. A
309 supervisor whose plan is deemed insufficient must submit a
310 revised plan within 30 days after notification. The criteria for
311 determining sufficiency must include minimum requirements for
312 postdisaster assessments, including community consultation to
313 evaluate the extent of impact on voter access.

314 (3) Contingency plans developed under this section must be
315 implemented in conjunction with ss. 101.733 and 101.738 to
316 ensure coordination of emergency powers and the availability of
317 necessary election equipment.

318 **Section 6. Section 101.736, Florida Statutes, is created**
319 **to read:**

320 101.736 Election emergency training; best practices.—

321 (1) As used in this section, the term "tabletop exercise"
322 means a session in which participants are guided through
323 possible scenarios and discuss their roles and responsibilities
324 if such a scenario occurs, as well as how they would respond to
325 such a scenario.

326 (2) The Secretary of State, in coordination with
327 supervisors, shall develop an election emergency training
328 program. The training program is required for newly elected or
329 appointed supervisors and any critical staff, as determined by a
330 supervisor. The Secretary of State shall update such training at
331 least once every 4 years.

332 (3) By June 1 of every odd-numbered year, the Secretary of
333 State shall convene a workgroup to create a list of best
334 practices for conducting an election during or after an
335 emergency. In developing the list, the workgroup must review the
336 official records of requests, approvals, and denials maintained
337 under s. 101.7325(2) to identify lessons learned and
338 opportunities for improvement. The workgroup must:

339 (a) Include at least 10 current supervisors of elections;
340 and

341 (b) Participate in tabletop exercises involving election
342 emergencies.

343 (4) Using the list created under subsection (3), the
344 Secretary of State shall:

345 (a) Incorporate practices applicable to all counties into
346 the statewide election emergency contingency plan under s.
347 101.735(1).

348 (b) Recommend practices applicable to specific counties to
349 the applicable supervisor for inclusion in the supervisor's
350 local election emergency contingency plan under s. 101.735(2).

351 **Section 7. Section 101.738, Florida Statutes, is created**
352 **to read:**

353 101.738 Strategic elections equipment reserve.-

354 (1) The division shall maintain a secure strategic
355 election equipment reserve that may be deployed in the event of
356 an emergency or in the event of capacity issues due to
357 unexpected voter turnout.

358 (2) At a minimum, the reserve must include ballot marking
359 devices, scanners, tabulation equipment, ballot-on-demand
360 printers, paper required for voting machines and printers,
361 accessible voting equipment, electronic poll books,
362 uninterruptible power supplies, generators, cabling, and power
363 cords and may also include other related equipment necessary to
364 ensure continuity of elections, consistent with the voting
365 systems certified for use by each supervisor of elections.

366 (3) In lieu of maintaining a physical reserve of such
367 equipment, the division may contract with one or more certified
368 vendors of voting systems to provide such equipment on an as-
369 needed basis. Any such contract must include all of the
370 following:

371 (a) A guaranteed delivery timeframe no later than 24 hours
372 after a request by a supervisor of elections, the division, or
373 the department.

374 (b) Requirements for secure transportation, installation,
375 and removal of equipment.

376 (c) Maintenance of secure custody and detailed chain of
377 custody records for all equipment, consistent with s. 101.015
378 and related administrative rules, including documentation of
379 each transfer, installation, and removal and compliance with
380 applicable state cybersecurity and physical security standards.

381 (4) The division shall submit an annual report by February
382 1 to the Governor, the President of the Senate, and the Speaker
383 of the House of Representatives which includes all of the
384 following:

385 (a) The current inventory of equipment held in reserve or
386 available by vendor contract.

387 (b) A list of all deployments of equipment under this
388 section during the prior calendar year, including the reason for
389 deployment, response time, and associated costs.

390 (c) Recommendations for improvement to ensure readiness
391 for future elections.

392 **Section 8. Section 101.74, Florida Statutes, is amended to**
393 **read:**

394 101.74 Temporary change of polling place in case of
395 emergency.—In case of an emergency existing in any precinct at
396 the time of the holding of any election, the supervisor of
397 elections may establish, at any safe, accessible, and convenient
398 point outside such precinct, an additional polling place for the
399 electors of that precinct, ~~in which place the qualified electors~~
400 ~~may vote.~~ The qualified electors of the affected precinct may

401 vote at such location, and the registration books of the
402 affected precinct shall be applicable to, and shall be used at,
403 the polling place so established. The supervisor shall provide
404 notice of the temporary polling place change through signage at
405 the original site, the supervisor's website and related social
406 media accounts, and other reasonable means, such as signage at
407 nearby emergency shelters or temporary housing locations, to
408 inform affected voters. In exercising this authority, the
409 supervisors of elections may coordinate with emergency
410 management officials under s. 101.735 or apply relevant best
411 practices developed under s. 101.736, but such coordination is
412 not a prerequisite to action under this section.

413 **Section 9.** This act shall take effect July 1, 2026.