

By Senator Polsky

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social media account controlled by the supervisor or the supervisor's office, on the affected county's social media accounts, and a certain newspaper; requiring that contingency planning and procedures for elections be implemented in accordance with specified provisions; deleting provisions requiring the Division of Elections to adopt rules for an elections emergency contingency plan; creating s. 101.735, F.S.; requiring the division to adopt by rule a statewide election emergency contingency plan; requiring the plan to include specified procedures; requiring supervisors, in consultation with local emergency management officials, to develop a local election emergency contingency plan and submit such plan to the division for approval by a specified date; requiring the division to determine the sufficiency of such plan by a specified date; requiring a supervisor to submit a revised plan within a specified timeframe, under a specified condition; providing criteria for determining sufficiency; requiring that such plans be implemented in conjunction with specified provisions to ensure coordination of emergency powers and availability of equipment; creating s. 101.736, F.S.; defining the term "tabletop exercise"; requiring the secretary, in coordination with the supervisors, to develop an election emergency training program; providing that the training program is required for newly elected or appointed supervisors and critical staff, as determined by the supervisor; requiring the

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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:

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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.—As  
100        used in ss. 101.731-101.74:

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

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

112        101.7325 Election emergency.—

113        (1) If the Governor declares a state of emergency pursuant  
114        to s. 252.36 less than 60 days before an election, the  
115        supervisor of a county included in the state of emergency  
116        declaration may request approval from the Secretary of State to

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117 take any of the following actions necessary while the emergency  
118 declaration continues to include the county as an affected area:

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

121 (b) Notwithstanding ss. 101.657 and 101.71, allow election  
122 day voting at early voting sites. The request must set forth  
123 sufficient facts to establish that a sufficient number of  
124 designated early voting sites, or sites that may be designated  
125 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

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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  
151 the impacted area, the extent of voter displacement, whether  
152 voters in an affected area have an equal opportunity to cast a  
153 ballot, and any factor that could impede voter access or  
154 transport to polling places, early voting sites, or supervisor  
155 offices. If the Secretary of State fails to approve or deny a  
156 request within the 36-hour period, the request is deemed  
157 approved. The Secretary of State shall publish each approval and  
158 denial on the department's website as soon as practicable. The  
159 department shall maintain an official record of all requests  
160 submitted under subsection (1), together with all approvals and  
161 denials, for public inspection pursuant to chapter 119 and shall  
162 compile such records in a format that facilitates review and  
163 analysis to strengthen future contingency planning and the  
164 development of best practices in election administration. Such  
165 records must also be used to inform the election emergency  
166 training program and best practices workgroup required under s.  
167 101.736.

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

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175        (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.

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

203        1. By forwardable mail or to an address other than the

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204       address listed for the voter in the statewide voter registration  
205       system.

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

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

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

211       101.733 Emergency suspension or delay of an election  
212       emergency; purpose; elections emergency contingency plan.—  
213       Because of the existing and continuing possibility of an  
214       emergency or common disaster occurring before or during a  
215       regularly scheduled or special election, and in order to ensure  
216       maximum citizen participation in the electoral process and  
217       provide a safe and orderly procedure for persons seeking to  
218       exercise their right to vote, generally to minimize to whatever  
219       degree possible a person's exposure to danger during declared  
220       states of emergency, and to protect the integrity of the  
221       electoral process, it is hereby found and declared to be  
222       necessary to designate a procedure for the emergency suspension  
223       or delay and rescheduling of elections.

224       (1) The Governor may, upon issuance of an executive order  
225       declaring a state of emergency or impending emergency, suspend  
226       or delay any election. The Governor may take such action  
227       independently or at the request of the Secretary of State, a  
228       supervisor of elections from a county affected by the emergency  
229       circumstances, or a municipal clerk from a municipality affected  
230       by the emergency circumstances.

231       (2) The Governor, upon consultation with the Secretary of  
232       State, shall reschedule any election suspended or delayed due to

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

247 (3) ~~The Division of Elections of the Department of State~~  
248 ~~shall adopt, by rule, an elections emergency contingency plan,~~  
249 ~~which shall contain goals and policies that give specific~~  
250 ~~direction to state and local elections officials when an~~  
251 ~~election has been suspended or delayed due to an emergency. The~~  
252 ~~contingency plan shall be statewide in scope and shall address,~~  
253 ~~but not be limited to, the following concerns:~~

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

259 (b) ~~Providing a procedure for the orderly conduct of a~~  
260 ~~rescheduled election, whether municipal, county, district, or~~  
261 ~~statewide in scope; coordinating those efforts with the~~

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262 appropriate elections official, and the members of the governing  
263 body holding such election, if appropriate; and working with the  
264 appropriate emergency management officials in determining the  
265 safety of existing polling places or designating additional  
266 polling places.

267 (e) Providing a procedure for the release and certification  
268 of election returns to the department for elections suspended or  
269 delayed and subsequently rescheduled under the provisions of ss.  
270 101.731-101.74.

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

273 101.735 Election emergency contingency plans.-

274 (1) The division shall adopt by rule a statewide election  
275 emergency contingency plan to provide specific direction in the  
276 event that an emergency occurs preceding or during an election.  
277 At a minimum, the contingency plan must include procedures to  
278 accomplish all of the following:

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

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

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

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

297       (e) Coordinate efforts between supervisors in affected and  
298       unaffected counties to ensure voting opportunities for affected  
299       voters, including ensuring the delivery of vote-by-mail ballots  
300       to law enforcement officers, military personnel, first  
301       responders, and utility line workers.

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

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

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

319       101.736 Election emergency training; best practices.—

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

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

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

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

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

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

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

347        (b) Recommend practices applicable to specific counties to  
348        the applicable supervisor for inclusion in the supervisor's

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349 local election emergency contingency plan under s. 101.735(2).350       Section 7. Section 101.738, Florida Statutes, is created to  
351       read:352       101.738 Strategic elections equipment reserve.-353       (1) The division shall maintain a secure strategic election  
354       equipment reserve that may be deployed in the event of an  
355       emergency or in the event of capacity issues due to unexpected  
356       voter turnout.357       (2) At a minimum, the reserve must include ballot marking  
358       devices, scanners, tabulation equipment, ballot-on-demand  
359       printers, paper required for voting machines and printers,  
360       accessible voting equipment, electronic poll books,  
361       uninterruptible power supplies, generators, cabling, and power  
362       cords and may also include other related equipment necessary to  
363       ensure continuity of elections, consistent with the voting  
364       systems certified for use by each supervisor of elections.365       (3) In lieu of maintaining a physical reserve of such  
366       equipment, the division may contract with one or more certified  
367       vendors of voting systems to provide such equipment on an as-  
368       needed basis. Any such contract must include all of the  
369       following:370       (a) A guaranteed delivery timeframe no later than 24 hours  
371       after a request by a supervisor of elections, the division, or  
372       the department.373       (b) Requirements for secure transportation, installation,  
374       and removal of equipment.375       (c) Maintenance of secure custody and detailed chain of  
376       custody records for all equipment, consistent with s. 101.015  
377       and related administrative rules, including documentation of

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378 each transfer, installation, and removal and compliance with  
379 applicable state cybersecurity and physical security standards.

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

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

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

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

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

393       101.74 Temporary change of polling place in case of  
394 emergency.—In case of an emergency existing in any precinct at  
395 the time of the holding of any election, the supervisor of  
396 elections may establish, at any safe, accessible, and convenient  
397 point outside such precinct, an additional polling place for the  
398 electors of that precinct, in which place the qualified electors  
399 may vote. The qualified electors of the affected precinct may  
400 vote at such location, and the registration books of the  
401 affected precinct shall be applicable to, and shall be used at,  
402 the polling place so established. The supervisor shall provide  
403 notice of the temporary polling place change through signage at  
404 the original site, the supervisor's website and related social  
405 media accounts, and other reasonable means, such as signage at  
406 nearby emergency shelters or temporary housing locations, to

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407 inform affected voters. In exercising this authority, the  
408 supervisors of elections may coordinate with emergency  
409 management officials under s. 101.735 or apply relevant best  
410 practices developed under s. 101.736, but such coordination is  
411 not a prerequisite to action under this section.

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