

By Senator Polsky

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A bill to be entitled

An act relating to elections during emergencies; creating s. 101.7311, F.S.; requiring that elections, in the event of an emergency, be conducted in accordance with specified provisions and carried out in a certain manner; amending s. 101.732, F.S.; revising the definition of the term "emergency"; creating s. 101.7325, F.S.; authorizing supervisors of elections to request approval from the Secretary of State to take specified actions under specified conditions; specifying requirements for such request; requiring that supervisors submit all such requests at once, to the extent practicable; authorizing the submission of revised or additional requests under specified circumstances; requiring the secretary to approve or deny requests within a specified timeframe; requiring the secretary to consider specified factors; providing that requests are deemed approved under specified conditions; requiring the secretary to publish approvals and denials on the Department of State's website; requiring the department to maintain an official record of all requests, approvals, and denials for public inspection; requiring that such records be compiled in a certain format; requiring that such records be used for specified purposes; authorizing supervisors to take specified actions under specified circumstances; specifying requirements for such actions; amending s. 101.733, F.S.; requiring that notice of a rescheduled election be posted on any

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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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secretary to update such training periodically;
requiring the secretary to convene a workgroup by a
specified date to create a certain list; specifying
requirements for the workgroup; requiring the
secretary to use the list for specified actions;
creating s. 101.738, F.S.; requiring the division to
maintain a secure strategic election equipment reserve
for specified purposes; specifying requirements for
such reserve; authorizing the division, in lieu of a
reserve, to contract with certified vendors to provide
such equipment; specifying requirements for such
contract; requiring the division to submit an annual
report to the Governor and the Legislature by a
specified date; specifying requirements for the
report; amending s. 101.74, F.S.; revising the
criteria that a supervisor of elections uses to
establish an additional polling place under specified
circumstances; authorizing qualified electors of the
affected precinct to vote in the new location;
requiring the supervisor to provide notice of the
temporary polling place through specified means;
authorizing supervisors to coordinate with emergency
management officials; providing construction;
providing an effective date.

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

Section 1. Section 101.7311, Florida Statutes, is created
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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requests if the emergency situation in his or her affected county changes. The Secretary of State shall approve or deny the requests in writing within 36 hours after receipt. In deciding whether to approve the requests, the Secretary of State shall 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:

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

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

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

~~(3) The Division of Elections of the Department of State shall adopt, by rule, an elections emergency contingency plan, 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~~

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

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

(b) Ensure that an election that has been suspended, delayed, rescheduled, or otherwise affected by an emergency is conducted in a safe and orderly manner and include a plan to coordinate the actions of the division, supervisors, county canvassing boards and, if appropriate, members of the governing 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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each transfer, installation, and removal and compliance with applicable state cybersecurity and physical security standards.

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

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

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

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

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

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

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

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