

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [CS/CS/HB 991](#)

TITLE: Election Integrity

SPONSOR(S): Persons-Mulicka and Trabulsy

COMPANION BILL: [CS/SB 1334](#) (Grall)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Government Operations](#)

11 Y, 5 N, As CS



[State Affairs](#)

17 Y, 6 N, As CS

SUMMARY

Effect of the Bill:

The bill makes various revisions to the Florida Election Code, including:

- Revising the voter registration and list maintenance process to elicit additional citizenship information from voters, including documentation required by the Election Assistance Commission or federal law.
- Requiring that the Department of Highway Safety and Motor Vehicles include the legal status on any new, replacement, or renewal driver license or identification card.
- Requiring the state to provide voter registration lists to federal courts to aid in their jury selection process, and then requiring those courts to provide to the state information that it receives regarding ineligible voters.
- Creating a pre-certification vote validation process in place of the current audit and recount process.
- Creating a five-year statute of limitations for the prosecution of a felony violation under the Florida Election Code.
- Providing new fines and penalties for those violating the law of involvement of foreign nationals in state elections.
- Providing that the term “racketeering activity” under the Florida Racketeer Influenced and Corrupt Organization Act includes certain election code violations.
- Revising the list of valid identification required at the polls, for first-time voters of a vote-by-mail ballot, and for submission of certain cure affidavits.

Fiscal or Economic Impact:

The bill will likely result in a negative fiscal impact to state and local governments.

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ANALYSIS

EFFECT OF THE BILL:

Ballots

The bill redefines the term “ballot” to mean a printed sheet of paper containing contests including offices and candidates, constitutional amendments, and other public measures upon which a voter’s selections will be marked by using a pen compatible with or recommended for use with the voting system, for tabulation by automatic tabulating equipment or data processing equipment that is part of the voting system. A ballot includes a voter-verifiable paper output upon which a voter’s selections are marked by a voter interface device that meets voter accessibility requirements for individuals with disabilities. The bill eliminates the terms “marksense ballots” and “electronic or electromechanical device.” The bill revises the term “voting system” to mean a method of casting and processing votes that includes the:

- Equipment, including hardware, firmware, and software.
- Ballots.

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- Procedures for casting and processing votes.
- Programs, operating manuals, supplies.
- Reports, printouts, and other documentation necessary for the system's operation. (Section [1](#))

Additionally, the bill provides that ballot-on-demand technology may be used to produce early voting ballots. (Section [16](#))

Office of Election Crimes and Security

The bill provides that the [Office of Election Crimes and Security's](#) (OECS) annual report to the Governor and Legislature must include violations relating to involvement of foreign nationals in state elections; irregularities involving foreign national influence; and Department of State (DOS) recommendations to the Legislature to mitigate foreign national influence in elections. This provision is effective on July 1, 2026. (Section [2](#))

The Florida Election Commission is required to report any violations related to the involvement of foreign nationals in state elections to the OECS. (Section [30](#))

Campaign Contributions and Limits on Foreign Nationals

The bill prohibits:

- A political party, a political committee, an electioneering communications organization, or a candidate from knowingly and willfully accepting or soliciting directly or indirectly, a contribution from a [foreign national](#) in connection with any election held in this state.
- A person, acting either alone or jointly with, through, or on behalf of another person, who has knowingly and willfully received monetary or in-kind donations or gifts from one or more foreign nationals in an aggregate amount exceeding \$100,000 over the preceding four years, from making a contribution or independent expenditure:
 - To a political committee supporting or opposing an issue in this state; or
 - In support or opposition of an issue in this state.
- A political committee supporting or opposing an issue in this state from knowingly and willfully accepting contributions from a person who—acting either alone or jointly with, through, or on behalf of another person—has received monetary or in-kind donations or gifts from one or more foreign nationals in an aggregate amount exceeding \$100,000 over the preceding four years. (Section [30](#))

The bill provides that a violation of these prohibitions by any person or entity commits a felony of the third degree and is subject to a civil penalty equal to three times the amount contributed. (Section [30](#))

Such civil penalty must be paid into the General Revenue Fund. Any penalty imposed against a person that is not an individual jointly and severally attaches to the chair of the entity if the entity does not pay the penalty within 30 days. The Florida Election Commission is responsible for determining violations, imposing civil penalties, and collecting any unpaid civil penalties. (Section [30](#))

The bill excludes certain domestic subsidiaries (those that, under current law, are not considered foreign nationals) from the prohibitions on the pass-through of foreign funds intended to support or oppose an issue in the state. As long as the monetary or in-kind donations or gifts received are not used for political activity, then such domestic subsidiaries may accept such donations or gifts from one or more foreign nationals without it counting towards the \$100,000 aggregate threshold. (Section [30](#))

Current law provides that a domestic subsidiary is not considered a foreign national if, among other requirements, all decisions concerning donations and disbursements used toward a contribution or an expenditure are made by individuals who either hold U.S. citizenship or are permanent residents of the United States. However, the bill provides that such decisions concerning donations and disbursements do not include those regarding the subsidiary's support or opposition of an issue in this state. (Section [30](#))

This provision takes effect on July 1, 2026. (Section [30](#))

Voter Registration and List Maintenance

Voter Applicant Oath

The bill revises the oath to which each voter registration applicant is required to swear or affirm before registration. The voter oath must now include a statement that each applicant has carefully reviewed the instructions for completing the Florida Voter Registration Application, and further swears or affirms that he or she:

- Is a United States citizen.
- Understands that if false information is provided on the application, then he or she could be subject to criminal penalties for perjury; be fined or imprisoned; or, if he or she is not a U.S. citizen, be deported from the U.S. (Section [3](#))

Uniform Statewide Voter Registration Application

The bill requires the [uniform statewide voter registration application](#) to solicit from a voter applicant documentation required by the Election Assistance Commission or federal law. (Section [4](#))

Online Voter Registration System

The bill requires DOS's [online voter registration system](#) to:

- Verify an applicant's legal status with Department of Highway Safety and Motor Vehicle (DHSMV) records.
- Populate the voter applicant's information, except for the applicant's personal identifying number, into a printable voter registration application if the applicant's name and date of birth cannot be verified by DHSMV records so that the applicant may complete any required field and return to the supervisor of elections (supervisor).
- Prepopulate a voter registration application to print, sign, and deliver to a supervisor if an applicant indicates that he or she has not been issued a driver license or identification card.
- Register and categorize an applicant as an "unverified voter" if his or her legal status cannot be verified by DHSMV records.
- Transmit, using the statewide voter registration system, the applicant's registration application, along with the digital signature of the applicant on file with DHSMV, to the supervisor.
- Generate a notice to the supervisor and the applicant that states the applicant's legal status as a U.S. citizen cannot be verified by DHSMV and the applicant must provide to the supervisor sufficient evidence of his or her U.S. citizenship. The supervisor must verify the applicant's legal status as a U.S. citizen before the applicant may vote. The notice must include a list of documents acceptable as evidence of U.S. citizenship. (Section [5](#))

Department of Highway Safety and Vehicles Responsibilities

The bill provides that, by July 1, 2027, a driver license or Florida identification card, whether a new issuance or a renewal, to a qualified applicant that is a U.S. citizen must include the legal status of the licensee as last recorded in the system at the time of issuance or renewal. The bill requires DHSMV, at no charge, to issue a new or replacement card if a licensee or cardholder timely updates his or her legal status upon becoming a U.S. citizen. (Section [31](#))

The bill requires DHSMV to include in its database the type of documentary proof that the driver licensee or state identification cardholder provided in support of U.S. citizenship for the purposes of matching such information with the statewide voter registration system. Additionally, the bill requires DHSMV, on a weekly basis, to provide DOS with information identifying:

- Persons who, during the preceding week, presented evidence of U.S. citizenship upon being issued a new or renewed driver license or identification card. The information must contain the person's:
 - Name.
 - Address.
 - Date of birth.
 - Last four digits of the social security number.
 - Driver license number or identification card number (if applicable).

- Type of documentary proof provided in support of citizenship.
- Alien registration number or other legal status identifier (if applicable).
- A change in residence address on the driver license or identification card of any person who declined to register or update his or her voter registration record. The information must contain the person's:
 - Name.
 - Date of birth.
 - Sex.
 - Last four digits of his or her social security number.
 - Driver license or identification card number.
- New, renewed, or replacement driver license or identification card numbers issued to persons who declined to register or update his or her voter's registration record. The information must contain the person's:
 - Name.
 - Date of birth.
 - Last four digits of his or her social security number.
 - Prior and current driver license or identification card number. (Sections [7](#) and [11](#))

From this information, DOS must report each change to the appropriate supervisor who is responsible for changing the voter registration records. This provision takes effect on July 1, 2025. (Section [11](#))

Voter Registration Application

The bill provides that a voter registration application, including an application with a change in name, address, or party affiliation, may be accepted as valid only after DOS has verified that the applicant is a U.S. citizen. If a voter applicant cannot be verified as a U.S. citizen, then the applicant must be notified by his or her supervisor that he or she must present sufficient evidence to verify the authenticity of his or her driver license, identification, or social security number or provide one of the following documents as proof of U.S. citizenship:

- Current and valid U.S. passport.
- U.S. birth certificate.
- A Consular Report of Birth Abroad provided by the U.S. Department of State.
- Current and valid driver license or identification card issued by DHSMV if such license or card indicates U.S. citizenship.
- A naturalization certificate, a certificate of citizenship, a certificate number, or an alien registration number issued by the U.S. Department of Homeland Security.
- Current and valid photo identification issued by the Federal Government or the government of this state that indicates U.S. citizenship.
- An order from the Federal court granting U.S. citizenship. (Sections [6](#) and [10](#))

If the registered voter's legal name is different than the name that appears on one of the documents used for proof of citizenship, then the applicant must also provide official documentation providing proof of a legal name change. The type of documentary proof of U.S. citizenship used for verification must be recorded in the voter's registration system. (Section [10](#))

A supervisor is required to notify a voter registration applicant if a completed voter registration application has been received by the book-closing deadline, but the applicant's legal status as a U.S. citizen cannot be verified. Such applicant must provide sufficient evidence to the supervisor to verify his or her legal status as a U.S. citizen before voting. If an applicant has not provided proof of U.S. citizenship before the applicant appears to vote, then the applicant must be provided a provisional ballot. The provisional ballot is counted only if the applicant's legal status as a U.S. citizen is verified by the end of the canvassing period or if the applicant presents evidence to the supervisor sufficient to verify the applicant's legal status as a U.S. citizen no later than 5 p.m. of the second day following the election. (Section [6](#))

The bill makes the following additional changes to the voter registration application process:

- Provides that the application must be completed on or before the date of book closing for an election to be eligible to vote in that election, instead of the previous requirement that the application be completed before the date of book closing.
- Clarifies that the change in address, name, or party affiliation on an application is retroactive once personal identifying information is verified. (Section [6](#))

Eligibility of an Applicant for Voter Registration

The bill provides that if the latest voter registration records show that a new applicant was previously registered, but subsequently removed from the statewide voter registration system for ineligibility by reason of a felony conviction without voting rights restored, adjudication as mentally incapacitated with respect to voting without voting rights restored, death, or for not being a U.S. citizen, then the supervisor must verify applicant voting eligibility within 13 days of receiving such application. To determine and verify eligibility, the supervisor must review any government entity document or source. The supervisor must deny the voter registration application and notify the applicant if the supervisor determines that the applicant is ineligible. (Section [9](#))

List Maintenance

The bill requires DOS to verify the U.S. citizenship status of all voters registered, whose legal status has not already been verified as a U.S. citizen. If the citizenship status of a registered voter cannot be verified or the voter record does not indicate that the registered voter's citizenship is verified, DOS must notify the supervisor who must notify the registered voter. (Section [9](#))

In the [list maintenance](#) process to identify ineligible voters due to citizenship status, DOS must review information received by DHSMV and any other information regarding citizenship that DOS deems credible and reliable. If DOS determines that the information is credible and reliable, DOS must notify the supervisor and provide a copy of the supporting documentation indicating the potential ineligibility of the voter. Then, the supervisor must notify the registered voter that his or her U.S. citizenship could not be verified and require the registered voter to submit evidence sufficient to verify his or her citizenship status. (Section [10](#))

The bill requires a registered voter who is determined to be ineligible due to citizenship status be removed from the statewide voter registration system by the same removal procedures as those individuals deemed ineligible due to duplicate registrations, being deceased, being adjudicated mentally incapacitated with respect to voting, and being convicted of a felony. Additionally, DOS or a supervisor are authorized to use information from any governmental entity that identifies a registered voter as potentially ineligible. (Section [10](#))

Federal Jury Notice

The bill requires the state to provide voter registration lists to federal courts to aid in their jury selection process, and then requires those courts to provide to the state information that it receives regarding ineligible or potentially ineligible voters. As part of this notice, the jury coordinator must prepare a list of each person disqualified or potentially disqualified as a prospective juror from jury service due to:

- Not being a U.S. citizen, a resident of the state, or a resident of the county.
- Being convicted of a felony.
- Being deceased. (Section [12](#))

The notice must also contain the following information about each disqualified juror:

- Full name.
- Current and prior addresses.
- Telephone number.
- Date of birth.
- Reason for disqualification. (Section [12](#))

At a minimum, the list of persons disqualified or potentially disqualified from jury service must be sent, by mail, e-mail, or other electronic means, to the Division of Elections (division) within DOS according to the jury summons cycle used by the clerk of court. Then, the division must provide the information to the supervisor in the county of residence for the disqualified juror and the supervisor must initiate address list maintenance or eligibility maintenance procedures regarding the specified voter. (Section [12](#))

Automated Independent Vote Validation

The bill replaces the post-election machine recount and machine recount audit process with an automated independent, pre-certification vote validation process. The automated independent vote validation process must be completed no later than noon on the seventh day after any general election and no later than noon on the sixth day after any primary election. (Sections [21](#) and [27](#))

The bill provides that after unofficial election results are reported and before the certification of each election, each county canvassing board (CCB) (or the local board responsible for certifying the election) is required to conduct an automated, independent vote validation process in all precincts. The vote validation process verifies that the votes processed through the vote tabulation system for a candidate for any office or a measure appearing on a ballot do not have a discrepancy of one-half of one percent or less. Additionally, the vote validation process verifies that no changes in the outcome of the contest occurred. If the comparison of the results of the vote tabulation and the automated independent vote validation procedure reflects a difference of more than one-half of one percent of the results, then the proper county election official under the oversight of the CCB must conduct a system validation review using the images in the automated independent vote validation system of the ballots in disagreement. (Sections [21](#) and [27](#))

The Secretary of State is responsible for ordering such system validation reviews in federal, state, or multicounty races. The CCB or the local board responsible for certifying the election is responsible for ordering a system validation review in all other races. The bill provides that the system review must include a review of any clear overvotes or undervotes that appear in the automated independent vote validation system to adjudicate the voter intent of such differences before certification of the county's official results. (Sections [21](#) and [27](#))

The bill requires the automated independent vote validation process to be open to the public and requires the CCB to publish notice of process on the county website, on the supervisor's website, or once in one or more newspapers of general circulation in the county. The notice of the review must include the date, time, and place such review will occur. Each political party may designate one person with expertise in the computer field who must be allowed in the central counting room when all tests are being conducted and when the official votes are being counted. The designee may not interfere with the normal operation of the canvassing board. (Sections [21](#), [27](#), and [28](#))

By December 15 of each general election year, the respective board certifying the election must send an automated independent vote validation report to DOS. Each county's report must be consolidated into one report and included with the overvote and undervote report required by current law. At a minimum, the report must contain:

- The overall agreement of automated independent vote validation.
- A description of any problems or differences encountered.
- The likely cause of such problems or differences.
- Recommendations for corrective action for future elections. (Section [21](#))

If the bill is unable to complete the system validation review by the deadline, the vote validation report submitted by the CCB must be identical to the initial unofficial returns and the submission must also include a detailed explanation of the reason it was unable to timely complete the system validation review. The CCB must complete the system validation review, along with any manual review and certify official election returns. (Section [27](#))

The bill provides that the [Conduct of Elections Report](#) must describe issues encountered with any state approved election system, including vote tabulation systems and automated independent vote validation systems. (Section [27](#))

The bill requires DOS to submit the overvote and undervote analysis, the county automated independent vote validation results, and the analysis of the conduct of election reports as part of the post-general election report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 15 of each year following a general election. (Sections [21](#), [23](#), and [27](#))

Early Voting and Vote-by-mail

The bill clarifies that the supervisor must use local time when following the requirement in current law to upload the results of all early voting and vote-by-mail (VBM) ballots that have been canvassed and tabulated by the end of the early voting period in the county's election management system by 7 p.m. on the day before the election. (Section [27](#))

The bill requires the supervisor, instead of the CCB, to report all early voting and all tabulated VBM results to DOS within 30 minutes after the polls close. (Section [27](#))

Office Hours of Supervisors

The bill authorizes an office of the supervisor to close for federal, state, or county-approved holidays, in addition to legal holidays, if the supervisor's duties do not otherwise require the office to remain open to fulfill official duties under the Florida Election Code. (Section [8](#))

Identification Required for Polls, Provisional Ballot Cure Affidavits, and VBM Cure Affidavits

The bill revises the list of valid picture identifications required at the polls, for first time voters who are using a VBM ballot, and for the submission of a provisional ballot cure affidavit or a VBM cure affidavit by:

- Authorizing a passport card as an acceptable form of identification.
- Authorizing any other identification card issued by any branch, department, agency, or entity of the Federal Government, the state, a county, or a municipality.
- Eliminating the following as acceptable forms of identification:
 - Debit or credit card.
 - Student identification.
 - Retirement center identification.
 - Neighborhood association identification.
 - Public assistance identification.
- Specifying that a U.S. Uniformed Services or Merchant Marine identification is authorized. (Sections [14](#), [15](#), [24](#), and [25](#))

The bill clarifies that at the polls, a valid picture identification does not include a government issued identification if such identification is issued by an educational institution. (Section [14](#))

Candidate's Oath and the 365-day Party Affiliation Requirement

The bill provides a method to challenge the following two parts of a candidate's qualification paperwork:

- The accuracy of the content of the statement in a [candidate's oath](#) or affirmation that swears or affirms he or she is qualified under the State Constitution.
- A person's compliance with the Florida Election Code's [365-day party affiliation requirement](#). (Section [13](#))

Only a qualified candidate or a political party with a qualified candidate in the same race can challenge a candidate's qualification. To initiate a challenge, one of those two entities must file an action for declaratory and injunctive relief in the circuit court of the county in which the qualifying officer is headquartered. The circuit court must then expedite a final hearing on the matter. If the court determines, upon a final order, that the candidate did not comply with the constitutional qualification requirements (as sworn or attested to in the candidate oath) or the 365-day party affiliation requirement, then the supervisor in each county affected by such candidacy is required to remove the name of the candidate from the ballot. If the ballots have already been printed, then the supervisor must post a notice to be included with each VBM ballot, and at each early voting location and polling precinct that a vote for such candidate will not be counted. If the circuit court's final order is appealed in the meantime, the bill provides that the relevant District Court of Appeal must receive expedited consideration. (Section [13](#))

This provision takes effect upon becoming a law. (Section [13](#))

Elections Canvassing Commission

The bill changes the time the [Elections Canvassing Commission](#) meets from 8 a.m. to 9 a.m., except for meetings during organization sessions. (Section [26](#))

Limitations on Actions for Election Fraud

The bill creates a specific statute of limitations for the prosecution for a felony violation under the Florida Election Code that requires the prosecution be commenced within five years after the date the violation was committed. In effect, this expands the time the state has to bring a felony prosecution under the Florida Election Code as those crimes currently operate under the default three-year statute of limitations. This provision takes effect on July 1, 2026. (Section [29](#))

Florida Racketeer Influenced and Corrupt Organizations (RICO) Act

The bill provides that any violation of [chapter 104, F.S.](#)¹ can be prosecuted as racketeering activity under the [RICO Act](#). The provision takes effect on July 1, 2025. (Section [32](#))

Effective Date

The bill is effective on January 1, 2027, but the provisions relating to the RICO Act, OECS report, involvement of foreign nationals in state elections, prosecution commencement for a felony violation under the Florida Election Code, and duty of DHSMV officials to provide DOS with weekly citizenship information, are effective July 1, 2026. Additionally, the provision relating to compliance with the candidate's oath and 365-day party affiliation requirement is effective upon becoming a law. (Section [37](#))

RULEMAKING:

The Florida Election Code currently grants the Secretary of State general rulemaking authority over most of the provisions being amended in the bill.² The bill grants DOS additional rulemaking authority related to the independent automated vote validation system and process.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill will likely have an indeterminate, negative fiscal impact on DOS as it requires DOS to revise voter registration requirements that may involve programming.

The bill will likely have an indeterminate, but significant, fiscal impact on DHSMV as it requires it to, without charging applicants a fee for renewal, include on any new or renewal of a Florida driver license or identification card, the legal status of the applicant. A renewal and replacement identification card costs \$25 and a renewal driver license costs \$48. A replacement driver license costs \$25.

The state general revenue fund may see an increase in revenues to the extent that entities or individuals violate the prohibitions related to accepting or soliciting contributions from foreign nationals.

¹ Chapter 104, F.S., provides election code violations and penalties, including prohibiting fraud in connection with casting a vote, vote selling, voter intimidation and suppression, and more.

² S. [97.012\(1\), F.S.](#)

LOCAL GOVERNMENT:

The bill will have an indeterminate, negative fiscal impact on local governments for the provisions relating to list maintenance, vote validation processes, and recount procedures.

RELEVANT INFORMATION**SUBJECT OVERVIEW:****Office of Election Crimes and Security**

The Office of Election Crimes and Security (OECS) within the Department of State (DOS) aids the Secretary of State in the following duties:³

- Maintaining a voter fraud hotline.⁴
- Providing election fraud education to the public.⁵
- Conducting preliminary investigations into any irregularities or fraud involving voter registration, voting, candidate petition, or issue petition activities and reporting his or her findings to the statewide prosecutor or the state attorney for the judicial circuit in which the alleged violation occurred for prosecution, if warranted.⁶

OECS employs nonsworn investigators⁷ and has authority to review complaints and conduct preliminary investigations into alleged violations of the Florida Election Code or any related rule and any election irregularities.⁸ After preliminary investigation, OECS refers all evidence of potential election crimes to the Florida Department of Law Enforcement, the Office of Statewide Prosecution, or the local state attorney for the judicial circuit in which the alleged violation occurred.⁹

DOS is required to submit a report by January 15 of each year to the Governor and Legislature that details information on investigations of alleged election law violations or election irregularities conducted during the prior calendar year. The report must include the total number of:¹⁰

- Complaints received.
- Independent investigations initiated.
- Complaints referred to another agency for further investigation or prosecution, including the total number of those matters sent to a special officer.¹¹

For each alleged violation or irregularity investigated, the report must include:

- The source of the alleged violation or irregularity.
- The law allegedly violated or the nature of the irregularity reported.
- The county in which the alleged violation or irregularity occurred.
- Whether the alleged violation or irregularity was referred to another agency for further investigation or prosecution and, if so, to which agency.
- The current status of the investigation or resulting criminal case.¹²

³ S. [97.022\(1\), F.S.](#)

⁴ S. [97.012\(12\), F.S.](#)

⁵ *Id.*

⁶ S. [97.012\(15\), F.S.](#)

⁷ S. [97.022\(4\), F.S.](#)

⁸ S. [97.022\(2\), F.S.](#)

⁹ Department of State, [Election Crimes and Security](#) (last visited Jan. 16, 2026).

¹⁰ S. [97.022\(7\), F.S.](#)

¹¹ S. [102.091\(2\), F.S.](#), provides that the Governor, in consultation with the executive director of the Department of Law Enforcement, appoints special officers to investigate alleged violations of the election laws to see that violators of the election laws are apprehended and punished. A special officer is required to be a sworn special agent employed by the Department of Law Enforcement.

¹² S. [97.022\(7\), F.S.](#)

The most recent report submitted provides that in 2025 OECS:

- Received 3,478 complaints.
- Initiated 695 independent investigations.
- Referred 867 cases to another agency.
- Referred 497 cases to a special officer.¹³

Campaign Contributions and Limits on Foreign Nationals

Current law prohibits a foreign national from making or offering to make, directly or indirectly, a contribution or expenditure in connection with any election held in the state.¹⁴ A “foreign national” is defined to mean:

- A foreign government.
- A foreign political party.
- A foreign corporation, partnership, association, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.
- A person with foreign citizenship.
- A person who is not a citizen or national of the U.S. and is not lawfully admitted to the U.S. for permanent residence.¹⁵

The term “foreign national” does not include:

- A person who is a dual citizen or dual national of the U.S. and a foreign country.
- A domestic subsidiary of a foreign corporation, partnership, association, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country if:
 - The donations and disbursements used toward a contribution or an expenditure are derived entirely from funds generated by the subsidiary’s operations in the U.S.; and
 - All decisions concerning donations and disbursements used toward a contribution or an expenditure are made by individuals who either hold U.S. citizenship or are permanent residents of the U.S.¹⁶

Voter Registration and List Maintenance

Voter Applicant Oath

A person registering to vote must subscribe to an oath where he or she:

- Solemnly swears or affirms to protect and defend the Constitution of the United States and the Constitution of the State of Florida.
- Affirms to be qualified to register as a voter under the Constitution and laws of the State of Florida.
- Affirms that all information provided in the voter registration application is true.¹⁷

Uniform Statewide Voter Registration Application

Florida has adopted a uniform statewide voter application¹⁸ that must be accepted for any one or more of the following purposes:

- Initial registration.
- Change of address.
- Change of party affiliation.

¹³ Department of State, Office of Election Crimes and Security, [Annual OECS Report to Governor and Legislature \(2026\)](#) (last visited Jan. 16, 2026).

¹⁴ S. [106.08\(12\)\(b\), F.S.](#)

¹⁵ S. [106.08\(12\)\(a\), F.S.](#)

¹⁶ *Id.* Decisions concerning donations and disbursements do not include decisions regarding the subsidiary's overall budget for contributions or expenditures in connection with an election.

¹⁷ S. [97.051, F.S.](#); *see also* Art. VI, s. 3, [FLA. CONST.](#)

¹⁸ S. [97.052\(1\), F.S.](#); R. [1S-2.040, F.A.C.](#)

- Change of name.
- Replacement of a voter information card.
- Signature update.¹⁹

The application is available through the online voter registration system (OVRs), DOS website, any supervisor of elections (supervisor) office, any tax collector's office that issues driver licenses, any voter registration agency, and any entity that issues fishing or hunting licenses.²⁰

The uniform statewide voter application must be designed to elicit specified information, including:

- Last, first, and middle name.
- Date of birth.
- Address of legal residence.
- Mailing address, if different from address of legal residence.
- E-mail address and whether the applicant wishes to receive sample ballots by e-mail (optional).
- County of legal residence.
- Race or ethnicity that best describes the applicant.
- State or country of birth.
- Sex.
- Party affiliation.
- Whether the applicant needs assistance in voting.
- Name and address where last registered.
- Last four digits of the applicant's social security number.
- Florida driver license number or the identification number.
- An indication, if applicable, that the applicant has not been issued a Florida driver license, a Florida identification card, or a social security number.
- Telephone number (optional).
- Signature of applicant under penalty for false swearing by which the person subscribes to the oath and swears or affirms that the information contained in the registration application is true.
- Whether the application is being used for initial registration, to update a voter registration record, or to request a replacement voter information card.
- Whether the applicant is a U.S. citizen.
- Whether the applicant has been convicted of a felony and, if convicted, has had his or her voting rights restored.
- Whether the applicant has been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored.²¹

The voter registration application form prescribed by the Election Assistance Commission²² or the federal postcard application²³ must be accepted as an application for registration if the completed application or postcard application contains the information required by the constitution and Florida law.²⁴

¹⁹ [S. 97.052\(1\)\(a\), F.S.](#)

²⁰ [R. 1S-2.040, F.A.C.](#)

²¹ [S. 97.052\(2\), F.S.](#)

²² U.S. Election Assistance Commission (EAC), [About the EAC](#) (last visited Jan. 18, 2026). The EAC was established by the Help America Vote Act of 2002 (HAVA) and is an independent, bipartisan commission that develops guidance to meet HAVA requirements, adopts voluntary voting system guidelines, and serves as a national clearinghouse of information on election administration. The EAC has four commissioners appointed by the President of the U.S. and confirmed by the U.S. Senate.

²³ EAC, [Register To Vote In Your State By Using This Postcard Form and Guide](#) (last visited Jan. 18, 2026).

²⁴ [S. 97.052\(5\), F.S.](#)

Acceptance of Voter Registration Application

A voter registration application is complete and becomes the official voter registration record of that applicant when all information necessary to establish the applicant's eligibility²⁵ is received by a voter registration official and verified. If the applicant fails to complete his or her voter registration application before the date of book closing for an election,²⁶ then such applicant is not be eligible to vote in that election.²⁷ If an applicant completes his or her voter registration application and it is received before the book-closing deadline, but the driver license number, identification card number, or last four digits of the social security number provided by the applicant cannot be verified, then the applicant is notified that the number cannot be verified and that the applicant must provide evidence to the supervisor sufficient to verify the authenticity of such information. If the applicant provides the necessary evidence, the supervisor is required to place the applicant's name on the registration rolls as an active voter. If the voter registration applicant has not provided the necessary evidence or if his or her information has not otherwise been verified before presenting himself or herself to vote, the applicant is provided a provisional ballot. The provisional ballot is counted only if the voter registration applicant's information is verified by the end of the canvassing period or evidence is presented to the supervisor that is sufficient to verify the authenticity of the applicant's information by the second day following the election at 5 p.m..²⁸

Eligibility of an Applicant for Voter Registration

A person may become registered to vote only if that person:

- Is at least 18 years of age.
- Is a U.S. citizen.
- Is a legal resident of the State of Florida.
- Is a legal resident of the county in which that person seeks to be registered.
- Registers pursuant to the Florida Election Code.²⁹

The following persons, who might be otherwise qualified, are not entitled to register or vote:

- A person who has been adjudicated mentally incapacitated with respect to voting in this or any other state and who has not had his or her right to vote restored.
- A person who has been convicted of any felony by any court of record and who has not had his or her right to vote restored.³⁰

Online Voter Registration System

The OVRS is the internet website supported by DOS where an applicant may submit a voter registration application, update his or her voting record, and submit information necessary to establish his or her eligibility to vote.³¹ The OVRS has the capability to compare a Florida driver license number or Florida identification number with information maintained by the Department of Highway Safety and Motor Vehicles (DHSMV) to confirm that the name and date of birth on the application is consistent with the records of DHSMV.³² If the applicant's name and date of birth are consistent with DHSMV records, the OVRS transmits the applicant's registration application, along with the digital signature of the applicant on file with DHSMV, to the supervisor.³³ If the applicant's name and date

²⁵ Section [97.053\(5\), F.S.](#), provides that voter registration application is complete if it contains the following information of an applicant: name; address of legal residence; date of birth; affirmation of U.S. citizenship; current and valid Florida driver license, identification card, or last four digits of social security number; affirmation of no felony convictions or that voting rights have been restored; affirmation of not being adjudicated mentally incapacitated with respect to voting or that voting rights have been restored; and original signature or digital signature transmitted to DHSMV swearing under the penalty of false swearing.

²⁶ Book closing is day that occurs before an election after which a person may not register to vote for the upcoming election. Florida's book closing deadline is 29 days before each election. [S. 97.055, F.S.](#)

²⁷ S. [97.053\(2\), F.S.](#)

²⁸ [S. 97.053\(6\), F.S.](#)

²⁹ S. [97.041\(1\)\(a\), F.S.](#)

³⁰ S. [97.041\(2\), F.S.](#); *see also* Art. VI, s. 4(a)-(b), FLA. CONST.

³¹ S. [97.0525\(2\), F.S.](#)

³² S. [97.0525\(4\)\(a\), F.S.](#)

³³ S. [97.0525\(4\)\(b\), F.S.](#)

of birth cannot be verified by DHSMV records, or if the applicant indicated that he or she has not been issued a Florida driver license or Florida identification card, the OVRS must populate the applicant's information into a printable voter registration application and direct the applicant to print, sign, and date the application and deliver it to the supervisor for disposition.³⁴ Upon submission of a completed OVRS application, the website must generate an immediate electronic confirmation that the supervisor has received the application and provide instructions regarding the ability of a registrant to check the status of the application.³⁵

Department of Highway Safety and Motor Vehicles Responsibilities

Current law does not require driver licenses or identification cards to include the legal status of the licensee or card-holder on the physical copy of such identification. But a driver licensee must update his or her driver license within 30 days of becoming a U.S. citizen, and current law provides that an unauthorized alien or undocumented immigrant cannot be issued a driver license or identification card. As such, applicants of driver licenses and identification cards must provide sufficient REAL ID compliant documentation that supports their legal status.³⁶

A renewal and replacement fee for an identification card is \$25.³⁷ A renewal driver license costs \$48³⁸ and a replacement driver license costs \$25.³⁹

On a weekly basis, DHSMV must report to DOS identifying information on persons who have:

- Acquired driver licenses or identification cards in another state.
- Presented evidence of non-U.S. citizenship upon being issued a new or renewed driver license or identification card.⁴⁰

List Maintenance

Supervisors must conduct general registration list maintenance to protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records in the statewide voter registration system.⁴¹ As part of this required registration list maintenance program, the supervisor must incorporate one or more of the following procedures:

- Use change-of-address information supplied by the U.S. Postal Service through its licensees to identify registered voters whose addresses might have changed.
- Identify change-of-address information from returned nonforwardable return-if-undeliverable address confirmation requests sent to all registered voters in the county.⁴²

The supervisor must, at a minimum, conduct an annual review of voter registration records to identify registration records in which a voter is registered at an address that may not be an address of legal residence for the voter.⁴³

During its list maintenance procedures DOS must identify the following ineligible voters:

- Voters who are registered more than once (duplicate registrations).
- Voters who are deceased persons.
- Voters who have been adjudicated mentally incapacitated with respect to voting and who have not had their voting rights restored.
- Voters who have been convicted of a felony and whose voting rights have not been restored.⁴⁴

³⁴ S. [97.0525\(4\)\(c\), F.S.](#)

³⁵ S. [97.0525\(5\), F.S.](#)

³⁶ [Ch. 2025-1, L.O.F.](#)

³⁷ S. [322.21\(1\)\(f\), F.S.](#)

³⁸ S. [322.21\(1\)\(c\), F.S.](#)

³⁹ S. [322.21\(1\)\(e\), F.S.](#)

⁴⁰ S. [98.093\(8\), F.S.](#)

⁴¹ S. [98.065\(1\), F.S.](#)

⁴² S. [98.065\(2\), F.S.](#)

⁴³ S. [98.065\(6\), F.S.](#)

⁴⁴ S. [98.075, F.S.](#)

Before a registered voter who is determined to be ineligible is removed from the statewide voter registration system, the following procedures must occur:

- *Information Received:* DOS must notify the supervisor of the county in which the voter is registered of the potential ineligibility of the voter.
- *Initial Notice:* The supervisor must notify the registered voter of his or her potential ineligibility by mail within seven days after receiving the information. The notice explains the basis of potential ineligibility, provides a form to respond, offers a hearing option if the voter denies ineligibility, and provides the supervisor's contact information.
- *Voter Response:* The voter must respond to the notice within 30 days, either confirming or denying ineligibility. If the mailed notice is returned undeliverable, the supervisor must publish notice in a local newspaper or on a county website.
- *Final Determination and Removal:* If the voter does not resolve the issue or respond to the published notice, the supervisor makes a final determination of ineligibility and the name is removed from the statewide voter registration system.
- *Appeal:* A voter may appeal the ineligibility determination.
- *Re-registration:* A removed voter is required to re-register to vote again.⁴⁵

League of United Latin American Citizens v. Executive Office of the President

In 2025, the U.S. District Court for the District of Columbia granted partial summary judgment to the League of United Latin American Citizens, permanently blocking a provision of President Donald Trump's executive order that sought to add a requirement to provide documentary proof of citizenship when registering to vote with the federal mail voter registration form. The court held that the President cannot unilaterally mandate such action by Executive Order as it usurps power over the federal election procedure that is vested in Congress and the States.⁴⁶

Federal Jury Notice

Currently, federal courts use a state's voter registration lists to select prospective jurors.⁴⁷ To be qualified for Federal Jury Service, an individual juror must:

- Be an 18-year-old citizen of the U.S. who has resided for one year within the judicial district.
- Be able to read, write, and understand the English language with a degree of proficiency to complete the juror qualification form.
- Be able to speak the English language.
- Be both mentally and physically capable of rendering satisfactory jury service.
- Not have a pending charge or state or federal conviction for a crime punishable by imprisonment for more than one year.⁴⁸

County Canvassing Board

Returns and Recounts

The county canvassing board (CCB)⁴⁹ must submit its unofficial returns to DOS for each federal, state, or multicounty office or ballot measure by the third day after a primary election or the fourth day after a general election.⁵⁰ If the unofficial returns reflect that a candidate for any office or measure was defeated or eliminated by

⁴⁵ [S. 98.075\(7\), F.S.](#)

⁴⁶ [League of United Latin American Citizens v. Executive Office of the President, 1:25-cv-00946-CKK, 218 \(D.D.C. Oct. 31, 2025\)](#)

⁴⁷ U.S. Courts, [Juror Selection Process](#) (last visited Jan. 18, 2026).

⁴⁸ [28 U.S.C. §1865\(b\)](#).

⁴⁹ [Section 102.141\(1\)\(a\), F.S.](#), provides that a CCB is the body that tabulates and canvasses the vote for an election in that county. The CCB is composed of three members: the supervisor; a county court judge, who acts as chair; and the chair of the board of county commissioners. The canvassing board is responsible for a number of activities in the conduct of elections and results processing and reporting. See Florida Division of Elections, [Canvassing Board Membership and Activities](#) last visited (Jan. 19, 2026).

⁵⁰ [S. 102.141\(5\) and \(6\), F.S.](#)

one-half of a percent or less of the votes cast for those races, a machine recount is ordered.⁵¹ During a machine recount all the ballots are retabulated through the supervisor's automatic tabulating equipment. A second set of unofficial returns is due to DOS by the fifth day after a primary election or the ninth day after a general election. If the machine recount is completed by the time the second set of unofficial returns is due, then it is included in those returns.

If the second set of unofficial returns indicates that a candidate or measure was eliminated by one-quarter of a person or less of the votes cast for those races, a manual recount of the overvotes⁵² and undervotes⁵³ is ordered.⁵⁴ The manual recount must be made unless:

- The candidate or candidates defeated or eliminated from contention by one-quarter of one percent or fewer of the votes cast for such office request in writing that a recount not be made; or
- The number of overvotes and undervotes is fewer than the number of votes needed to change the outcome of the election.⁵⁵

A manual recount consists of a recount of ballots or of digital images of those ballots by a person.⁵⁶ The Secretary of State is responsible for ordering a machine and manual recounts for federal, state, and multicounty races. The CCB or local board responsible for certifying the election is responsible for ordering the recounts recount for all other races.

The final returns, which include the result of any recount, is due to DOS by the eighth day following a primary election and the 13th day following a general election.⁵⁷

Voting System Audit

Immediately following the certification of each election, the CCB must conduct a manual audit or an automated, independent audit of the voting systems used in randomly selected precincts.⁵⁸ A manual audit consists of a public, manual tally of the votes cast in one randomly selected race that appears on the ballot. The tally sheet must include election-day, vote-by-mail (VBM), early voting, provisional, and overseas ballots, in at least one percent but no more than two percent of the precincts chosen at random by the CCB.⁵⁹ The CCB must post a notice of the audit, including the date, time, and place, in four conspicuous places in the county and on the supervisor's website.⁶⁰ The audit must be completed and the results made public no later than the seventh day following certification of the election by the CCB or the local board responsible for certifying the election.⁶¹

By December 15 of each general election year, the CCB or the board responsible for certifying the election is required to provide a report with the results of the recount audit to DOS in a standard format as prescribed by DOS.⁶² The audit accompanies a post general election report that is submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 15 of each year following a general election.⁶³

⁵¹ S. [102.141\(7\), F.S.](#)

⁵² An "overvote" means that the voter marks or designates more names than there are persons to be elected to an office or designates more than one answer to a ballot question, and the tabulator records no vote for the office or question. S. [97.021\(26\), F.S.](#)

⁵³ An "undervote" means that the voter does not properly designate any choice for an office or ballot question, and the tabulator records no vote for the office or question. S. [97.021\(41\), F.S.](#)

⁵⁴ S. [102.166, F.S.](#)

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ S. [102.112, F.S.](#)

⁵⁸ S. [101.591\(1\), F.S.](#)

⁵⁹ S. [101.591\(2\), F.S.](#)

⁶⁰ S. [101.591\(3\), F.S.](#)

⁶¹ S. [101.591\(4\), F.S.](#)

⁶² S. [101.591, F.S.](#)

⁶³ S. [101.595, F.S.](#)

Conduct of Election Report

Each supervisor is required to file a Conduct of Election Report with DOS no later than 20 business days after the Elections Canvassing Commission certifies the election.⁶⁴ The report has minimum requirements associated with election definition errors, ballot printing errors, staffing shortages or procedural violations, equipment issues, and any other issues or problems associated with the conduct of elections.⁶⁵

Candidate Oath

Current law requires each candidate, whether a party candidate, a candidate with no party affiliation, or a write-in candidate, in order to qualify for nomination or election to any office other than a judicial office or a federal office, to take and subscribe to an oath or affirmation in writing. This is required before placement on the ballot. This oath is not required for the nomination of presidential electors or presidential preference primaries.⁶⁶ The oath for state or local candidates is required to be in substantially the following form:⁶⁷

State of Florida

County of _____

Before me, an officer authorized to administer oaths, personally appeared (please print name as you wish it to appear on the ballot), to me well known, who, being sworn, says that he or she is a candidate for the office of _____; that he or she is a qualified elector of _____ County, Florida; that he or she is qualified under the Constitution and the laws of Florida to hold the office to which he or she desires to be nominated or elected; that he or she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he or she seeks; that he or she has resigned from any office from which he or she is required to resign pursuant to s. [99.012](#), Florida Statutes; and that he or she will support the Constitution of the United States and the Constitution of the State of Florida.

(Signature of candidate)

(Address of legal residence)

Sworn to and subscribed before me this day of, (year), at _____ County, Florida.

(Signature and title of officer administering oath)

365-day Party Affiliation Requirement

Current law provides that any person seeking to qualify for nomination as a candidate of any political party must, at the time of subscribing to the candidate oath or affirmation,⁶⁸ state in writing, that the person has been a registered member of the political party for which he or she is seeking nomination as a candidate for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify.⁶⁹ Similarly, any person seeking to qualify for office as a candidate with no party affiliation must state in writing that he or she

⁶⁴ S. [102.141\(10\), F.S.](#)

⁶⁵ *Id.*

⁶⁶ Section [99.021\(1\)\(a\) and \(3\), F.S.](#), provides that, in part, the form of the oath must include an affirmation that the person seeking nomination or candidacy is qualified under the State Constitution to hold the office to which he or she desires to be nominated or elected.

⁶⁷ S. [99.021\(1\)\(a\)1., F.S.](#)

⁶⁸ *Id.*

⁶⁹ S. [99.021\(1\)\(b\), F.S.](#)

is currently registered without any party affiliation and has not been registered with any political party for 365 days before the same qualifying period.⁷⁰

The person to whom a candidate submits his or her qualification papers (filing officer) performs a ministerial function in reviewing qualifying papers. The filing officer reviews the qualifying papers to determine whether all items required for candidate qualification have been properly filed and whether each item is complete on its face, including whether items that must be verified have been properly verified. If all required items are complete, then the filing officer deems the candidate qualified. The filing officer is prohibited from determining whether the contents of the qualifying papers are accurate.⁷¹

Jones v. Schiller

In 2022, the First District Court of Appeal (DCA) held that, while the Florida Election Code requires a candidate to fill out an oath attesting that he or she has been a member of a party for the previous 365 days, it provides no enforcement mechanism to remove a person from the ballot who gives a false attestation.⁷² The First DCA noted that the ruling “could invite bad actors to qualify for the ballot using false party affiliation statements to inject chaos into a party's primary.”⁷³ However, the court noted that while there is no remedy permitting a court to remove a person from the ballot on those grounds, there could be criminal and financial consequences to lying under oath.⁷⁴

Elections Canvassing Commission

The Elections Canvassing Commission (ECC) consists of the Governor and two members of the Cabinet selected by the Governor, all of whom serve *ex officio*.⁷⁵ The ECC is required to meet at 8 a.m. on the ninth day after a primary election and at 8 a.m. on the 14th day after a general election to certify the returns of the election for each federal, state, and multicounty office and for each constitutional amendment.⁷⁶

Identification Required for Voting

Throughout the Florida Election Code, there are requirements for voters to present valid, photo identification—when voting in person, when completing a provisional ballot⁷⁷ or VBM cure affidavit,⁷⁸ and for first-time voters using a VBM ballot.⁷⁹ The following are the acceptable forms of identification so long as they are valid and contain a picture identification:

- Florida driver license or identification card issued by the DHSMV.
- U.S. passport.
- Debit or credit card.
- Military identification.
- Student identification.
- Retirement center identification.
- Neighborhood association identification.
- Public assistance identification.
- Veteran health identification card issued by the U.S. Department of Veterans Affairs.
- A license to carry a concealed weapon or firearm.

⁷⁰ S. [99.021\(1\)\(c\), F.S.](#)

⁷¹ S. [99.061\(7\)\(c\), F.S.](#)

⁷² *Jones v. Schiller*, 345 So. 3d 406 (Fla. 1st DCA 2022).

⁷³ *Id.*

⁷⁴ *Id.*; see s. [837.012, F.S.](#)

⁷⁵ S. [102.111\(1\), F.S.](#)

⁷⁶ S. [102.111\(2\), F.S.](#)

⁷⁷ S. [101.043\(1\)\(a\), F.S.](#)

⁷⁸ Section [101.68\(4\), F.S.](#), provides for VBM Ballot Cure Affidavit is used to allow a voter to fix a signature deficiency on his or her VBM ballot.

⁷⁹ S. [101.6923\(2\), F.S.](#)

- Employee identification card issued by any branch, department, agency, or entity of the Federal Government, the state, a county, or a municipality.⁸⁰

Office Hours of Supervisors

Current law requires an office of the supervisor to be open Monday through Friday, excluding legal holidays, for a period of not less than eight hours per day, beginning no later than 9 a.m.⁸¹ In addition, each supervisor must conduct early voting beginning on the 10th day before an election that contains state or federal races and ending on the third day before the election, for no less than eight hours and no more than 12 hours a day.⁸² Other duties of the supervisor, such as those related to qualifying periods and special elections, may also require offices to be open on specified days.

Limitations on Actions for Election Fraud

The length of time the State can charge a person for a felony (statute of limitations) varies by crime, but generally, in Florida, prosecutions for felony offenses are subject to the following periods of limitation:

- A prosecution for a felony of the first degree must be commenced within four years after it is committed.
- A prosecution for any other felony must be commenced within three years after it is committed.⁸³

Examples of actions that are punishable as felony violations in the Florida Election Code include:

- A person who willfully submits any false voter registration information.⁸⁴
- A person who alters the voter registration application of any other person, without the other person's knowledge and consent.⁸⁵
- Any person perpetrating or attempting to perpetrate or aid in the perpetration of any fraud in connection with any vote cast, to be cast, or attempted to be cast.⁸⁶
- Any person, knowing he or she is not a qualified voter, who willfully votes at any election.⁸⁷

Current law does not provide a specific time in which a prosecution of a felony violation under the Florida Election Code must be commenced.

Florida Racketeer Influenced and Corrupt Organizations (RICO) Act

The Florida RICO Act provides that a person commits "racketeering activity" when he or she commits, attempts to commit, conspires to commit, or solicits, coerces, or intimidates another person to commit any offense listed in [s. 895.02\(8\), F.S.](#)⁸⁸

The Florida RICO Act provides that it is unlawful for any person:

- With criminal intent to receive any proceeds derived, directly or indirectly, from a pattern of racketeering activity⁸⁹ or through the collection of an unlawful debt⁹⁰ to use or invest, whether directly or indirectly, any

⁸⁰ S. [101.043\(1\)\(a\), F.S.](#)

⁸¹ S. [98.015\(4\), F.S.](#)

⁸² S. [101.657\(1\)\(d\), F.S.](#)

⁸³ S. [775.15\(2\), F.S.](#)

⁸⁴ S. [104.011\(1\), F.S.](#)

⁸⁵ S. [104.012\(4\), F.S.](#)

⁸⁶ S. [104.041, F.S.](#)

⁸⁷ S. [104.15, F.S.](#)

⁸⁸ S. [895.02, F.S.](#) The offenses listed under [s. 895.02\(8\), F.S.](#), include violations of specified Florida laws (e.g., Medicaid fraud, workers' compensation fraud, human trafficking, kidnapping, and drug offenses), as well as any conduct defined as "racketeering activity" in 18 U.S.C. § 1961.

⁸⁹ A "pattern of racketeering activity" means engaging in at least two incidents of racketeering conduct having the same or similar intents, results, accomplices, victims, or methods of commission or that otherwise are interrelated by distinguishing characteristics and are not isolated incidents. S. [895.02\(7\), F.S.](#)

⁹⁰ "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted in violation of specified Florida

part of such proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise.⁹¹

- Through a pattern of racketeering activity or through the collection of an unlawful debt, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property.
- Employed by, or associated with, any enterprise to conduct or participate, directly or indirectly, in such enterprise through a pattern of racketeering activity or the collection of an unlawful debt.
- To conspire or endeavor to violate any of the previously-described activities.

A person convicted of any of those activities commits a first-degree felony,⁹² and may be subject to civil remedies including forfeiture to the state of all property, including money, if the property is intended for use in the course of, derived from, or realized through acts in violation of the Florida RICO Act.⁹³

Florida Decides Healthcare, Inc. v. Byrd

In 2025, the Legislature passed HB 1205 (2025) that provided that a violation of the Florida Election Code relating to irregularities or fraud involving petition activities can be prosecuted as a racketeering activity under the Florida RICO Act.⁹⁴ Soon after the passage of HB 1205, the law was challenged in the U.S. District Court for the Northern District of Florida. The court granted a preliminary injunction against the bill's RICO provision, holding that the provision was unconstitutionally vague, especially as it relates to phrase "irregularities...involving issue petition activity." The court noted that the vagueness allows for arbitrary and discriminatory enforcement and is inconsistent with the Fourteenth Amendment. Further, the court noted "if the Florida legislature intended for law enforcement to prosecute RICO violations predicated only on fraud relating to issue petitions or those already delineated by statute, it would have said so."⁹⁵

RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/SENATE SPONSOR(S)	OTHER INFORMATION
2023	CS/SB 7050 - Elections	McClure/ Hutson	Approved by the Governor on May 24, 2023.
2022	CS/CS/SB 524 - Election Administration	Perez/ Hutson	Approved by the Governor on April 25, 2022.

laws (e.g., various gambling offenses) as well as any gambling activity in violation of federal law or in the business of lending money at a rate usurious under state or federal law. S. [895.02\(12\), F.S.](#)

⁹¹ "Enterprise" means any individual, sole proprietorship, partnership, corporation, business trust, union chartered under the laws of this state, or other legal entity, or any unchartered union, association, or group of individuals associated in fact although not a legal entity; and it includes illicit as well as licit enterprises and governmental, as well as other, entities. A criminal gang as defined in [s. 874.03, F.S.](#), constitutes an enterprise. S. [895.02\(5\), F.S.](#)

⁹² S. [895.04, F.S.](#) A first degree felony is punishable by up to 30 years imprisonment and a \$10,000 fine. Ss. [775.082](#) and [775.083, F.S.](#)

⁹³ S. [895.05\(2\), F.S.](#)

⁹⁴ [Ch. 2025-21, L.O.F.](#)

⁹⁵ *Florida Decides Healthcare, Inc. v. Byrd*, 4:25-cv-00211-MW-MAF (N.D. Fla. 2025) (Order on Motion for First Preliminary Injunction).

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Government Operations Subcommittee	11 Y, 5 N, As CS	2/5/2026	Toliver	Walker
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> Expanded the term “racketeering activity” under the Florida RICO Act to include certain election code violations. Revised the list of valid identification required at the polls and for certain other circumstances. Prohibited the pass-through of foreign funds intended to support or oppose an issue in the state (if such foreign funds are over a specified threshold within a specified timeframe). Changed the effective date to January 1, 2027, except for specified provisions that are effective July 1, 2026. 			
State Affairs Committee	17 Y, 6 N, As CS	2/17/2026	Williamson	Walker
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> Provided an exception for the prohibitions that ban the pass-through of foreign funds intended to support or oppose an issue in the state. Provided enforcement for the 365-day party affiliation requirement and the part of the candidate’s oath concerning constitutional qualification requirements. Authorized supervisors to close for additional government-approved holidays. Provided that, at the polls, an identification issued by an educational institution is not a valid form of photo identification. Increased from 10 to 13 days the period in which a supervisor must verify the eligibility of a voter registration applicant. 			

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
