A bill to be entitled
An act relating to elections; amending s. 20.10, F.S.;
requiring that the Secretary of State be elected
rather than appointed and serve a specified term;
specifying when such election must occur; amending s.
20.32, F.S.; requiring the Florida Commission on
Offender Review to develop and maintain a database for
a specified purpose; specifying database requirements;
requiring specified entities to provide specified
information to the commission on a monthly basis;
requiring the Department of Management Services,
acting through the Florida Digital Service, to provide
technical assistance to the commission in developing
and maintaining the database; authorizing the
Department of Management Services to adopt rules;
requiring the commission to make the database publicly
available on a website by a specified date; requiring
the commission to update the database monthly;
requiring the commission to publish certain
instructions on the website; requiring the commission
to submit a certain comprehensive plan to the Governor
and the Legislature by a specified date; specifying
requirements for the comprehensive plan; providing
that certain persons who register to vote are
prohibited from being charged with certain crimes as a
result of such registration or voting; requiring the
commission to adopt rules; amending s. 97.021, F.S.;
defining terms; repealing s. 97.022, F.S., relating to
the Office of Election Crimes and Security; repealing
s. 97.0291, F.S.; relating to prohibiting the use of private funds for election-related expenses; creating s. 97.0556, F.S.; authorizing a person who meets certain requirements to register to vote at an early voting site or at his or her polling place and to immediately thereafter cast a ballot; amending s. 97.057, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to preregister certain individuals to vote; providing that driver license or identification card applications, driver license or identification card renewal applications, and applications for changes of address for existing driver licenses or identification cards submitted to the department serve as voter registration applications; providing that an applicant is deemed to have consented to the use of his or her signature for voter registration purposes unless a declination is made; requiring that specified applications include a voter registration component, subject to approval by the Department of State; providing requirements for the voter registration component; requiring the Department of Highway Safety and Motor Vehicles to electronically transmit voter registration information to the Department of State within a specified timeframe; requiring the Department of State to provide such information to supervisors of elections; deleting obsolete language; making technical changes; amending s. 97.0575, F.S.; revising the information a third-party voter registration organization is
required to provide to the Department of State; deleting a provision that provides for the expiration of such organization’s registration at the conclusion of the general election cycle for which the organization is registered; deleting provisions requiring such organizations to provide a specified receipt to applicants; revising the timeframe within which such organizations must deliver completed applications to the Division of Elections or a supervisor of elections; revising certain penalties; deleting the aggregate limit of such penalties; deleting provisions providing criminal and administrative penalties; deleting provisions requiring the division to adopt certain rules; deleting provisions that prohibit providing applicants a pre-filled voter registration application and a specified fine for such action; deleting provisions providing criminal penalties for the unlawful copying of voter registration applications or retaining of a voter’s personal information; deleting provisions providing for retroactive application; creating part III of ch. 97, F.S., entitled “Florida Voting Rights Act”; creating s. 97.21, F.S.; prohibiting local governments, state agencies, and state officials from implementing or enforcing actions that result in, will result in, or are intended to result in specified disparities or impairments; providing that a rebuttable presumption exists that a violation occurred in specified circumstances; prohibiting any
method of election that has the effect, or is
motivated in part by the intent, of impairing the
opportunity or ability of certain voters to
participate in the political process and elect
candidates of their choosing or influence the outcome
of elections; specifying actions that constitute
violations of such provision; requiring courts to
adhere to specified guidelines to determine whether
racially polarized voting by protected members
occurred; requiring courts to consider certain factors
when determining whether an impairment of the right to
vote for a protected class member or the opportunity
or ability to participate in the political process and
elect a candidate of their choosing has occurred;
providing that a particular combination or number of
such factors is not necessary to determine that an
impairment occurred; specifying that the court may
only consider certain factors; specifying when such
factors are most probative; providing factors that the
court may consider; prohibiting the court from
considering certain factors; requiring a prospective
plaintiff, before filing a certain action against a
local government, to send a notification letter, by
specified means, to the local government; prohibiting
a party from filing an action under specified
circumstances; authorizing a local government to adopt
a specified resolution within a specified timeframe;
providing that if the proposed remedy in such
resolution is barred by state or local law, it may be
approved by the Florida Voting Rights Act Commission, if certain conditions are met; authorizing a party who sent a notification letter to seek reimbursement from the local government under specified circumstances; authorizing a party to bring a cause of action for a specified violation under specified circumstances; requiring local governments to take certain action; requiring the commission to post notification letters and resolutions on its website; authorizing the commission to adopt certain rules; prohibiting local governments from asserting specified defenses; authorizing specified entities to file certain enforcement actions; creating s. 97.22, F.S.; creating the Florida Voting Rights Act Commission within the Department of State; providing that such commission is a separate budget entity and must submit a budget in accordance with specified provisions; providing duties and responsibilities of the commission; providing for the composition of the commission; providing that such commissioners serve staggered terms; requiring that commissioners be compensated at a specified hourly rate; requiring the formation of a nominating committee; providing for the appointment and removal of nominating committee members; requiring the nominating committee to select a chair; requiring commissioners to be selected using a specified process; requiring commissioners to initially be selected by lot and randomly assigned term lengths for purposes of achieving staggered terms; authorizing the
commission to take specified actions in any action or investigation to enforce specified provisions;
authorizing the commission to hire staff and make expenditures for a specified purpose; authorizing the commission to adopt rules; creating s. 97.23, F.S.; requiring the commission to enter into agreements with one or more postsecondary educational institutions to create the Florida Voting and Elections Database and Institute for a specified purpose; requiring the parties to the agreement to enter into a memorandum of understanding to select a director; authorizing the database and institute to perform specified actions; requiring the database and institute to make election and voting data records for a specified timeframe available to the public at no cost and to maintain such records in an electronic format; requiring the database and institute to use certain methodologies when preparing estimates; providing the data and records that must be maintained; requiring state agencies and local governments to provide any information requested by the director of the database and institute; requiring local governments to transmit specified information to the database and institute within a certain timeframe; requiring specified entities to annually provide processing data, statistics, and other information to the database and institute; authorizing specified entities to file enforcement actions; providing that such claim may be filed in accordance with the Florida Rules of Civil
Procedure in a specified venue; requiring the database and institute to publish a certain report; requiring the database and institute to provide nonpartisan technical assistance to specified entities; providing that a rebuttable presumption exists that data, estimates, or other information from the database and institute is valid; creating s. 97.24, F.S.; defining terms; requiring the commission to designate languages other than English for which language assistance must be provided by a local government, if certain conditions exist; providing the circumstances under which the commission must designate languages other than English for voting and elections; requiring the commission to annually publish specified information on its website; requiring local governments to provide language assistance for specified purposes if the commission makes a certain determination; specifying the materials that must be provided in such language; requiring that certain information be given orally to voters; requiring that translated materials convey a specified intent and meaning; prohibiting local governments from relying on automatic translation services; requiring that live translation be used if available; requiring the commission to adopt specified rules; authorizing specified entities to file enforcement actions; requiring that such actions be filed in accordance with the Florida Rules of Civil Procedure or in a specified venue; creating s. 97.25, F.S.; providing that the enactment or implementation
of a covered policy by a covered jurisdiction is subject to preclearance by the commission; specifying actions by a local government which are a covered policy; specifying which local governments are a covered jurisdiction; requiring the commission to annually determine and publish a list of local governments that are covered jurisdictions on its website; requiring a covered jurisdiction, if seeking preclearance, to submit the covered policy to the commission in writing; requiring the commission to review the covered policy and grant or deny preclearance; providing that the covered jurisdiction bears the burden of proof in the preclearance process; requiring the commission to provide a written explanation for the denial; providing that the commission may deny preclearance only if it makes a certain determination; providing that if preclearance is denied, the covered policy may not be implemented; authorizing a covered jurisdiction to immediately implement or enact a covered policy granted preclearance; providing that such determination is not admissible or may not be considered by a court in a subsequent action challenging the covered policy; providing that a covered policy is deemed precleared and may be implemented or enacted by the covered jurisdiction if the commission fails to approve or deny the covered policy within specified timeframes; requiring the commission to grant or deny preclearance within specified timeframes; authorizing the
commission to invoke a specified number of extensions
of a specified timeframe to determine preclearance;
providing that any denial of preclearance may be
appealed only by the covered jurisdiction in a
specified venue; authorizing specified entities to
enjoin the enactment or implementation of specified
policies and seek sanctions against covered
jurisdictions in specified circumstances; authorizing
specified entities to file enforcement actions;
specifying that such actions must be filed in
accordance with the Florida Rules of Civil Procedure
or in a specified venue; requiring the commission to
adopt rules; creating s. 97.26, F.S.; prohibiting a
person from engaging in acts of intimidation,
deception, obstruction, or any other tactic that has
the effect, or will reasonably have the effect, of
interfering with another person’s right to vote;
specifying acts that are deemed a violation; providing
a rebuttable presumption; authorizing specified
tentities to file a civil action to enforce specified
provisions; creating s. 97.27, F.S.; providing
construction; providing applicability; creating s.
97.28, F.S.; requiring a court to order specified
appropriate remedies for violations of the act;
requiring the court to consider remedies proposed by
specified parties; prohibiting the court from giving
deerence to a remedy proposed by the state or local
government; providing that the court is empowered to
require local governments to implement certain
remedies under specified conditions; requiring the
courts to grant a temporary injunction or other
preliminary relief requested under specified
conditions; requiring the court to award attorney fees
and litigation costs in actions to enforce specified
provisions; amending s. 98.045, F.S.; conforming a
cross-reference; creating s. 100.51, F.S.;
establishing General Election Day as a paid holiday;
providing that a voter may absent himself or herself
from service or employment at a specific time on a
General Election Day and may not be penalized or have
salary or wages reduced for such absence; creating s.
101.016, F.S.; requiring the Division of Elections to
maintain a strategic elections equipment reserve of
voting systems and other equipment for specified
purposes; requiring that such reserve include
specified equipment; authorizing the division to
contract with specified entities rather than
physically maintain such reserve; repealing s.
101.019, F.S., relating to the prohibition on ranked
choice voting; amending s. 101.048, F.S.; providing
that a voter may cast a provisional ballot at any
precinct in the county in which the voter claims to be
registered; making technical changes; amending s.
101.62, F.S.; providing that a request for a vote-by-
mail ballot is valid until the voter cancels the
request; revising the timeframe during which the
 supervisor must mail vote-by-mail ballots before
election day; deleting requirements for a person
designated by an elector to pick up the elector’s vote-by-mail ballot; providing for extension of deadlines under certain conditions; amending s. 101.64, F.S.; requiring supervisors of elections to enclose a postage prepaid mailing envelope with each vote-by-mail ballot; providing that vote-by-mail ballot voter certificates may be signed with the last four digits of the voter’s social security number; making technical changes; amending s. 101.65, F.S.; revising the instructions that must be provided with a vote-by-mail ballot; amending s. 101.68, F.S.; requiring supervisors of elections to compare the signature or last four digits of the social security number on a voter’s certificate with the signature or last four digits of the social security number in the registration books or precinct register when canvassing a vote-by-mail ballot; requiring a canvassing board to compare the signature or last four digits of the social security number on a voter’s certificate or vote-by-mail ballot cure affidavit with the signature or last four digits of the social security number in the registration books or precinct register when canvassing a vote-by-mail ballot; deleting the authorization for certain persons to file a protest against the canvass of a ballot; amending s. 101.69, F.S.; deleting provisions providing that specified secure ballot intake stations be used only during specified timeframes and be monitored by an employee of the supervisor’s office; requiring that
secure ballot intake stations be monitored by the supervisor’s office during specified timeframes instead of continuously monitored in person; deleting a provision authorizing a certain civil penalty; amending s. 104.42, F.S.; conforming a provision to changes made by the act; providing an effective date.

WHEREAS, Harry T. and Harriette V. Moore were the first true civil rights activists of the modern civil rights era in this state, and

WHEREAS, the Moores, and the organizations they helped found and lead, were instrumental in registering more than 100,000 black voters in this state, and

WHEREAS, the Moores paid the ultimate price for the freedoms they fought to secure for their community when members of the Ku Klux Klan bombed their home in Mims on Christmas Day in 1951, and

WHEREAS, at the time of their death, Florida had the most registered black voters, outpacing any other state in the South, and

WHEREAS, the purpose of this act is to encourage maximum participation of all eligible voters in this state’s electoral process, and

WHEREAS, electoral systems that deny race, color, or language minority groups an equal opportunity to elect candidates of their choice and influence the outcome of an election are inconsistent with the right to equal treatment before the law as provided in Articles I and II of the State Constitution as well as protections found in the 14th and 15th
WHEREAS, this act expands voting rights granted under the federal Voting Rights Act of 1965 and reaffirms the well-established principle of “one person, one vote,” and
WHEREAS, following decisions by the United States Supreme Court in *Shelby County v. Holder* and *Brnovich v. Democratic National Committee*, the landmark Voting Rights Act of 1965 has been severely diminished in its ability to protect the freedom and opportunity of black and brown voters to fully participate in the political process of our democratic republic, and
WHEREAS, this act builds on the historical work of the named and nameless Floridians who fought for their right to the elective franchise, NOW, THEREFORE,

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

Section 1. Subsection (1) of section 20.10, Florida Statutes, is amended to read:

20.10 Department of State.—There is created a Department of State.

(1) The head of the Department of State is the Secretary of State. The Secretary of State shall be elected at the statewide general election at which the Governor, Lieutenant Governor, and Cabinet officers are elected as provided in s. 5, Art. IV of the State Constitution, for a term of 4 years beginning on the first Tuesday after the first Monday in January of the year following such election appointed by the Governor, subject to confirmation by the Senate, and shall serve at the pleasure of the Governor. The Secretary of State shall perform the functions conferred by
the State Constitution upon the custodian of state records.

    Section 2. Subsection (4) is added to section 20.32, Florida Statutes, to read:

        20.32 Florida Commission on Offender Review.—

        (4) (a) For the purpose of assisting a person who has been disqualified from voting based on a felony conviction other than murder or a felony sexual offense in determining whether he or she has met the requirements under s. 98.0751 to have his or her voting rights restored pursuant to s. 4, Art. VI of the State Constitution, the commission shall develop and maintain a database that contains for each such person all of the following information:

            1. His or her name and any other personal identifying information.

            2. The remaining length of any term of supervision, including, but not limited to, probation, community control, or parole, ordered by a court as part of his or her sentence.

            3. The remaining amount of any restitution owed to a victim as ordered by a court as part of his or her sentence.

            4. The remaining amount due of any fines or fees that were initially ordered by a court as part of his or her sentence or as a condition of any form of supervision, including, but not limited to, probation, community control, or parole.

            5. The completion status of any other term ordered by a court as a part of his or her sentence.

            6. Any other information needed to determine whether he or she has met the requirements for restoration of voting rights under s. 98.0751.

        (b) The Department of State, the Department of Corrections,
the clerks of the circuit court, the county comptrollers, and
the Board of Executive Clemency shall provide to the commission
on a monthly basis any information required under paragraph (a).

(c) The Department of Management Services, acting through
the Florida Digital Service, shall provide any technical
assistance necessary for the commission to develop and maintain
the database. The Department of Management Services may adopt
rules governing the provision of such assistance.

(d) By July 1, 2026, the commission shall make the database
available on a public website. The commission must update the
database monthly with the information received from each
governmental entity under paragraph (b). The commission shall
publish on the website clear instructions that a person who has
been disqualified from voting based on a felony conviction other
than murder or felony sexual offense may follow to have his or
her voting rights restored and to register to vote.

(e) By July 1, 2024, the commission shall provide a
comprehensive plan to the Governor, the President of the Senate,
and the Speaker of the House of Representatives which includes
all of the following:

1. The governmental entities from which and the methods by
which the commission shall collect, centralize, analyze, and
secure the information required to be included in the database.

2. A description of any infrastructure and services,
including, but not limited to, software, hardware, and
information technology services, which may be necessary to
create and maintain the database.

3. The anticipated number of additional employees necessary
for:
a. The commission to develop and maintain the database.

b. A governmental entity to provide the information required under paragraph (b).

c. The Florida Digital Service to provide the assistance required under paragraph (c).

4. The anticipated cost to initially develop the database; the annual cost to maintain the database; and the annual appropriation required to fund the anticipated costs incurred by the commission, each governmental entity, and the Florida Digital Service.

5. Any legal authority necessary for the commission to develop and maintain the database.

6. Draft legislation to implement the comprehensive plan.

(f) Notwithstanding any other law, a person who registers to vote or who votes in reasonable reliance on information contained in the database indicating that his or her voting rights have been restored pursuant to s. 4, Art. VI of the State Constitution has an affirmative right to register and to vote and may not be charged with a violation of any criminal law of this state related to fraudulently voting or registering to vote.

(g) The commission shall adopt rules to implement this subsection.

Section 3. Section 97.021, Florida Statutes, is amended to read:

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

(1) “Absent elector” means any registered and qualified voter who casts a vote-by-mail ballot.
(2) “Absent uniformed services voter” means:
   (a) A member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;
   (b) A member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; or
   (c) A spouse or dependent of a member referred to in paragraph (a) or paragraph (b) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.

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


(5) “Alternative method election” means a method of electing candidates to the legislative body of a local government other than an at-large method of election or a district-based method of election, and includes, but is not limited to, proportional ranked-choice voting, cumulative voting, and limited voting.

(6)(a) “At-large method of election” means any of the following methods of electing members to the governing body of a political subdivision:
1. One in which the voters of the entire jurisdiction elect the members of the governing body.

2. One in which the candidates are required to reside within specified areas of the jurisdiction and the voters of the entire jurisdiction elect the members of the governing body.

3. One which combines at-large elections with district-based elections.

(b) The term does not include any alternative method of election.

(7) “Automatic tabulating equipment” means an apparatus that automatically examines, counts, and records votes.

(8) “Ballot” or “official ballot” when used in reference to:

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

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

(9) “Candidate” means any person to whom any one or more of the following applies:

(a) Any person who seeks to qualify for nomination or election by means of the petitioning process.
(b) Any person who seeks to qualify for election as a write-in candidate.

(c) Any person who receives contributions or makes expenditures, or gives his or her consent for any other person to receive contributions or make expenditures, with a view to bringing about his or her nomination or election to, or retention in, public office.

(d) Any person who appoints a treasurer and designates a primary depository.

(e) Any person who files qualification papers and subscribes to a candidate’s oath as required by law.

However, this definition does not include any candidate for a political party executive committee.

(10) “Database and institute” means the Florida Voting and Elections Database and Institute.

(11) “Department” means the Department of State.

(12) “District-based method of election” means a method of electing candidates to the legislative body of a local government in which, for counties or municipalities divided into districts, a candidate for any such district is required to reside in the district and candidates representing or seeking to represent the district are voted upon by only the voters of that district.

(13) “Division” means the Division of Elections of the Department of State.

(14) “Early voting” means casting a ballot prior to election day at a location designated by the supervisor of elections and depositing the voted ballot in the tabulation...
“Early voting area” means the area designated by the supervisor of elections at an early voting site at which early voting activities occur, including, but not limited to, lines of voters waiting to be processed, the area where voters check in and are processed, and the area where voters cast their ballots.

“Early voting site” means those locations specified in s. 101.657 and the building in which early voting occurs.

“Election” means any primary election, special primary election, special election, general election, or presidential preference primary election.

“Election board” means the clerk and inspectors appointed to conduct an election.

“Election costs” shall include, but not be limited to, expenditures for all paper supplies such as envelopes, instructions to voters, affidavits, reports, ballot cards, ballot booklets for vote-by-mail voters, postage, notices to voters; advertisements for registration book closings, testing of voting equipment, sample ballots, and polling places; forms used to qualify candidates; polling site rental and equipment delivery and pickup; data processing time and supplies; election records retention; and labor costs, including those costs uniquely associated with vote-by-mail ballot preparation, poll workers, and election night canvass.

“Elector” is synonymous with the word “voter” or “qualified elector or voter,” except where the word is used to describe presidential electors.

(22) “FLVRA Commission” means the Florida Voting Rights Act Commission.

(23) “General election” means an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

(24) “Government enforcement action” means any denial of administrative or judicial preclearance by the state or the Federal Government; pending litigation filed by a state or federal entity; or final judgment or adjudication, consent decree, or other similar formal action.

(25) “Legislative body” means the commission, council, school board, or other similar body, by whatever name known, of local government.

(26) “Lists of registered electors” means names and associated information of registered electors maintained by the department in the statewide voter registration system or generated or derived from the statewide voter registration system. Lists may be produced in printed or electronic format.

(27) “Local government” means any county, municipality, school district, special district, supervisor of elections or other governmental entity that administers elections, or any other political subdivision in the state in which elections are conducted.

(28) “Member of the Merchant Marine” means an individual, other than a member of a uniformed service or an
individual employed, enrolled, or maintained on the Great Lakes for the inland waterways, who is:

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

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

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

(30) "Newspaper of general circulation" means a newspaper printed in the language most commonly spoken in the area within which it circulates and which is readily available for purchase by all inhabitants in the area of circulation, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper the primary function of which is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

(31) "Nominal value" means having a retail value of $10 or less.

(32) "Nonpartisan office" means an office for which a candidate is prohibited from campaigning or qualifying for election or retention in office based on party affiliation.

(33) "Office that serves persons with disabilities"
means any state office that takes applications either in person or over the telephone from persons with disabilities for any program, service, or benefit primarily related to their disabilities.

(34) "Organization" means a person other than an individual.

(35)(25) "Overseas voter" means:
(a) An absent uniformed services voter who, by reason of active duty or service, is absent from the United States on the date of the election involved;
(b) A person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or
(c) A person who resides outside the United States and, but for such residence, would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

(36)(26) "Overvote" means that the elector 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.

(37)(27) "Persons with disabilities" means individuals who have a physical or mental impairment that substantially limits one or more major life activities.

(38)(28) "Petition circulator" means an entity or individual who collects signatures for compensation for the purpose of qualifying a proposed constitutional amendment for ballot placement.

(39)(29) "Polling place" is the building which contains the
polling room where ballots are cast.

(40) “Polling room” means the actual room in which ballots are cast on election day and during early voting.

(41) “Primary election” means an election held preceding the general election for the purpose of nominating a party nominee to be voted for in the general election to fill a national, state, county, or district office.

(42) “Protected class” means a class of citizens who are members of a race, color, or language minority group, as referenced in the federal Voting Rights Act.

(43) “Provisional ballot” means a conditional ballot, the validity of which is determined by the canvassing board.

(44) “Public assistance” means assistance provided through the food assistance program under the federal Supplemental Nutrition Assistance Program; the Medicaid program; the Special Supplemental Food Program for Women, Infants, and Children; and the Temporary Cash Assistance Program.

(45) “Public office” means any federal, state, county, municipal, school, or other district office or position which is filled by vote of the electors.

(46) “Qualifying educational institution” means any public or private educational institution receiving state financial assistance which has, as its primary mission, the provision of education or training to students who are at least 18 years of age, provided such institution has more than 200 students enrolled in classes with the institution and provided that the recognized student government organization has requested this designation in writing and has filed the request with the office of the supervisor of elections in the county in
which the institution is located.

(47) “Racially polarized voting” means voting in which the candidate or electoral choice preferred by protected class members diverges from the candidate or electoral choice preferred by voters who are not protected class members.

(48) “Special election” is a special election called for the purpose of voting on a party nominee to fill a vacancy in the national, state, county, or district office.

(49) “Special primary election” is a special nomination election designated by the Governor, called for the purpose of nominating a party nominee to be voted on in a general or special election.

(50) “Supervisor” means the supervisor of elections.

(51) “Tactile input device” means a device that provides information to a voting system by means of a voter touching the device, such as a keyboard, and that complies with the requirements of s. 101.56062(1)(k) and (l).

(52) “Third-party registration organization” means any person, entity, or organization soliciting or collecting voter registration applications. A third-party voter registration organization does not include:

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

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

(53) “Undervote” means that the elector does not
properly designate any choice for an office or ballot question, and the tabulator records no vote for the office or question.

(54) “Uniformed services” means the Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(55) “Vote” or “voting” includes any action necessary to cast a ballot and make such ballot effective in any election or primary election, including, but not limited to, voter registration, requesting a vote-by-mail ballot, and any other action required by law as a prerequisite to casting a ballot and having such ballot counted, canvassed, or certified properly and included in the appropriate totals of votes cast with respect to candidates for election or nomination and to referendum questions.

(56) “Voter interface device” means any device that communicates voting instructions and ballot information to a voter and allows the voter to select and vote for candidates and issues. A voter interface device may not be used to tabulate votes. Any vote tabulation must be based upon a subsequent scan of the marked marksense ballot or the voter-verifiable paper output after the voter interface device process has been completed.

(57) “Voter registration agency” means any office that provides public assistance, any office that serves persons with disabilities, any center for independent living, or any public library.

(58) “Voter registration official” means any supervisor
of elections or individual authorized by the Secretary of State
to accept voter registration applications and execute updates to
the statewide voter registration system.

(59) (46) “Voting booth” or “booth” means that booth or
enclosure wherein an elector casts his or her ballot for
tabulation by an electronic or electromechanical device.

(60) (47) “Voting system” means a method of casting and
processing votes that functions wholly or partly by use of
electromechanical or electronic apparatus or by use of marksense
ballots and includes, but is not limited to, the procedures for
casting and processing votes and the programs, operating
manuals, supplies, printouts, and other software necessary for
the system’s operation.

Terms used in this code which are not defined in this section
but are used in the federal Voting Rights Act and interpreted in
relevant case law, including, but not limited to, “political
process” and “prerequisite to voting,” must be construed in a
manner consistent with such usage and interpretation.

Section 4. Section 97.022, Florida Statutes, is repealed.
Section 5. Section 97.0291, Florida Statutes, is repealed.
Section 6. Section 97.0556, Florida Statutes, is created to
read:

97.0556 Same-day voter registration.—A person who meets the
qualifications specified in s. 97.041 to register to vote and
who provides the information required for the statewide voter
registration application in s. 97.052 may register at an early
voting site or at his or her polling place and immediately
thereafter cast a ballot.
Section 7. Section 97.057, Florida Statutes, is amended to read:
97.057 Voter registration by the Department of Highway Safety and Motor Vehicles.—
(1) Each of the following serves as an application:
The Department of Highway Safety and Motor Vehicles shall provide the opportunity to preregister to vote, register to vote, or to update a voter registration record when submitted to the Department of Highway Safety and Motor Vehicles to each individual who comes to an office of that department to:
1. (a) An application for or renewal of a driver license;
2. (b) An application for or renewal of an identification card pursuant to chapter 322; or
3. (c) An application for a change of an address on an existing driver license or identification card.
(b) Unless the applicant declines to register or preregister to vote, he or she is deemed to have consented to the use of the signature from his or her driver license or identification card application for voter registration purposes.
(2) An application for a driver license or an identification card must include a voter registration component. The voter registration component must be approved by the Department of State and must include all of the following:
(a) The minimum amount of information necessary to prevent duplicate voter registrations and to preserve the ability of the department and supervisors of elections to assess the eligibility of the applicant and administer voter registration and other provisions of this code.
(b) A statement setting forth voting eligibility requirements.

(c) An explanation that the applicant is consenting to the use of his or her signature from the applicant’s driver license or identification card application for voter registration purposes. By consenting to the use of his or her signature, the applicant is deemed to have subscribed to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051 and to have sworn and affirmed that the voter registration information contained in the application is true under penalty for false swearing pursuant to s. 104.011.

(d) An option that allows the applicant to choose or update a party affiliation; otherwise, an applicant who is initially registering to vote and does not exercise such option must be sent a notice by the supervisor of elections in accordance with s. 97.053(5)(b).

(e) An option that allows the applicant to decline to register to vote or preregister to vote. The Department of Highway Safety and Motor Vehicles shall note any such declination in its records and forward the declination to the Department of State. Any declination may be used only for voter registration purposes and is confidential and exempt from public records requirements as provided in s. 97.0585.

(3) The Department of Highway Safety and Motor Vehicles shall:

(a) Develop a voter registration component for applications which meets the requirements set forth in subsection (2).

(b) Electronically transmit the voter registration component of an applicant’s driver license or identification
card application to the Department of State within 24 hours after receipt. Upon receipt of the voter registration component, the Department of State shall provide the information to the supervisor of the county in which the applicant is registering or preregistering to vote or updating his or her voter registration record.

(2) The Department of Highway Safety and Motor Vehicles shall:

(a) Notify each individual, orally or in writing, that:

1. Information gathered for the completion of a driver license or identification card application, renewal, or change of address can be automatically transferred to a voter registration application;
2. If additional information and a signature are provided, the voter registration application will be completed and sent to the proper election authority;
3. Information provided can also be used to update a voter registration record;
4. All declinations will remain confidential and may be used only for voter registration purposes; and
5. The particular driver license office in which the person applies to register to vote or updates a voter registration record will remain confidential and may be used only for voter registration purposes.

(b) Require a driver license examiner to inquire orally or, if the applicant is hearing impaired, inquire in writing whether the applicant wishes to register to vote or update a voter registration record during the completion of a driver license or identification card application, renewal, or change of address.
1. If the applicant chooses to register to vote or to update a voter registration record:
   a. All applicable information received by the Department of Highway Safety and Motor Vehicles in the course of filling out the forms necessary under subsection (1) must be transferred to a voter registration application.
   b. The additional necessary information must be obtained by the driver license examiner and must not duplicate any information already obtained while completing the forms required under subsection (1).
   c. A voter registration application with all of the applicant’s voter registration information required to establish the applicant’s eligibility pursuant to s. 97.041 must be presented to the applicant to review and verify the voter registration information received and provide an electronic signature affirming the accuracy of the information provided.

2. If the applicant declines to register to vote, update the applicant’s voter registration record, or change the applicant’s address by either orally declining or by failing to sign the voter registration application, the Department of Highway Safety and Motor Vehicles must note such declination on its records and shall forward the declination to the statewide voter registration system.

(3) For the purpose of this section, the Department of Highway Safety and Motor Vehicles, with the approval of the Department of State, shall prescribe:
   (a) A voter registration application that is the same in content, format, and size as the uniform statewide voter registration application prescribed under s. 97.052; and
(b) A form that will inform applicants under subsection (1) of the information contained in paragraph (2)(a).

(4) The Department of Highway Safety and Motor Vehicles must electronically transmit completed voter registration applications within 24 hours after receipt to the statewide voter registration system. Completed paper voter registration applications received by the Department of Highway Safety and Motor Vehicles shall be forwarded within 5 days after receipt to the supervisor of the county where the office that processed or received that application is located.

(5) The Department of Highway Safety and Motor Vehicles must send, with each driver license renewal extension application authorized pursuant to s. 322.18(8), a uniform statewide voter registration application, the voter registration application prescribed under paragraph (3)(a), or a voter registration application developed especially for the purposes of this subsection by the Department of Highway Safety and Motor Vehicles, with the approval of the Department of State, which must meet the requirements of s. 97.052.

(6) A person providing voter registration services for a driver license office may not:

(a) Seek to influence an applicant’s political preference or party registration;

(b) Display any political preference or party allegiance;

(c) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(d) Disclose any applicant’s voter registration information except as needed for the administration of voter registration.
The Department of Highway Safety and Motor Vehicles shall collect data determined necessary by the Department of State for program evaluation and reporting to the Election Assistance Commission pursuant to federal law.

The Department of Highway Safety and Motor Vehicles shall ensure that all voter registration services provided by driver license offices are in compliance with the federal Voting Rights Act of 1965.

The Department of Highway Safety and Motor Vehicles shall retain complete records of voter registration information received, processed, and submitted to the Department of State statewide voter registration system by the Department of Highway Safety and Motor Vehicles. The retention of such records shall be for the explicit purpose of supporting audit and accounting controls established to ensure accurate and complete electronic transmission of records between the Department of State statewide voter registration system and the Department of Highway Safety and Motor Vehicles.

The Department of State shall provide the Department of Highway Safety and Motor Vehicles with an electronic database of street addresses valid for use as the address of legal residence as required in s. 97.053(5). The Department of Highway Safety and Motor Vehicles shall compare the address provided by the applicant against the database of valid street addresses. If the address provided by the applicant does not match a valid street address in the database, the applicant will be asked to verify the address provided. The Department of Highway Safety and Motor Vehicles may not reject any application for voter registration for which a valid
match cannot be made.

(9) (11) The Department of Highway Safety and Motor Vehicles shall enter into an agreement with the Department of State to match information in the statewide voter registration system with information in the database of the Department of Highway Safety and Motor Vehicles to the extent required to verify the accuracy of the driver license number, Florida identification number, or last four digits of the social security number provided on applications for voter registration as required in s. 97.053.

(10) (12) The Department of Highway Safety and Motor Vehicles shall enter into an agreement with the Commissioner of Social Security as required by the Help America Vote Act of 2002 to verify the last four digits of the social security number provided in applications for voter registration as required in s. 97.053.

(11) (13) The Department of Highway Safety and Motor Vehicles shall assist the Department of State in regularly identifying changes in residence address on the driver license or identification card of a voter. The Department of State shall report each such change to the appropriate supervisor of elections who must change the voter’s registration records in accordance with s. 98.065(4).

Section 8. Section 97.0575, Florida Statutes, is amended to read:

97.0575 Third-party voter registration organizations.—

(1) Before engaging in any voter registration activities, a third-party voter registration organization must register and provide to the division, in an electronic format, the following
(a) The names of the officers of the organization and the name and permanent address of the organization.

(b) The name and address of the organization’s registered agent in the state.

(c) The names, permanent addresses, and temporary addresses, if any, of each registration agent registering persons to vote in this state on behalf of the organization. This paragraph does not apply to persons who only solicit applications and do not collect or handle voter registration applications.

(d) Beginning November 6, 2024, the specific general election cycle for which the third-party voter registration organization is registering persons to vote.

(e) An affirmation that each person collecting or handling voter registration applications on behalf of the third-party voter registration organization has not been convicted of a felony violation of the Election Code, a felony violation of an offense specified in s. 825.103, a felony offense specified in s. 98.0751(2)(b) or (c), or a felony offense specified in chapter 817, chapter 831, or chapter 837. A third-party voter registration organization is liable for a fine in the amount of $50,000 for each such person who has been convicted of a felony violation of the Election Code, a felony violation of an offense specified in s. 825.103, a felony offense specified in s. 98.0751(2)(b) or (c), or a felony offense specified in chapter 817, chapter 831, or chapter 837 who is collecting or handling voter registration applications on behalf of the third-party voter registration organization.
(f) An affirmation that each person collecting or handling voter registration applications on behalf of the third-party voter registration organization is a citizen of the United States of America. A third-party voter registration organization is liable for a fine in the amount of $50,000 for each such person who is not a citizen and is collecting or handling voter registration applications on behalf of the third-party voter registration organization.

(2) Beginning November 6, 2024, the registration of a third-party voter registration organization automatically expires at the conclusion of the specific general election cycle for which the third-party voter registration organization is registered.

(3) The division or the supervisor of elections shall make voter registration forms available to third-party voter registration organizations. All such forms must contain information identifying the organization to which the forms are provided. The division shall maintain a database of all third-party voter registration organizations and the voter registration forms assigned to the third-party voter registration organization. Each supervisor of elections shall provide to the division information on voter registration forms assigned to and received from third-party voter registration organizations. The information must be provided in a format and at times as required by the division by rule. The division shall update information on third-party voter registrations daily and make the information publicly available.

(4) A third-party voter registration organization that collects voter registration applications shall provide a receipt
to an applicant upon accepting possession of his or her application. The division shall adopt by rule a uniform format for the receipt by October 1, 2023. The format must include, but need not be limited to, the name of the applicant, the date the application is received, the name of the third-party voter registration organization, the name of the registration agent, the applicant’s political party affiliation, and the county in which the applicant resides.

(3)(a) A third-party voter registration organization that collects voter registration applications serves as a fiduciary to the applicant and shall ensure that any voter registration application entrusted to the organization, irrespective of party affiliation, race, ethnicity, or gender, is promptly delivered to the division or the supervisor of elections in the county in which the applicant resides within 14 days after the application is completed by the applicant, but not after registration closes for the next ensuing election. If a voter registration application collected by any third-party voter registration organization is not promptly delivered to the division or supervisor of elections in the county in which the applicant resides, the third-party voter registration organization is liable for the following fines:

1. A fine in the amount of $50 per each day late, up to $2,500, for each application received by the division or the supervisor of elections in the county in which the applicant resides more than 10 days after the applicant delivered the completed voter registration application to the third-party voter registration organization or any person, entity, or agent acting on its behalf. A fine in the amount of $250 for
each application received if the third-party voter registration
organization or person, entity, or agency acting on its behalf
acted willfully.

2. A fine in the amount of $100 per each day late, up to
$5,000, for each application collected by a third-party voter
registration organization or any person, entity, or agent acting
on its behalf, before book closing for any given election for
federal or state office and received by the division or the
supervisor of elections in the county in which the applicant
resides after the book-closing deadline for such election. A
fine in the amount of $500 for each application received
if the third-party voter registration organization or any
person, entity, or agency acting on its behalf acted willfully.

3. A fine in the amount of $500 for each application
collected by a third-party voter registration organization or
any person, entity, or agent acting on its behalf, which is not
submitted to the division or supervisor of elections in the
county in which the applicant resides. A fine in the amount of
$1,000 for any application not submitted if the third-
party voter registration organization or person, entity, or
agency acting on its behalf acted willfully.

The aggregate fine which may be assessed pursuant to this
paragraph against a third-party voter registration organization,
including affiliate organizations, for violations committed in a
calendar year is $1,000 $250,000.

(b) A showing by the third-party voter registration
organization that the failure to deliver the voter registration
application within the required timeframe is based upon force
majeure or impossibility of performance shall be an affirmative
defense to a violation of this subsection. The secretary may
waive the fines described in this subsection upon a showing that
the failure to deliver the voter registration application
promptly is based upon force majeure or impossibility of
performance.

(6) If a person collecting voter registration applications
on behalf of a third-party voter registration organization
alters the voter registration application of any other person,
without the other person’s knowledge and consent, in violation
of s. 104.012(4) and is subsequently convicted of such offense,
the applicable third-party voter registration organization is
liable for a fine in the amount of $5,000 for each application
altered.

(7) If a person collecting voter registration applications
on behalf of a third-party voter registration organization
copies a voter’s application or retains a voter’s personal
information, such as the voter’s Florida driver license number,
Florida identification card number, social security number, or
signature, for any reason other than to provide such application
or information to the third-party voter registration
organization in compliance with this section, the person commits
a felony of the third degree, punishable as provided in s.
775.082, s. 775.083, or s. 775.084.

(4) If the Secretary of State reasonably believes that a
person has committed a violation of this section, the secretary
may refer the matter to the Attorney General for enforcement.
The Attorney General may institute a civil action for a
violation of this section or to prevent a violation of this
section. An action for relief may include a permanent or temporary injunction, a restraining order, or any other appropriate order.

(9) The division shall adopt by rule a form to elicit specific information concerning the facts and circumstances from a person who claims to have been registered to vote by a third-party voter registration organization but who does not appear as an active voter on the voter registration rolls. The division shall also adopt rules to ensure the integrity of the registration process, including controls to ensure that all completed forms are promptly delivered to the division or a supervisor in the county in which the applicant resides.

(10) The date on which an applicant signs a voter registration application is presumed to be the date on which the third-party voter registration organization received or collected the voter registration application.

(11) A third-party voter registration organization may not mail or otherwise provide a voter registration application upon which any information about an applicant has been filled in before it is provided to the applicant. A third-party voter registration organization that violates this section is liable for a fine in the amount of $50 for each such application.

(12) The requirements of this section are retroactive for any third-party voter registration organization registered with the department as of July 1, 2023, and must be complied with within 90 days after the department provides notice to the third-party voter registration organization of the requirements contained in this section. Failure of the third-party voter registration organization to comply with the requirements within...
Section 9. Part III of chapter 97, Florida Statutes, consisting of 97.21-97.28, Florida Statutes, is created and entitled “Florida Voting Rights Act.”

Section 10. Section 97.21, Florida Statutes, is created to read:

97.21 Prohibitions on voter suppression and vote dilution.—
(1) A local government, state agency, or state official may not implement or enforce any regulation, standard, practice, procedure, policy, or law regarding the administration of elections, or take any other action or fail to take any action, which results in, will result in, or is intended to result in any of the following:

(a) A disparity in voter participation, access to voting opportunities, or the opportunity or ability to participate in the political process between members of a protected class and other members of the electorate.

(b) Based on the totality of the circumstances, an impairment of the opportunity or ability of protected class members to participate in the political process and elect candidates of their choice or otherwise influence the outcome of elections.

(2) There is a rebuttable presumption that a violation exists under paragraph (1)(b) in circumstances that include, but are not limited to, any of the following:

(a) A local government closes, moves, consolidates, or fails to provide polling places, early voting sites, or secure
ballot intake stations; reassigns voters to precincts or polling places; or reassigns precincts to polling places, in a manner that results in a disparity in geographic access between members of a protected class and other members of the electorate.

(b) A local government selects or changes the dates or hours of an election or for early voting in a manner that impairs the right to vote of members of a protected class, including, but not limited to, making the change without proper notice as required by law.

(c) A local government fails to provide voting or election materials in languages other than English as required by federal law or state law.

(d) A local government conducts general or primary elections on dates that do not align with the date of federal or state general or primary elections, resulting in a disparity in levels of participation between protected class voters and other voters that exceeds any disparity in federal or state general or primary elections.

(e) A special election to fill a vacancy is called on a date that would reasonably result in a disparity in levels of participation between protected class voters and other voters, and there exists an alternate date in a reasonable timeframe in which the disparity would be materially less significant.

(f) A special election to fill a vacancy is not scheduled in a reasonable timeframe for an office in which protected class voters would be able to elect candidates of their choice or otherwise influence the outcome of elections, thus denying representation to protected class voters.

(3)(a) A local government may not employ any method of
election for any office which has the effect, or is motivated in 
part by the intent, of impairing the opportunity or ability of 
protected class members to participate in the political process 
and elect candidates of their choice or otherwise influence the 
outcome of elections as a result of diluting the vote of such 
protected class members.

(b) A violation of this subsection is deemed to have 
occurred if:

1. a. For a local government employing at-large elections, 
elections in the local government exhibit racially polarized 
voting that impairs the equal opportunity or ability of 
protected class members to nominate or elect candidates of their 
choice; or, based on the totality of the circumstances, the 
equal opportunity or ability of members of a protected class to 
nominate or elect candidates of their choice is impaired; and 

b. One or more new methods of election or modifications to 
the existing method of election exist which would cure or 
mitigate the impairment described in sub-subparagraph a.

2. a. For a local government employing a district-based or 
alternative method of election, elections in the local 
government exhibit racially polarized voting that impairs the 
equal opportunity or ability of protected class members to 
nominate or elect candidates of their choice; or, based on the 
totality of the circumstances, the equal opportunity or ability 
of members of a protected class to nominate or elect candidates 
of their choice is impaired; and 

b. One or more new methods of election or modifications to 
the existing method of election exist which would cure or 
mitigate the impairment described in sub-subparagraph a.
3. A local government adopts or implements a governmental reorganization, including, but not limited to, an annexation, an incorporation, a dissolution, a consolidation, or a division of government in which, based on the totality of the circumstances, the opportunity of protected class members to nominate or elect candidates of the protected class members' choice or otherwise influence the outcome of elections is impaired.

(4) To the extent that the new method of election or modification to the existing method of election identified under subparagraph (3)(b)1. or subparagraph (3)(b)2. is a proposed district-based plan that provides members of a protected class with one or more reasonably configured districts in which they would have an equal opportunity or ability to nominate or elect candidates of their choice, it is not necessary to show in any action seeking enforcement of this part that members of a protected class comprise a majority in any such district or districts.

(5) For purposes of determining whether racially polarized voting by protected class members has occurred or is occurring for purposes of enforcing this section, a court with jurisdiction over the matter must adhere to all of the following guidelines:

(a) Elections conducted before the filing of a cause of action are more probative than elections conducted after the filing of a cause of action.

(b) Evidence concerning elections for any office in a local government, including executive, legislative, judicial, and other offices, is more probative than evidence concerning election for other offices, but evidence concerning elections
for other offices may still be afforded probative value.

(c) Statistical evidence is more probative than non-statistical evidence.

(d) In the case of claims brought on behalf of two or more protected classes that are politically cohesive in a local government, members of those protected classes must be combined to determine whether voting by combined protected class members is polarized from other electors. It is not necessary to demonstrate that voting members of each protected class are separately polarized from other electors.

(e) Evidence concerning the causes of, or the reasons for, the occurrence of racially polarized voting is not relevant to the determination of whether racially polarized voting by protected class members occurs, or whether candidates or electoral choices preferred by protected class members would usually be defeated. In particular, evidence concerning alternate explanations for racially polarized voting patterns or election outcomes, including, but not limited to, partisan explanations, may not be considered.

(f) Evidence concerning whether subgroups of protected class members have different voting patterns may not be considered.

(g) Evidence concerning whether protected class electors are geographically compact or concentrated may not be considered unless the consideration of such evidence is for the purpose of determining a remedy for a violation of this section.

(6) For the purpose of determining whether, based on the totality of the circumstances, an impairment of the right to vote for any protected class members, or of the opportunity or
ability of protected class members to participate in the political process and elect candidates of their choosing or otherwise influence the outcomes of elections, has occurred, courts may consider factors including, but not limited to, those designated in this subsection. A particular combination or number of these factors is not required for a court to determine that an impairment occurred. The court shall consider a particular factor only if, and to the extent evidence pertaining to, that factor is introduced by a party to the action. Evidence of these factors is most probative if the evidence relates to the local government in which the alleged violation occurred, but still holds probative value if the evidence relates to the geographic region in which that local government is located or to this state. The factors that a court may consider include, but are not limited to, the following:

(a) The history of discrimination.

(b) The extent to which the protected class members have been elected to office.

(c) The use of any qualification for voter eligibility or other prerequisite to voting, any statute, ordinance, regulation, or other law regarding the administration of elections, or any standard, practice, procedure, or policy of the local government that may enhance the dilutive effects of a method of election in the local government.

(d) The extent to which protected class members or candidates experienced any history of unequal access to election administration or campaign finance processes that determine which candidates will receive access to the ballot or receive financial or other support in a given election for an office of
the local government.

(e) The extent to which protected class members have historically made expenditures, as defined in s. 106.011, at lower rates than other individuals.

(f) The extent to which protected class members vote at lower rates than other voters.

(g) The extent to which protected class members are disadvantaged or otherwise bear the effects of public or private discrimination in areas that may hinder their ability to participate effectively in the political process, such as education, employment, health, criminal justice, housing, transportation, land use, or environmental protection.

(h) The use of overt or subtle racial appeals in political campaigns, by government officials, or in connection with the adoption or maintenance of a challenged practice.

(i) The extent to which candidates face hostility or barriers while campaigning due to their membership in a protected class.

(j) The lack of responsiveness by elected officials to the particular needs of protected class members or a community of protected class members.

(k) Whether the particular method of election or an ordinance, a regulation, standard, practice, procedure, policy or other law regarding the administration of elections was designed to advance and does materially advance, a valid and substantial state interest.

(7) In determining whether a violation of this section has occurred, a court may not consider any of the following factors:

(a) The total number or share of members of a protected
class on whom a challenged method of election, ordinance, resolution, rule, policy, standard, regulation, procedure, or law does not impose a material burden.

(b) The degree to which the challenged method of election, ordinance, resolution, rule, policy, standard, regulation, procedure, or law has a long pedigree or was in widespread use at some earlier date.

(c) The use of an identical or similar challenged method of election, ordinance, resolution, rule, policy, standard, regulation, procedure, or law in another local government.

(d) The availability of other forms of voting not impacted by the challenged method of election, ordinance, resolution, rule, policy, standard, regulation, procedure, or law to all members of the electorate, including members of the protected class.

(e) A prophylactic impact in potential criminal activity by individual electors, if those crimes have not occurred in the local government in substantial numbers, or if the connection between the challenged policy and any claimed prophylactic effect is not supported by substantial evidence.

(f) Mere invocation of interests in voter confidence or prevention of fraud.

(g) A lack of evidence concerning the intent of electors, elected officials, or public officials to discriminate against the protected class members.

(h) The fact that the challenged method of election, ordinance, resolution, rule, policy, standard, regulation, procedure, or law is authorized or mandated by any statute or any special act, charter or home rule ordinance, or other
enactment of the state or any local government.

(8) Before filing an action against a local government pursuant to this section, a prospective plaintiff must send, by certified mail, return receipt requested, a notification letter to the local government asserting that the local government may be in violation of the provisions of this act. Such letter must be referred to as an “FLVRA notification letter.”

(a) Except as noted in paragraph (e), a party may not file an action against a local government pursuant to this section earlier than 50 days after sending a FLVRA notification letter to the local government.

(b) Before receiving a FLVRA notification letter, or not later than 50 days after any FLVRA notification letter is sent to a local government, a local government may adopt a resolution that must be referred to as the “FLVRA Resolution” which does all of the following:

1. Identifies a potential violation of this section by the local government.

2. Identifies a specific remedy to the potential violation.

3. Affirms the local government’s intention to enact and implement a remedy for a potential violation.

4. Sets forth specific measures the local government will take to facilitate enactment and implementation of the remedy.

5. Provides a schedule for the enactment and implementation of the remedy.

(c) Except as noted in paragraph (e), a party that has sent a FLVRA notification letter may not file an action pursuant to this section earlier than 90 days after the adoption of a FLVRA Resolution.
(d) If the remedy identified in a FLVRA Resolution is barred by state or local law, or a legislative body of a local government lacks authority under state or local law to enact or implement a remedy identified in a FLVRA Resolution within 90 days after the adoption of such resolution, or if the local government is a covered jurisdiction under s. 97.26, the local government may nonetheless enact and implement the remedy identified in such resolution upon approval of the FLVRA Commission, which may provide approval only if it finds that the local government may be in violation of this act, the proposed remedy would address a potential violation, and implementation of the proposed remedy is feasible. The approval of a remedy by the FLVRA Commission does not bar an action to challenge the remedy.

(e) If pursuant to this subsection, a local government enacts or implements a remedy or the FLVRA Commission approves a proposed remedy, a party who sent a FLVRA notification letter may submit a claim for reimbursement from the local government for the costs associated with producing and sending such notification letter. The party shall submit the claim in writing and substantiate the claim with financial documentation, including a detailed invoice for any demography services or analysis of voting patterns in the local government. If a party and local government fail to agree to a reimbursement amount, either the party or local government may file an action for a declaratory judgment for a clarification of rights.

(f) Notwithstanding this subsection, a party may bring a cause of action for a violation of this section under any of the following circumstances:
1. The action is commenced within 1 year after the adoption of a challenged method of election, ordinance, resolution, rule, policy, standard, regulation, procedure, or law.

2. The prospect of obtaining relief under this section would be futile.

3. Another party has already submitted a notification letter under this subsection alleging a substantially similar violation and that party is eligible to bring a cause of action under this subsection.

4. Following the party's submission of a FLVRA notification letter, the local government has adopted a FLVRA Resolution that identifies a remedy that would not remedy the violation identified in the notification letter.

5. The party is seeking preliminary relief with respect to an upcoming election in accordance with s. 97.28.

(g) Any local government that receives a FLVRA notification letter or adopts a FLVRA Resolution must provide a copy to the FLVRA Commission within one day of receipt or adoption. The FLVRA Commission shall promptly post all FLVRA notification letters and FLVRA Resolutions on its website. The FLVRA Commission may adopt rules identifying other materials and information that must be provided to the FLVRA Commission by local governments, as well as procedures for transmittal of materials and information from local governments to the FLVRA Commission.

(9) Local governments may not assert the doctrine of laches as a defense to claims brought under this section. Local governments may not assert that plaintiffs have failed to comply with any notice, exhaustion, or other procedural requirements.
under state law, other than the requirements in this section, as a defense to claims brought under this section.

(10) Any individual aggrieved by a violation of this section, any entity whose membership includes individuals aggrieved by a violation of this section, any entity whose mission would be frustrated by a violation of this section, or any entity that would expend resources in order to fulfill its mission as a result of a violation of this section, the Attorney General, or the FLVRA Commission may file an action alleging a violation of this section to enforce compliance with this section. Such a claim may be filed pursuant to the Florida Rules of Civil Procedure or in the Second Judicial Circuit of Florida.

Members of two or more protected classes that are politically cohesive in a local government may jointly file an action.

Section 11. Section 97.22, Florida Statutes, is created to read:

97.22 Florida Voting Rights Act Commission.—
(1) There is created the Florida Voting Rights Act (FLVRA) Commission within the Department of State. The FLVRA Commission is a separate budget entity, as provided in the General Appropriations Act, and shall prepare and submit a budget request in accordance with chapter 216. The FLVRA Commission is responsible for administering the Florida Voting Rights Act. The FLVRA Commission must have its own staff, which includes management, research, and enforcement personnel, and is not subject to control, supervision, or direction by the Department of State.

(2)(a) The FLVRA Commission must be composed of five commissioners, each of whom shall serve a staggered 5-year term.
Commissioners must be compensated for their actual time spent on the FLVRA Commission’s business at an hourly rate based on the rate equivalent to an assistant attorney general.

1. A nominating committee shall identify qualified candidates to serve as commissioners. The nominating committee shall be composed of nominating organizations that are selected as follows:

   a. Organizations may apply to the Secretary of State to be certified as organizational nominators for 5-year terms, at which point the organizations may be recertified. The Secretary of State must certify any organization that applies to be an organizational nominator if it meets the following qualifications:

      (I) Demonstrated commitment to the purposes of this act and securing the voting rights of protected class members, such as referencing such class members in the organization’s mission statement, involvement in numerous voting rights cases brought in Florida on behalf of members of protected classes, or advocacy in support of this act.

      (II) Registered as a nonprofit corporation with the Secretary of State.

      (III) In continuous operation as a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code or as a nonprofit corporation registered with the Secretary of State for at least 20 years.

   b. If the Secretary of State fails to timely certify an organization that satisfies these qualifications following the organization’s application as an organizational nominator, the organization may file an action against the Secretary of State.
for a declaratory judgment certifying the organization as an
organizational nominator.

2. An organizational nominator may be removed for cause by
a majority vote of all fellow nominators.

3. If there are fewer than 16 organizational nominators
certified by the Secretary of State, the nominating committee
must be composed of all organizational nominators. If there are
16 or more organizational nominators certified by the Secretary
of State, the nominating committee must be composed of 15
organizational nominators randomly selected from all the
nominators by lot on an annual basis.

4. The nominating committee shall select its own chair to
preside over meetings and votes.

(b) Commissioners must be selected as follows:

1. The nominating committee shall solicit applications to
serve on the FLVRA Commission from across this state. A
commissioner must satisfy at least all of the following
criteria:
   a. Be a resident of this state.
   b. Be a member in good standing of The Florida Bar with at
least 5 years of legal experience.
   c. Have experience representing or advocating on behalf of
members of protected classes.
   d. Have not served in elected office within the preceding 5
years.
   e. Not be currently serving in any governmental office or
holding any political party office.

2. The nominating committee shall maintain a qualified
candidate pool consisting of 30 candidates to serve on the FLVRA
Commission. Individuals may be added to the qualified applicant pool only upon a vote of three-fifths of the nominating committee.

3. All members of the FLVRA Commission must be randomly selected from the qualified candidate pool. Upon the initial formation of the FLVRA Commission, five commissioners must be selected by lot from the qualified candidate pool and randomly assigned to term lengths of 5 years, 4 years, 3 years, 2 years, and 1 year. At least 60 days in advance of the conclusion of each commissioner’s term, a new commissioner must be randomly selected by lot from the qualified candidate pool to serve a 5-year term upon the conclusion of the commissioner’s term. If a vacancy occurs, a new commissioner must be randomly selected by lot within 30 days of the vacancy occurring from the qualified candidate pool to complete the vacated term.

(3) In any action or investigation to enforce this section, the FLVRA Commission may subpoena witnesses; administer oaths; examine individuals under oath; determine material facts; and compel the production of records, books, papers, contracts, and other documents in accordance with the Florida Rules of Civil Procedure.

(4) The FLVRA Commission may hire any staff and make any expenditure necessary to fulfill its responsibilities.

(5) The FLVRA Commission may adopt rules to administer and enforce this part.

Section 12. Section 97.23, Florida Statutes, is created to read:

97.23 Statewide database and institute.—

(1) The FLVRA Commission shall enter into an agreement with
one or more postsecondary educational institutions in this state
to create the Florida Voting and Elections Database and
Institute, to maintain and administer a central repository of
elections and voting data available to the public from all local
governments in this state, and to foster, pursue, and sponsor
research on existing laws and best practices in voting and
elections. The parties to that agreement shall enter into a
memorandum of understanding that includes the process for
selecting the director of the database and institute.

(2) The database and institute shall provide a center for
research, training, and information on voting systems and
election administration. The database and institute may do any
of the following:

(a) Conduct classes both for credit and noncredit.

(b) Organize interdisciplinary groups of scholars to
research voting and elections in this state.

(c) Conduct seminars involving voting and elections.

(d) Establish a nonpartisan centralized database in order
to collect, archive, and make publicly available, at no cost, an
accessible database pertaining to elections, voter registration,
and ballot access in this state.

(e) Assist in the dissemination of election data to the
public.

(f) Publish books and periodicals as the database and
institute considers appropriate on voting and elections in this
state.

(g) Provide nonpartisan technical assistance to local
governments, scholars, and the general public seeking to use the
resources of the database and the institute.
(3) The database and institute shall make available, and maintain in an electronic format, all relevant election and voting data and records for at least the previous 12-year period. The data, information, and estimates maintained by the database and institute must be posted online and made available to the public at no cost. Maps, election day polling places, and vote-by-mail ballot secure intake stations must be made available in a geospatial file format. The database and institute shall prepare any estimates made under this section by applying the most advanced, peer-reviewed, and validated methodologies available. Data and records that must be maintained include, but are not limited to, all of the following:

(a) Estimates of the total population, voting age population, and citizen voting age population by racial, color, or language minority group and disability status, broken down by precinct level on a year-by-year basis, for every local government in this state, based on data from the United States Census Bureau, American Community Survey, or data of comparable quality collected by a public office.

(b) Election results at the precinct level for every federal, state, and local election held in every local government of this state.

(c) Contemporaneous voter registration lists, voter history files, election polling places, and vote-by-mail secure ballot intake stations for every election in every local government in this state.

(d) Contemporaneous maps or other documentation of the configuration of precincts.
(e) Election day polling places, including, but not limited to, lists of precincts assigned to each polling place, if applicable.

(f) Adopted district or redistricting plans for every election in every local government in this state.

(g) A current record, updated monthly, of persons eligible to register to vote who have a prior criminal conviction and whose eligibility has been restored in compliance with s. 98.0751.

(h) Any other data that the director of the database and institute considers necessary to maintain in furtherance of the purposes of the database and institute.

(4) All state agencies and local governments shall timely provide the director of the database and institute with any information requested by the director. No later than 90 days after an election, each local government shall transmit to the database and institute copies of all of the following:

(a) Election results at the precinct level.

(b) Contemporaneous voter registration lists.

(c) Voter history files.

(d) Maps, descriptions, and shapefiles for election districts.

(e) Lists of election day polling places, shapefiles, or descriptions of the precincts assigned to each election day polling place.

(f) Any other data as requested by the database and institute.

(5) Any state entity identified by the director of the database and institute as possessing data, statistics, or other
information required by the database and institute to carry out its duties and responsibilities shall provide such data, statistics, or information annually to the database or institute at the request of the director.

(6) If a state agency or local government fails to provide any information to the database and institute as required by this section, any individual aggrieved by such a violation, any entity whose membership includes individuals aggrieved by such a violation, any entity whose mission would be frustrated by such a violation, or any entity that would expend resources in order to fulfill its mission as a result of such a violation, the director of the database and institute, the Attorney General, or the FLVRA Commission may file an action to enforce compliance with this section. Such claim may be filed pursuant to the Florida Rules of Civil Procedure or in the Second Judicial Circuit.

(7) No later than 90 days following the end of each state fiscal year, the database and institute shall publish a report on the priorities and finances of the database and institute.

(8) The database and institute shall provide nonpartisan technical assistance to local governments, researchers, and members of the public seeking to use the resources of the statewide database.

(9) There is a rebuttable presumption that the data, estimates, or other information maintained by the database and institute is valid.

Section 13. Section 97.24, Florida Statutes, is created to read:

97.24 Language access.—
(1) As used in this section, the term:

(a) "Limited English proficient individual" means an individual who does not speak English as his or her primary language and who speaks, reads, or understands the English language other than "very well" in accordance with United States Census Bureau data or data of comparable quality collected by a governmental entity.

(b) "Native American" includes any person recognized by the United States Census Bureau or the state of Florida as "American Indian."

(2) The FLVRA Commission must designate one or more languages, other than English, for which assistance in voting and elections must be provided in a local government if the FLVRA Commission finds that a significant and substantial need exists for assistance.

(3) Based on the best available data, which may include information from the United States Census Bureau’s American Community Survey or data of comparable quality collected by a governmental entity, the FLVRA Commission must find that a significant and substantial need exists if:

(a) More than 2 percent, but no fewer than 200 citizens of voting age of a local government speak a language other than English and are limited English proficient individuals.

(b) More than 4,000 citizens of voting age of a local government speak a language other than English and are limited English proficient individuals.

(4) In the case of a local government that contains any part of a Native American reservation, if more than 2 percent of the Native American citizens of voting age within the Native
American reservation are proficient in a language other than English and are limited English proficient individuals, the local government must provide materials in such language.

(5)(a) On an annual basis, the FLVRA Commission must publish on its website a list of all of the following:

1. Each local government in which assistance in voting and elections in a language other than English must be provided.

2. Each language in which such assistance must be provided in each local government.

(b) The FLVRA Commission’s determinations under this section are effective upon publication and the FLVRA Commission must distribute this information to each affected local government.

(6) Each local government described in subsection (5) must provide assistance in voting and elections, including related materials, in any language designated by the FLVRA Commission under paragraph (5)(a) to voters in a local government who are limited English proficient individuals.

(7) Whenever the FLVRA Commission determines, pursuant to this section, that language assistance must be provided by a local government, the local government must provide competent assistance in each designated language and provide related materials in English and in each designated language, including voter registration or voting notices, forms, instructions, assistance, ballots, or other materials or information relating to the electoral process. However, in the case of a language that is oral or unwritten, including historically unwritten languages, as may be the case for some Native Americans, a local government may provide only oral instructions, assistance, or
other information on the electoral process in such language. All materials provided in a designated language must be of an equal quality to the corresponding English materials. All provided translations must convey the intent and essential meaning of the original text or communication and may not rely solely on automatic translation service. If available, language assistance must include live translation.

(8) The FLVRA Commission must adopt rules to establish a review process under which the FLVRA Commission must determine whether a significant and substantial need exists in a local government for a language to be designated for the provision of assistance in voting and elections. This process must, at a minimum, include an opportunity for any voter, organization whose membership includes or is likely to include voters, organization whose mission would be frustrated by a local government’s failure to provide language assistance, or organization that would expend resources in order to fulfill the organization’s mission as a result of such failure to request that the FLVRA Commission consider designating a language in a local government, an opportunity for public comment, and that upon receipt of any such request and consideration of any public comment, the FLVRA Commission may, in accordance with the process for making this determination, designate any language in a local government.

(9) Any individual aggrieved by a violation of this section, any entity whose membership includes individuals aggrieved by a violation of this section, any entity whose mission would be frustrated by a violation of this section, or any entity that would expend resources in order to fulfill its
mission as a result of a violation of this section, the Attorney
General, or the FLVRA Commission may file an action alleging a
violation of this section. Such a claim may be filed pursuant to
the Florida Rules of Civil Procedure or in the Second Judicial
Circuit.

Section 14. Section 97.25, Florida Statutes, is created to
read:

97.25 Preclearance.—
(1) The enactment or implementation of a covered policy by
a covered jurisdiction is subject to preclearance by the FLVRA
Commission.

(2) For purposes of this section, a covered policy includes
any new or modified qualification for voter registration,
prerequisite to voting, or ordinance, regulation, standard,
practice, procedure, or policy concerning any of the following:
(a) Districting or redistricting.
(b) Method of election.
(c) Form of government.
(d) Annexation, incorporation, dissolution, consolidation,
or division of a local government.
(e) Removal of individuals from registry lists or
enrollment lists and other activities concerning any such list.
(f) Hours of any early voting site, or location or number
of early voting sites, polling places, or secure ballot intake
stations.
(g) Assignment of voting precincts to polling places or
secure ballot intake station locations.
(h) Assistance offered to protected class members.
(i) Any additional subject matter the FLVRA Commission may
identify for inclusion in this subsection, pursuant to FLVRA
Commission rule, if the FLVRA Commission determines that any
qualification for voter registration, prerequisite to voting, or
ordinance, regulation, standard, practice, procedure, or policy
concerning such subject matter may have the effect of
diminishing the right to vote of any protected class member or
have the effect of violating this act.

(3) A covered jurisdiction includes any of the following:

(a) Any local government that, within the preceding 25
years, has been subject to any court order, government
enforcement action, court-approved consent decree, or any other
settlement in which the local government conceded liability,
based upon a violation of this act, the federal Voting Rights
Act, the 15th Amendment to the United States Constitution, a
voting-relating violation of the 14th Amendment to the United
States Constitution, or any violation of any other state or
federal election law, based upon discrimination against members
of a protected class.

(b) Any local government that, within the preceding 25
years, has been subject to any court order, government
enforcement action, court-approved consent decree, or any other
settlement in which the local government conceded liability,
based upon a violation of any state or federal civil rights law
or the 14th Amendment to the United States Constitution
concerning discrimination against members of a protected class.

(c) Any local government that, during the preceding 3
years, has failed to comply with its obligation to provide data
or information to the statewide database pursuant to s. 97.23.

(d) Any local government that, during the preceding 25
years, was found to have enacted or implemented a covered policy
without obtaining preclearance for that policy pursuant to this
section.

(e) Any local government that contains at least 1,000
eligible voters of any protected class, or in which members of
any protected class constitute at least 10 percent of the
eligible voter population of the local government, and in which,
in any year in the preceding 10 years, the percentage of voters
of any protected class in a local government which participated
in any general election for any local government office was at
least 10 percentage points lower than the percentage of all
voters in the local government who participated in such
election.

(f) Any local government that contains at least 1,000
eligible voters of any protected class, or in which members of
any protected class constitute at least 10 percent of the
eligible voter population of the local government, and in which,
in any year in the preceding 10 years, the percentage of
eligible voters of that protected class who were registered to
vote was at least 10 percentage points lower than the percentage
of all eligible voters in the local government who registered to
vote.

(g) Any local government that contains at least 1,000
eligible voters of any protected class, or in which members of
any protected class constitute at least 10 percent of the
eligible voter population of the local government, and in which,
in any year in the preceding 10 years, the percentage of
eligible voters of that protected class who were registered to
vote was at least 10 percentage points lower than the percentage
of all eligible voters in the local government who registered to vote.

(h) Any local government that contains at least 1,000 eligible voters of any protected class, or in which members of any protected class constitute at least 10 percent of the eligible voter population of the local government, and in which, in any year in the preceding 10 years, based on data made available by the United States Census, the dissimilarity index of such protected class, calculated using census tracts, is in excess of 50 percent with respect to the race, color, or language minority group that comprises a plurality within the local government.

(i) Any local government that contains at least 1,000 eligible voters of any protected class, or in which members of any protected class constitute at least 10 percent of the eligible voter population of the local government, and in which, in any year in the preceding 10 years, the poverty rate among the population of a protected class exceeds the poverty rate among the population of the local government as a whole by at least 10 percentage points.

(j) Any county that contains at least 1,000 eligible voters of any protected class, or in which members of any protected class constitute at least 10 percent of the eligible voter population of the county, and in which, in any year in the preceding 10 years, the arrest rate among members of such protected class exceeds the arrest rate among the population of the county as a whole by at least 10 percentage points.

(k) Any school district that contains at least 1,000 eligible voters of any protected class, or in which members of any protected class constitute at least 10 percent of the eligible voter population of the school district, and in which, in any year in the preceding 10 years, the arrest rate among members of such protected class exceeds the arrest rate among the population of the school district as a whole by at least 10 percentage points.
any protected class constitute at least 10 percent of the eligible voter population of the school district, and in which, in any year in the preceding 10 years, the graduation rate of such protected class is lower than the graduation rate of the entire district student population by at least 10 percentage points.

(4) The FLVRA Commission shall determine on an annual basis which local governments are covered jurisdictions and publish a list of such jurisdictions on its website.

(5) If a covered jurisdiction seeks preclearance from the FLVRA Commission for the adoption or implementation of any covered policy, the covered jurisdiction must submit the covered policy to the FLVRA Commission in writing and may obtain preclearance in accordance with this section.

(a) The FLVRA Commission shall review the covered policy submitted for preclearance, including any comments submitted by members of the public, and make a determination to grant or deny preclearance. The covered jurisdiction bears the burden of proof in any preclearance determinations.

(b) 1. The FLVRA Commission may deny preclearance to a submitted covered policy only if it determines that:
   a. The covered policy is more likely than not to diminish the opportunity or ability of protected class members to participate in the political process and elect candidates of their choice or otherwise influence the outcome of elections; or
   b. The covered policy is more likely than not to violate this act.

   2. If the FLVRA Commission denies preclearance, the applicable covered jurisdiction may not enact or implement the
covered policy. The FLVRA Commission shall provide a written explanation for a denial.

(c) If the FLVRA Commission grants preclearance to a covered policy, the covered jurisdiction may immediately enact or implement the covered policy. A determination by the FLVRA Commission to grant preclearance is not admissible in, and may not be considered by, a court in any subsequent action challenging the covered policy. If the FLVRA Commission fails to deny or grant preclearance to a submitted covered policy within the time periods set forth in paragraph (d), the covered policy is deemed to be precleared, and the covered jurisdiction may enact or implement the covered policy.

(d) If a covered policy concerns the method of election for a legislative body, districting or redistricting, the number of seats on the legislative body, or annexation, incorporation, dissolution, consolidation, or division of a local government, the FLVRA Commission shall review the covered policy, including any comments submitted by members of the public, and make a determination to deny or grant preclearance within 60 days after the submission of the covered policy. The FLVRA Commission may invoke up to two extensions of 90 days each to make such a determination. For all other covered policies, the FLVRA Commission shall review the covered policy, including any public comment, and make determination to deny or grant preclearance within 30 days after the submission of the covered policy. The FLVRA Commission may invoke an extension of 60 days to make such a determination.

(e) Any denial of preclearance under this section may be appealed only by the covered jurisdiction, and must be filed in
the Second Judicial Circuit. No other parties may file an action

to appeal a denial of preclearance or intervene in any such

action brought by the covered jurisdiction.

(6) If any covered jurisdiction enacts or implements any

covered policy without obtaining preclearance for such covered

policy in accordance with this section, any individual aggrieved

by such a violation, any entity whose membership includes

individuals aggrieved by such a violation, any entity whose

mission would be frustrated by such a violation, any entity that

would expend resources in order to fulfill its mission as a

result of such a violation, the director of the database and

institute, the Attorney General, or the FLVRA Commission may

file an action to enjoin enactment or implementation and seek

sanctions against the covered jurisdiction for violations of

this section. Such a claim may be filed pursuant to the Florida

Rules of Civil Procedure or in the Second Judicial Circuit. A

claim under this subsection does not preclude, bar, or limit in

any way any other claims that may be brought regarding the

covered policy, including claims brought under other sections of

this act.

(7) If the FLVRA Commission approves preclearance for a

covered policy in violation of this section, identifies or fails

to identify a list of local governments that are covered

jurisdictions in violation of this section, or otherwise fails

to properly implement this section, any individual aggrieved by

such a violation, any entity whose membership includes

individuals aggrieved by such a violation, any entity whose

mission would be frustrated by such a violation, or any entity

that would expend resources in order to fulfill its mission as a
result of such a violation may file an action seeking appropriate relief, including, but not limited to, injunctive relief on the FLVRA Commission or any other party, as the court deems necessary to enforce this section. Such a claim may be filed pursuant to the Florida Rules of Civil Procedure or in the Second Judicial Circuit. A claim under this subsection does not preclude, bar, or limit any other claims that may be brought regarding any covered policy, including claims brought under other sections of this act.

(8) The FLVRA Commission shall adopt rules to implement this section, including rules concerning the content of and procedure for preclearance submission, procedures for public comment and transparency regarding preclearance determinations, and procedures for expedited and emergency preclearance determination, which may deviate from the timelines provided in paragraph (5)(d) provided that such preclearance determinations are preliminary.

Section 15. Section 97.26, Florida Statutes, is created to read:

97.26 Voter intimidation, deception, and obstruction.—
(1) A person, whether acting under color of law or otherwise, may not engage in acts of intimidation, deception, obstruction, or any other tactic that has the effect of or may reasonably have the effect of interfering with another person's right to vote.

(2) A violation of subsection (1) includes any of the following:

(a) The use of force or threats to use force, or the use of any other conduct to practice intimidation that causes or will
reasonably have the effect of causing interference with an individual’s right to vote.

(b) Knowingly using a deceptive or fraudulent device, contrivance, or communication that causes or will reasonably have the effect of causing interference with any individual’s right to vote.

(c) The obstruction of, impediment to, or the interference with access to any early voting site, polling place, secure ballot intake station, or office of the supervisor of elections in a manner that causes or will reasonably have the effect of causing interference with any individual’s right to vote or causing any delay in voting or the voting process.

(3)(a) In any action to enforce this section, there is a rebuttable presumption that a person has violated this section if he or she openly carries or brandishes a firearm, imitation firearm, or toy gun while:

1. Interacting with or observing any person voting or attempting to vote;

2. Urging or aiding any person to vote or attempt to vote, whether as part of official election administration activities or unofficial activities; or

3. Exercising any powers or duties in administering elections, including, but not limited to, vote counting, canvassing, or certification of returns.

(b) Law enforcement officers acting within the scope of their official duties are not subject to the presumption, but a court may nonetheless consider a law enforcement officer’s possession of a firearm in determining whether the officer violated this section.
(4) Any individual aggrieved by a violation of this section, any entity whose membership includes individuals aggrieved by a violation of this section, any entity whose mission would be frustrated by a violation of this section, any entity that would expend resources in order to fulfill its mission as a result of a violation of this section, the Attorney General, or the FLVRA Commission may file a civil action alleging a violation of this section. Such a claim may be filed pursuant to the Florida Rules of Civil Procedure or in the Second Judicial Circuit.

(5) In addition to any remedies that may be imposed under s. 97.28, if the court finds a violation of this section, the court must order appropriate remedies that are tailored to addressing the violation, including, but not limited to, providing for additional time for individuals to vote in an election, primary, or referendum, and awarding nominal damages for any violation and compensatory or punitive damages for any willful violation.

Section 16. Section 97.27, Florida Statutes, is created to read:

97.27 Democracy canon.—

(1) Any provision of this code, any regulation, charter, home rule ordinance, or other enactment of the state or any local government relating to the right to vote must be liberally construed in favor of the rights enumerated in paragraphs (a)–

(e), as follows:

(a) Protecting the right to cast a ballot and make the ballot valid.

(b) Ensuring eligible individuals seeking voter
registration are not impaired in being registered.

(c) Ensuring voters are not impaired in voting, including, but not limited to, having their votes counted.

(d) Making the fundamental right to vote more accessible to eligible voters.

(e) Ensuring equitable access for protected class members to opportunities to be registered to vote and to vote.

(2) It is the policy of the state that courts should exercise its discretion on any issue, including, but not limited to, questions of discovery, procedure, admissibility of evidence, or remedies, in favor of the rights enumerated in paragraphs (1)(a)-(e) to the extent allowable by law.

Furthermore, it is the policy of the state to promote the free flow of documents and information concerning the intent of public officials in actions concerning the right to vote. Accordingly, in any action under this act, the federal Voting Rights Act, or a voting-related claim under the State Constitution or the United States Constitution, sovereign, governmental, executive, legislative, or deliberative immunities and privileges, including any evidentiary privileges, may not be asserted. However, this section does not apply to any attorney-client or attorney work-product privileges.

Section 17. Section 97.28, Florida Statutes, is created to read:

97.28 Remedies.—

(1) If a court finds a violation of this act, the court must order appropriate remedies that are tailored to address such violation and to ensure protected class members have equitable opportunities to fully participate in the political
process and that can be implemented in a manner that will not
unduly disrupt the administration of an ongoing or imminent
election. Appropriate remedies include, but need not be limited
to, any of the following:

(a) A district-based method of election.
(b) An alternative method of election.
(c) New or revised district or redistricting plans.
(d) Elimination of staggered elections so that all members
of the legislative body are elected at the same time.
(e) Reasonably increasing the size of the legislative body.
(f) Additional voting days or hours.
(g) Additional polling places and early voting sites.
(h) Additional opportunities to return ballots.
(i) Holding special elections.
(j) Expanded opportunities for voter registration.
(k) Additional voter education.
(l) The restoration or addition of individuals to registry
lists.
(m) Retaining jurisdiction for such a period of time as the
court may deem appropriate.

(2) The court shall consider remedies proposed by any party
to the action or by interested nonparties. The court may not
give deference or priority to a proposed remedy because it is
proposed by the state or local government.

(3) If necessary to remedy a violation of this act, the
court is empowered to require a local government to implement
remedies that are inconsistent with any other law and any
special act, charter or home rule ordinance, or other enactment
of the state or local government.
(4) Notwithstanding the Florida Rules of Civil Procedure or any other law, the court must grant a temporary injunction and any other preliminary relief requested under this section with respect to an upcoming election if the court determines that the party is more likely than not to succeed on the merits and that it is possible to implement an appropriate temporary remedy that would resolve the violation alleged under this section before the next general election.

(5) In any action to enforce this act, the court shall award reasonable attorney fees and litigation costs, including, but not limited to, expert witness fees and expenses, to the party that filed an action, other than a state or local government, and that prevailed in such action. The party that filed the action is deemed to have prevailed when, as a result of litigation, the party against whom the action was filed has yielded some or all of the relief sought in the action. In the case of a party against whom an action was filed and who prevailed, the court may not award the party any costs unless the court finds the action to be frivolous, unreasonable, or without foundation.

Section 18. Paragraph (b) of subsection (4) of section 98.045, Florida Statutes, is amended to read:

98.045 Administration of voter registration.—

(4) STATEWIDE ELECTRONIC DATABASE OF VALID RESIDENTIAL STREET ADDRESSES.—

(b) The department shall make the statewide database of valid street addresses available to the Department of Highway Safety and Motor Vehicles as provided in s. 97.057(8) or 97.057(10). The Department of Highway Safety and Motor Vehicles
shall use the database for purposes of validating the legal residential addresses provided in voter registration applications received by the Department of Highway Safety and Motor Vehicles.

Section 19. Section 100.51, Florida Statutes, is created to read:

100.51 General Election Day paid holiday.—In order to encourage civic participation, enable more individuals to serve as poll workers, and provide additional time for the resolution of any issues that arise while a voter is casting his or her ballot, General Election Day shall be a paid holiday. A voter is entitled to absent himself or herself from any service or employment in which he or she is engaged or employed during the time the polls are open on General Election Day. A voter who absents himself or herself under this section may not be penalized in any way, and a deduction may not be made from his or her usual salary or wages, on account of his or her absence.

Section 20. Section 101.016, Florida Statutes, is created to read:

101.016 Strategic elections equipment reserve.—The Division of Elections shall maintain a strategic elections equipment reserve of voting systems that may be deployed in the event of an emergency as defined in s. 101.732 or upon the occurrence of equipment capacity issues due to unexpected voter turnout. The reserve must include tabulation equipment and any other necessary equipment, including, but not limited to, printers, which are in use by each supervisor of elections. In lieu of maintaining a physical reserve of such equipment, the division may contract with a vendor of voting equipment to provide such
equipment on an as-needed basis.

Section 21. Section 101.019, Florida Statutes, is repealed.

Section 22. Subsections (1) and (2) of section 101.048, Florida Statutes, are amended to read:

101.048 Provisional ballots.—

(1) At all elections, a voter claiming to be properly registered in this state and eligible to vote at the precinct in the election but whose eligibility cannot be determined, a person whom an election official asserts is not eligible, including, but not limited to, a person to whom notice has been sent pursuant to s. 98.075(7), but for whom a final determination of eligibility has not been made, and other persons specified in the code shall be entitled to vote a provisional ballot at any precinct in the county in which the voter claims to be registered. Once voted, the provisional ballot must be placed in a secrecy envelope and thereafter sealed in a provisional ballot envelope. The provisional ballot must be deposited in a ballot box. All provisional ballots must remain sealed in their envelopes for return to the supervisor of elections. The department shall prescribe the form of the provisional ballot envelope. A person casting a provisional ballot has the right to present written evidence supporting his or her eligibility to vote to the supervisor of elections by not later than 5 p.m. on the second day following the election.

(2)(a) The county canvassing board shall examine each Provisional Ballot Voter’s Certificate and Affirmation to determine if the person voting that ballot was entitled to vote in the county in which the person cast a vote in the election and that the person had not already cast a
ballot in the election. In determining whether a person casting
a provisional ballot is entitled to vote, the county canvassing
board shall review the information provided in the Voter’s
Certificate and Affirmation, written evidence provided by the
person pursuant to subsection (1), information provided in any
cure affidavit and accompanying supporting documentation
pursuant to subsection (6), any other evidence presented by the
supervisor, and, in the case of a challenge, any evidence
presented by the challenger. A ballot of a person casting a
provisional ballot must be canvassed pursuant to paragraph
(b) unless the canvassing board determines by a preponderance of
the evidence that the person was not entitled to vote.

(b) If it is determined that the person was registered and
entitled to vote in the county in which the precinct where
the person cast a vote in the election, the canvassing board
must compare the signature on the Provisional Ballot Voter’s
Certificate and Affirmation or the provisional ballot cure
affidavit with the signature on the voter’s registration or
precinct register. A provisional ballot may be counted only if:

1. The signature on the voter’s certificate or the cure
affidavit matches the elector’s signature in the registration
books or the precinct register; however, in the case of a cure
affidavit, the supporting identification listed in subsection
(6) must also confirm the identity of the elector; or

2. The cure affidavit contains a signature that does not
match the elector’s signature in the registration books or the
precinct register, but the elector has submitted a current and
valid Tier 1 form of identification confirming his or her
identity pursuant to subsection (6).
For purposes of this paragraph, any canvassing board finding that signatures do not match must be by majority vote and beyond a reasonable doubt.

(c) Any provisional ballot not counted must remain in the envelope containing the Provisional Ballot Voter’s Certificate and Affirmation, and the envelope must be marked “Rejected as Illegal.”

(d) If a provisional ballot is validated following the submission of a cure affidavit, the supervisor must make a copy of the affidavit, affix it to a voter registration application, and immediately process it as a valid request for a signature update pursuant to s. 98.077.

Section 23. Paragraph (a) of subsection (1) and paragraphs (c) and (d) of subsection (3) of section 101.62, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

101.62 Request for vote-by-mail ballots.—

(1) REQUEST.—

(a) The supervisor shall accept a request for a vote-by-mail ballot only from a voter or, if directly instructed by the voter, a member of the voter’s immediate family or the voter’s legal guardian. A request may be made in person, in writing, by telephone, or through the supervisor’s website. The department shall prescribe by rule by October 1, 2023, a uniform statewide application to make a written request for a vote-by-mail ballot which includes fields for all information required in this subsection. One request is deemed sufficient to receive a vote-by-mail ballot for all elections until the voter or the voter’s
designee notifies the supervisor that the elector cancels such request through the end of the calendar year of the next regularly scheduled general election, unless the voter or the voter’s designee indicates at the time the request is made the elections within such period for which the voter desires to receive a vote-by-mail ballot. The supervisor must cancel a request for a vote-by-mail ballot when any first-class mail or nonforwardable mail sent by the supervisor to the voter is returned as undeliverable. If the voter requests a vote-by-mail ballot thereafter, the voter must provide or confirm his or her current residential address.

(3) DELIVERY OF VOTE-BY-MAIL BALLOTS.—

(c) Except as otherwise provided in paragraph (a) or paragraph (b), the supervisor shall mail vote-by-mail ballots within 2 business days after receiving a request for such a ballot, but no later than the 11th 10th day before election day. The deadline to submit a request for a ballot to be mailed is 5 p.m. local time on the 12th day before an upcoming election.

(d) Upon a request for a vote-by-mail ballot, the supervisor shall provide a vote-by-mail ballot to each voter by whom a request for that ballot has been made, by one of the following means:

1. By nonforwardable, return-if-undeliverable mail to the voter’s current mailing address on file with the supervisor or any other address the voter specifies in the request. The envelopes must be prominently marked “Do Not Forward.”

2. By forwardable mail, e-mail, or facsimile machine transmission to absent uniformed services voters and overseas voters. The absent uniformed services voter or overseas voter...
may designate in the vote-by-mail ballot request the preferred method of transmission. If the voter does not designate the method of transmission, the vote-by-mail ballot must be mailed.

3. By personal delivery to the voter after vote-by-mail ballots have been mailed and up to 7 p.m. on election day upon presentation of the identification required in s. 101.043.

4. By delivery to the voter’s designee after vote-by-mail ballots have been mailed and up to 7 p.m. on election day. Any voter may designate in writing a person to pick up the ballot for the voter; however, the person designated may not pick up more than two vote-by-mail ballots per election, other than the designee’s own ballot, except that additional ballots may be picked up for members of the designee’s immediate family. The designee shall provide to the supervisor the written authorization by the voter and a picture identification of the designee and must complete an affidavit. The designee shall state in the affidavit that the designee is authorized by the voter to pick up that ballot and shall indicate if the voter is a member of the designee’s immediate family and, if so, the relationship. The department shall prescribe the form of the affidavit. If the supervisor is satisfied that the designee is authorized to pick up the ballot and that the signature of the voter on the written authorization matches the signature of the voter on file, the supervisor must give the ballot to that designee for delivery to the voter.

5. Except as provided in s. 101.655, the supervisor may not deliver a vote-by-mail ballot to a voter or a voter’s designee pursuant to subparagraph 3. or subparagraph 4., respectively, during the mandatory early voting period and up to 7 p.m. on
election day, unless there is an emergency, to the extent that
the voter will be unable to go to a designated early voting site
in his or her county or to his or her assigned polling place on
election day. If a vote-by-mail ballot is delivered, the voter
or his or her designee must execute an affidavit affirming to
the facts which allow for delivery of the vote-by-mail ballot.
The department shall adopt a rule providing for the form of the
affidavit.

(7) DEADLINE EXTENSION.—If a deadline under this section
falls on a day when the office of the supervisor is scheduled to
be closed, the deadline must be extended until the next business
day.

Section 24. Paragraph (a) of subsection (1), subsection
(2), and subsection (4) of section 101.64, Florida Statutes, are
amended to read:

101.64 Delivery of vote-by-mail ballots; envelopes; form.—
(1)(a) The supervisor shall enclose with each vote-by-mail
ballot two envelopes: a secrecy envelope, into which the absent
voter must elector shall enclose his or her marked ballot; and a
postage prepaid mailing envelope, into which the absent voter
must elector shall then place the secrecy envelope, which must
shall be addressed to the supervisor and also bear on the back
side a certificate in substantially the following form:

Note: Please Read Instructions Carefully Before
Marking Ballot and Completing Voter’s Certificate.

VOTER’S CERTIFICATE

I, ...., do solemnly swear or affirm that I am a qualified
and registered voter of .... County, Florida, and that I have
not and will not vote more than one ballot in this election. I
understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to $5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate will invalidate my ballot.

...(Date)...
...(Voter’s Signature or Last Four Digits of Social Security Number)...
...(E-Mail Address)...
...(Home Telephone Number)...
...(Mobile Telephone Number)...

(2) The certificate must be arranged on the back of the mailing envelope so that the line for the signature or last four digits of the social security number of the voter absent elector is across the seal of the envelope; however, a no statement may not appear on the envelope which indicates that a signature or the last four digits of the social security number of the voter must cross the seal of the envelope. The voter must absent elector shall execute the certificate on the envelope.

(4) The supervisor shall mark, code, indicate on, or otherwise track the precinct of the voter absent elector for each vote-by-mail ballot.

Section 25. Section 101.65, Florida Statutes, is amended to read:

101.65 Instructions to absent electors.—The supervisor shall enclose with each vote-by-mail ballot separate printed instructions in substantially the following form; however, where the instructions appear in capitalized text, the text of the...
READ THESE INSTRUCTIONS CAREFULLY
BEFORE MARKING BALLOT.

1. VERY IMPORTANT. In order to ensure that your vote-by-mail ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the day of the election. However, if you are an overseas voter casting a ballot in a presidential preference primary or general election, your vote-by-mail ballot must be postmarked or dated no later than the date of the election and received by the supervisor of elections of the county in which you are registered to vote no later than 10 days after the date of the election. Note that the later you return your ballot, the less time you will have to cure any signature deficiencies, which may cause your ballot not to be counted is authorized until 5 p.m. on the 2nd day after the election.

2. Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

3. Mark only the number of candidates or issue choices for a race as indicated on the ballot. If you are allowed to “Vote for One” candidate and you vote for more than one candidate, your vote in that race will not be counted.

4. Place your marked ballot in the enclosed secrecy envelope.

5. Insert the secrecy envelope into the enclosed mailing
envelope which is addressed to the supervisor.

6. Seal the mailing envelope and completely fill out the Voter’s Certificate on the back of the mailing envelope.

7. VERY IMPORTANT. In order for your vote-by-mail ballot to be counted, you must sign your name or print the last four digits of your social security number on the line above (Voter’s Signature or Last Four Digits of Social Security Number). A vote-by-mail ballot will be considered illegal and not be counted if the signature or the last four digits of the social security number on the voter’s certificate do not match the signature or social security number on record. The signature on file at the time the supervisor of elections in the county in which your precinct is located receives your vote-by-mail ballot is the signature that will be used to verify your signature on the voter’s certificate. If you need to update your signature for this election, send your signature update on a voter registration application to your supervisor of elections so that it is received before your vote-by-mail ballot is received.

8. VERY IMPORTANT. If you are an overseas voter, you must include the date you signed the Voter’s Certificate or printed the last four digits of your social security number on the line above (Date) or your ballot may not be counted.

9. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed. THE COMPLETED MAILING ENVELOPE CAN BE DELIVERED TO THE OFFICE OF THE SUPERVISOR OF ELECTIONS OF THE COUNTY IN WHICH YOUR PRECINCT IS LOCATED OR DROPPED OFF AT AN AUTHORIZED SECURE BALLOT INTAKE STATION, AVAILABLE AT EACH EARLY VOTING LOCATION.

10. FELONY NOTICE. It is a felony under Florida law to
accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

Section 26. Paragraph (a) and (b) of subsection (1), paragraph (c) of subsection (2), and paragraphs (a), (c), and (d) of subsection (4) of section 101.68, Florida Statutes, are amended to read:

101.68 Canvassing of vote-by-mail ballot.—

(1)(a) The supervisor of the county where the absent elector resides shall receive the voted ballot, at which time the supervisor shall compare the signature or the last four digits of the social security number of the elector on the voter’s certificate with the signature or the last four digits of the social security number of the elector in the registration books or the precinct register to determine whether the elector is duly registered in the county and must record on the elector’s registration record that the elector has voted. During the signature comparison process, the supervisor may not use any knowledge of the political affiliation of the elector whose signature is subject to verification.

(b) An elector who dies after casting a vote-by-mail ballot but on or before election day must shall remain listed in the registration books until the results have been certified for the election in which the ballot was cast. The supervisor shall safely keep the ballot unopened in his or her office until the county canvassing board canvasses the vote pursuant to subsection (2).

(2)
(c)1. The canvassing board must, if the supervisor has not already done so, compare the signature or the last four digits of the social security number of the elector on the voter’s certificate or on the vote-by-mail ballot cure affidavit as provided in subsection (4) with the signature or last four digits of the social security number of the elector in the registration books or the precinct register to see that the elector is duly registered in the county and to determine the legality of that vote-by-mail ballot. A vote-by-mail ballot may only be counted if:

a. The signature or last four digits of the social security number on the voter’s certificate or the cure affidavit match the elector’s signature or last four digits of the social security number in the registration books or precinct register; however, in the case of a cure affidavit, the supporting identification listed in subsection (4) must also confirm the identity of the elector; or

b. The cure affidavit contains a signature or the last four digits of a social security number which do not match the elector’s signature or last four digits of the social security number in the registration books or precinct register, but the elector has submitted a current and valid Tier 1 identification pursuant to subsection (4) which confirms the identity of the elector.

For purposes of this subparagraph, any canvassing board finding that an elector’s signatures or last four digits of the elector’s social security numbers do not match must be by majority vote and beyond a reasonable doubt.
2. The ballot of an elector who casts a vote-by-mail ballot shall be counted even if the elector dies on or before election day, as long as, before the death of the voter, the ballot was postmarked by the United States Postal Service, date-stamped with a verifiable tracking number by a common carrier, or already in the possession of the supervisor.

3. A vote-by-mail ballot is not considered illegal if the signature or last four digits of the social security number of the elector do not cross the seal of the mailing envelope.

4. If any elector or candidate present believes that a vote-by-mail ballot is illegal due to a defect apparent on the voter’s certificate or the cure affidavit, he or she may, at any time before the ballot is removed from the envelope, file with the canvassing board a protest against the canvass of that ballot, specifying the precinct, the voter’s certificate or the cure affidavit, and the reason he or she believes the ballot to be illegal. A challenge based upon a defect in the voter’s certificate or cure affidavit may not be accepted after the ballot has been removed from the mailing envelope.

5. If the canvassing board determines that a ballot is illegal, a member of the board must, without opening the envelope, mark across the face of the envelope: “rejected as illegal.” The cure affidavit, if applicable, the envelope, and the ballot therein must be preserved in the manner that official ballots are preserved.

(4)(a) As soon as practicable, the supervisor shall, on behalf of the county canvassing board, attempt to notify an elector who has returned a vote-by-mail ballot that does not include the elector’s signature or last four digits of the...
The elector’s social security number or contains a signature or the last four digits of a social security number that do not match the elector’s signature or last four digits of the elector’s social security number in the registration books or precinct register by:

1. Notifying the elector of the signature or last four digits of the social security number deficiency by e-mail and directing the elector to the cure affidavit and instructions on the supervisor’s website;

2. Notifying the elector of the signature or last four digits of the social security number deficiency by text message and directing the elector to the cure affidavit and instructions on the supervisor’s website; or

3. Notifying the elector of the signature or last four digits of the social security number deficiency by telephone and directing the elector to the cure affidavit and instructions on the supervisor’s website.

In addition to the notification required under subparagraph 1., subparagraph 2., or subparagraph 3., the supervisor must notify the elector of the signature or last four digits of the social security number deficiency by first-class mail and direct the elector to the cure affidavit and instructions on the supervisor’s website. Beginning the day before the election, the supervisor is not required to provide notice of the signature deficiency by first-class mail, but shall continue to provide notice as required under subparagraph 1., subparagraph 2., or subparagraph 3.

(c) The elector must complete a cure affidavit in
substantially the following form:

VOTE-BY-MAIL BALLOT CURE AFFIDAVIT

I, ...., am a qualified voter in this election and registered voter of .... County, Florida. I do solemnly swear or affirm that I requested and returned the vote-by-mail ballot and that I have not and will not vote more than one ballot in this election. I understand that if I commit or attempt any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I may be convicted of a felony of the third degree and fined up to $5,000 and imprisoned for up to 5 years. I understand that my failure to sign this affidavit means that my vote-by-mail ballot will be invalidated.

...(Voter’s Signature or Last Four Digits of Social Security Number)...
...(Address)...

(d) Instructions must accompany the cure affidavit in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO COUNT.

1. In order to ensure that your vote-by-mail ballot will be counted, your affidavit should be completed and returned as soon as possible so that it can reach the supervisor of elections of...
the county in which your precinct is located no later than 5 p.m. on the 2nd day after the election.

2. You must sign your name or print the last four digits of your social security number on the line above (Voter’s Signature or Last Four Digits of Social Security Number).

3. You must make a copy of one of the following forms of identification:

   a. Tier 1 identification.—Current and valid identification that includes your name and photograph: Florida driver license; Florida identification card issued by the Department of Highway Safety and Motor Vehicles; United States 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 United States Department of Veterans Affairs; a Florida license to carry a concealed weapon or firearm; or an employee identification card issued by any branch, department, agency, or entity of the Federal Government, the state, a county, or a municipality; or

   b. Tier 2 identification.—ONLY IF YOU DO NOT HAVE A TIER 1 FORM OF IDENTIFICATION, identification that shows your name and current residence address: current utility bill, bank statement, government check, paycheck, or government document (excluding voter information card).

4. Place the envelope bearing the affidavit into a mailing envelope addressed to the supervisor. Insert a copy of your identification in the mailing envelope. Mail (if time permits), deliver, or have delivered the completed affidavit along with the copy of your identification to your county supervisor of
elections. Be sure there is sufficient postage if mailed and that the supervisor’s address is correct. Remember, your information MUST reach your county supervisor of elections no later than 5 p.m. on the 2nd day after the election, or your ballot will not count.

5. Alternatively, you may fax or e-mail your completed affidavit and a copy of your identification to the supervisor of elections. If e-mailing, please provide these documents as attachments.

Section 27. Section 101.69, Florida Statutes, is amended to read:

101.69 Voting in person; return of vote-by-mail ballot.—

(1) The provisions of this code may not be construed to prohibit any voter from voting in person at the voter’s precinct on the day of an election or at an early voting site, notwithstanding that the voter has requested a vote-by-mail ballot for that election. An elector who has returned a voted vote-by-mail ballot to the supervisor, however, is deemed to have cast his or her ballot and is not entitled to vote another ballot or to have a provisional ballot counted by the county canvassing board. An elector who has received a vote-by-mail ballot and has not returned the voted ballot to the supervisor, but desires to vote in person, shall return the ballot, whether voted or not, to the election board in the voter’s precinct or to an early voting site. The returned ballot must be marked “canceled” by the board and placed with other canceled ballots. However, if the voter does not return the ballot and the election official:
(a) Confirms that the supervisor has received the voter’s vote-by-mail ballot, the voter may elector shall not be allowed to vote in person. If the voter elector maintains that he or she has not returned the vote-by-mail ballot or remains eligible to vote, the voter must elector shall be provided a provisional ballot as provided in s. 101.048.

(b) Confirms that the supervisor has not received the voter’s elector’s vote-by-mail ballot, the voter must elector shall be allowed to vote in person as provided in this code. The voter’s elector’s vote-by-mail ballot, if subsequently received, may shall not be counted and must shall remain in the mailing envelope, and the envelope must shall be marked “Rejected as Illegal.”

(c) Cannot determine whether the supervisor has received the voter’s elector’s vote-by-mail ballot, the voter elector may vote a provisional ballot as provided in s. 101.048.

(2)(a) The supervisor shall allow a voter an elector who has received a vote-by-mail ballot to physically return a voted vote-by-mail ballot to the supervisor by placing the return mail envelope containing his or her marked ballot in a secure ballot intake station. Secure ballot intake stations must shall be placed at the main office of the supervisor, at each permanent branch office of the supervisor which meets the criteria set forth in s. 101.657(1)(a) for branch offices used for early voting and which is open for at least the minimum number of hours prescribed by s. 98.015(4), and at each early voting site. Secure ballot intake stations may also be placed at any other site that would otherwise qualify as an early voting site under s. 101.657(1). Secure ballot intake stations must be
geographically located so as to provide all voters in the county with an equal opportunity to cast a ballot, insofar as is practicable. Except for secure ballot intake stations at an office of the supervisor, a secure ballot intake station may only be used during the county’s early voting hours of operation and must be monitored in person by an employee of the supervisor’s office. A secure ballot intake station at an office of the supervisor must be continuously monitored in person by an employee of the supervisor’s office when the secure ballot intake station is accessible for deposit of ballots.

(b) A supervisor shall designate each secure ballot intake station location at least 30 days before an election. The supervisor shall provide the address of each secure ballot intake station location to the division at least 30 days before an election. After a secure ballot intake station location has been designated, it may not be moved or changed except as approved by the division to correct a violation of this subsection.

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

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

3. Employees of the supervisor must comply with procedures for the chain of custody of ballots as required by s. 101.015(4).
(3) If any secure ballot intake station is left accessible for ballot receipt other than as authorized by this section, the supervisor is subject to a civil penalty of $25,000. The division is authorized to enforce this provision.

Section 28. Subsection (1) of section 104.42, Florida Statutes, is amended to read:

104.42 Fraudulent registration and illegal voting; investigation.—

(1) The supervisor of elections is authorized to investigate fraudulent registrations and illegal voting and to report his or her findings to the local state attorney and the Office of Election Crimes and Security.

Section 29. This act shall take effect July 1, 2024.