

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 24-212

(Emergency Management/Elections – Hurricane Helene)

WHEREAS, on September 29, 2024, Hurricane Helene made landfall in the Big Bend region about 10 miles west-southwest of Perry as a category 4 hurricane with sustained winds of approximately 140 miles per hour, after bringing tropical storm force winds and storm surge conditions up the west coast; and

WHEREAS, Hurricane Helene significantly affected communities across Florida, resulting in loss of lives, evacuation of families from their homes, widespread destruction and damage to homes and businesses, significant disruption in utilities and telecommunications, and substantial physical damage to roads, highways, bridges, and other critical infrastructure; and

WHEREAS, the effects of Hurricane Helene have had a uniquely significant and continuing impact on Charlotte, Citrus, Dixie, Hernando, Hillsborough, Lee, Levy, Madison, Manatee, Pasco, Pinellas, Sarasota, and Taylor Counties (the Affected Counties); and

WHEREAS, the Florida Supervisors of Elections (Supervisors) in the Affected Counties have reported to the Department of State in a letter from the Florida Supervisors of Elections (FSE) association dated October 2, 2024, that a significant number of early voting sites and polling locations have been damaged or otherwise rendered unusable, a significant number of voters have been displaced, and a significant number of poll workers may be unavailable for the foreseeable future; and

WHEREAS, the General Election (the Election) is scheduled for November 5, 2024, vote-by-mail balloting is already in progress, optional early voting begins on Monday, October 21, 2024, and the mandatory early voting period begins on Saturday, October 26, 2024; and

WHEREAS, Supervisors in the Affected Counties have reported to the Florida Secretary of State (Secretary) that they anticipate continuing challenges and hardships in meeting upcoming deadlines, providing the usual number of early voting sites and polling locations, and providing adequately trained poll workers; and

WHEREAS, Supervisors of Elections in the Affected Counties have requested accommodations from certain provisions of the Florida Election Code to give voters in those counties ample opportunity to cast a ballot in the Election without impeding necessary action to respond to the ongoing emergency; and

WHEREAS, section 252.36(6)(a), Florida Statutes, provides that the Governor may “[s]uspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of any state agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and

WHEREAS, because of the effects of Hurricane Helene in the Affected Counties, the strict application of some provisions of the Florida Election Code may prevent, hinder, or delay necessary action to cope with the emergency and may prevent the Supervisors of Elections in the Affected Counties from providing voters with an adequate opportunity to vote.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, chapter 252, Florida Statutes, as amended, including specifically

section 252.36(6)(a), Florida Statutes, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. (Early Voting) The deadlines set forth in section 101.657(1)(b), Florida Statutes, requiring the designation and notice of the location and hours of early voting sites are suspended for each Supervisor in an Affected County, except that such requirements must be satisfied no later than 20 days prior to the Election. The Secretary may also suspend the facility eligibility restrictions set forth in section 101.657(1)(a), Florida Statutes, if the Secretary approves the proposed early voting site based on a specific showing of need by a Supervisor in an Affected County.

Section 2. (Secure Ballot Intake Stations) The deadlines set forth in section 101.69(2)(b), Florida Statutes, requiring the designation and notice of the location of secure ballot intake stations are suspended for each Supervisor in an Affected County, except that such requirements must be satisfied no later than 20 days prior to the Election. Each Supervisor must comply with the requirements of section 101.69(2)(a), Florida Statutes.

Section 3. (Vote-By-Mail Ballots) The provisions of section 101.62(1)(b), Florida Statutes, requiring that vote-by-mail ballot requests be made in a signed writing when the requestor asks for the ballot to be mailed to an address other than the requestor's address on file in the Florida Voter Registration System, are suspended for any voter registered in an Affected County. Accordingly, each Supervisor in an Affected County, in his/her discretion, shall have the authority to accept a request for a vote-by-mail ballot to be mailed to an address other than the requestor's address on file in the Florida Voter Registration System in the same manner as for absent uniformed service voters or overseas voters seeking a vote-by-mail ballot. In accordance with section 101.62(1)(b), Florida Statutes, the requestor must provide his/her Florida driver license number, Florida identification card

number, or the last four digits of his/her social security number, whichever may be verified in the Supervisor's records, regardless of the format in which the request is made.

The provisions of section 101.62(3)(d)(1), Florida Statutes, requiring each Supervisor to provide a vote-by-mail ballot to each elector who makes a request by non-forwardable, return-if-undeliverable mail, are suspended for each Supervisor in an Affected County. Accordingly, each Supervisor of Election, in his/her discretion, shall have the authority to send vote-by-mail ballots by forwardable mail to allow electors to accept delivery at an alternative address provided by the elector to the U.S. Postal Service.

Section 4. (Relocation or Consolidation of Polling Places) The provisions of section 101.71(2), Florida Statutes, prohibiting Supervisors from moving a voting location to another site less than 30 days prior to the election, are suspended to allow each Supervisor in an Affected County, in his/her discretion, to relocate or consolidate any polling location if the Supervisor finds that the continuing impacts of Hurricane Helene so warrant. If the Supervisor finds such relocation or consolidation necessary, the Supervisor shall provide for the voting location to be moved to another accessible site within the same precinct or, if such site is not available, to another site in a contiguous precinct as provided in section 101.71(2), Florida Statutes. Furthermore, due to the ongoing emergency and if time does not permit full compliance with section 101.71(2), Florida Statutes, the Supervisor may designate a new polling location and provide notice to the public as provided in section 101.71(3), Florida Statutes. Any Supervisor who cannot fully comply with section 101.71(2), Florida Statutes, should notify the Director of the Division of Elections of the Department of State of any partial or substitute measures the Supervisor undertakes.

Section 5. (Poll Worker Training) The provisions of section 102.014, Florida Statutes, requiring poll workers to meet certain training requirements before the Election are suspended in the

Affected Counties, if the Supervisor in such Affected County determines there is a shortage of poll workers within the Affected County and that each available poll worker received, at a minimum, the requisite training under section 102.014, Florida Statutes, for the 2022 election cycle, or within the two years preceding the Election.

The provision of section 102.012(2), Florida Statutes, requiring each member of the election board to be a registered qualified elector of the county in which he/she is appointed, or to be preregistered to vote, pursuant to section 97.041(1)(b), Florida Statutes, in the county in which the member is appointed, is suspended for each Supervisor in an Affected County. Accordingly, each Supervisor in an Affected County, in his/her discretion, may appoint election board members who are registered qualified electors in Florida outside of such Affected County.

Section 6. (State Employee Poll Workers) Where feasible, employees of the State Personnel System, as defined in Rule 60L-29.002(6), Florida Administrative Code, are encouraged to serve as poll workers in the Affected Counties. To assist such employees, Rule 60L- 34.0071(3)(g), Florida Administrative Code, is suspended for the limited purpose of authorizing employees to use their administrative leave while serving as a poll worker in an Affected County, subject to approval by their supervisor, under the following conditions:

A. The state employee shall receive administrative leave for every hour of training the Supervisor requires, up to a maximum of 10 hours, provided that the employee shows proof that the employee completed such training. *See* section 102.014(1), Florida Statutes;

B. If a state employee serves as a poll worker during the Election, the employee shall receive 16 hours of administrative leave, provided that the employee shows proof that the employee completed such work;

C. A state employee is not entitled to additional administrative leave for service as a poll

worker during early voting for the Election; and

D. In accordance with section 110.131(3), Florida Statutes, other-personal-services (OPS) employees are not eligible for any form of paid leave, including administrative leave, for serving as a poll worker.

The Secretary of the Department of Management Services shall provide guidance to state agencies for tracking state employees who serve as poll workers during the Election. County, municipal, and other public entities are encouraged to provide the same or similar incentives for their employees to serve as poll workers and to cooperate with the Supervisors to fill any poll worker needs. Nothing in this section shall affect the requirements of sections 102.012 and 102.021, Florida Statutes.

Section 7. (Election Coordination) I hereby direct the Secretary, as Chief Election Officer, to coordinate efforts between Supervisors in the Affected Counties and Supervisors outside the Affected Counties to ensure voting opportunities for those affected by Hurricane Helene, including efforts to ensure the delivery of vote-by-mail ballots to law enforcement, military, first responders, utility lineworkers, and volunteers assisting with recovery efforts; efforts to ensure the delivery of vote-by-mail ballots to residents of nursing homes and hospital patients in the Affected Counties who were evacuated to facilities outside their counties of residence; and all other appropriate actions consistent with the Florida Election Code and this Executive Order.

All executive agencies are directed, and all other state agencies are requested, to render such aid and assistance as needed by the Supervisors in the Affected Counties to accomplish the purposes of this Executive Order.

Section 8. (Notice to the Public and the Division of Elections) Each Supervisor in an Affected County who exercises authority under this Executive Order shall immediately certify that fact to the Director of the Division of Elections of the Department of State and shall provide notice thereof to

the public in a manner designed to ensure widespread dissemination of voting information in the Affected County, including through print and broadcast media, social media, website postings, and posted signage at polling locations.

The Secretary shall notify me of any Supervisors in the Affected Counties who avail themselves of the limited exceptions contained in this Executive Order.

Section 9. Pursuant to section 252.36(1)(a), Florida Statutes, the Secretary is hereby delegated the authority to suspend the provisions of any regulatory statute within the purview of the Department of State prescribing the procedures for conduct of state business or the orders or rules of the Department, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency.

Section 10. If any provision of this Executive Order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this Executive Order and the application of its other provisions to any other persons or circumstances shall not be affected thereby.

Section 11. This Executive Order is effective immediately and shall expire on November 6, 2024.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 3rd day of October, 2024.



RON DESANTIS, GOVERNOR

ATTEST:


SECRETARY OF STATE

FILED
2024 OCT -3 AM 10:36
DEPARTMENT OF STATE
TALLAHASSEE, FL