

By Senator Rossin

35-140-01

1 A bill to be entitled
2 An act relating to elections; providing for
3 nonpartisan election of sheriffs; amending ss.
4 105.031, 105.035, 105.041, 105.051, 105.061,
5 105.08, F.S.; conforming provisions; providing
6 an effective date.

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

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10 Section 1. Notwithstanding any other provision of law,
11 the election of a sheriff must be by vote of the qualified
12 electors of the county in a nonpartisan election as provided
13 in chapter 105, Florida Statutes.

14 Section 2. Subsections (3), (4), and (5) of section
15 105.031, Florida Statutes, are amended to read:

16 105.031 Qualification; filing fee; candidate's oath;
17 items required to be filed.--

18 (3) QUALIFYING FEE.--Each candidate qualifying for
19 election to a judicial office,~~or~~ the office of school board
20 member, or the office of sheriff,except write-in ~~judicial~~
21 candidates, shall, during the time for qualifying, pay to the
22 officer with whom he or she qualifies a qualifying fee, which
23 shall consist of a filing fee and an election assessment, or
24 qualify by the alternative method. The amount of the filing
25 fee is 3 percent of the annual salary of the office sought.
26 The amount of the election assessment is 1 percent of the
27 annual salary of the office sought. The Department of State
28 shall forward all filing fees to the Department of Revenue for
29 deposit in the Elections Commission Trust Fund. The
30 supervisor of elections shall forward all filing fees to the
31 Elections Commission Trust Fund. The election assessment

1 shall be deposited into the Elections Commission Trust Fund.
2 The annual salary of the office for purposes of computing the
3 qualifying fee shall be computed by multiplying 12 times the
4 monthly salary authorized for such office as of July 1
5 immediately preceding the first day of qualifying. This
6 subsection shall not apply to candidates qualifying for
7 retention to judicial office.

8 (4) CANDIDATE'S OATH.--

9 (a) All candidates for the office of school board
10 member or the office of sheriff shall subscribe to the oath as
11 prescribed in s. 99.021.

12 (b) All candidates for judicial office shall subscribe
13 to an oath or affirmation in writing to be filed with the
14 appropriate qualifying officer upon qualifying. A printed
15 copy of the oath or affirmation shall be furnished to the
16 candidate by the qualifying officer and shall be in
17 substantially the following form:

18

19 State of Florida

20 County of

21 Before me, an officer authorized to administer oaths,
22 personally appeared ...(please print name as you wish it to
23 appear on the ballot)..., to me well known, who, being sworn,
24 says he or she: is a candidate for the judicial office of
25; that his or her legal residence is County, Florida;
26 that he or she is a qualified elector of the state and of the
27 territorial jurisdiction of the court to which he or she seeks
28 election; that he or she is qualified under the constitution
29 and laws of Florida to hold the judicial office to which he or
30 she desires to be elected or in which he or she desires to be
31 retained; that he or she has taken the oath required by ss.

1 (b) If the filing officer receives qualifying papers
2 that do not include all items as required by paragraph (a)
3 prior to the last day of qualifying, the filing officer shall
4 make a reasonable effort to notify the candidate of the
5 missing or incomplete items and shall inform the candidate
6 that all required items must be received by the close of
7 qualifying. A candidate's name as it is to appear on the
8 ballot may not be changed after the end of qualifying.

9 Section 3. Subsections (1) and (3) and paragraph (b)
10 of subsection (4) of section 105.035, Florida Statutes, are
11 amended to read:

12 105.035 Alternative method of qualifying for certain
13 judicial offices and the office of school board member.--

14 (1) A person seeking to qualify for election to the
15 office of circuit judge or county court judge, or the office
16 of school board member, or the office of sheriff may qualify
17 for election to such office by means of the petitioning
18 process prescribed in this section. A person qualifying by
19 this alternative method shall not be required to pay the
20 qualifying fee required by this chapter. A person using this
21 petitioning process shall file an oath with the officer before
22 whom the candidate would qualify for the office stating that
23 he or she intends to qualify by this alternative method for
24 the office sought. Such oath shall be filed at any time after
25 the first Tuesday after the first Monday in January of the
26 year in which the election is held, but prior to the 21st day
27 preceding the first day of the qualifying period for the
28 office sought. The form of such oath shall be prescribed by
29 the Division of Elections. No signatures shall be obtained
30 until the person has filed the oath prescribed in this
31 subsection.

1 (3) Each candidate for election to a judicial office,
2 ~~or the office of school board member, or the office of sheriff~~
3 shall obtain the signature of a number of qualified electors
4 equal to at least 1 percent of the total number of registered
5 electors of the district, circuit, county, or other geographic
6 entity represented by the office sought as shown by the
7 compilation by the Department of State for the last preceding
8 general election. A separate petition shall be circulated for
9 each candidate availing himself or herself of the provisions
10 of this section.

11 (4)

12 (b) Each candidate seeking to qualify for election to
13 the office of county court judge,~~or the office of school~~
14 board member from a single county school district,or the
15 office of sheriff pursuant to this section shall submit his or
16 her petition, prior to noon of the 21st day preceding the
17 first day of the qualifying period for the office sought, to
18 the supervisor of elections of the county for which such
19 petition was circulated. The supervisor shall check the
20 signatures on the petition to verify their status as electors
21 of the county and of the geographic area represented by the
22 office sought. Prior to the first date for qualifying, the
23 supervisor shall determine whether the required number of
24 signatures has been obtained for the name of the candidate to
25 be placed on the ballot and shall notify the candidate. If
26 the required number of signatures has been obtained, the
27 candidate shall, during the time prescribed for qualifying for
28 office, submit a copy of such notice and file his or her
29 qualifying papers and oath prescribed in s. 105.031 with the
30 qualifying officer. Upon receipt of the copy of such notice
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1 and qualifying papers, such candidate shall be entitled to
2 have his or her name printed on the ballot.

3 Section 4. Subsections (1) and (4) of section 105.041,
4 Florida Statutes, are amended to read:

5 105.041 Form of ballot.--

6 (1) BALLOTS.--The names of candidates for judicial
7 office,~~and~~ candidates for the office of school board member,
8 and candidates for the office of sheriff which appear on the
9 ballot at the first primary election shall either be grouped
10 together on a separate portion of the ballot or on a separate
11 ballot. The names of candidates for election to judicial
12 office,~~and~~ candidates for the office of school board member,
13 and candidates for the office of sheriff which appear on the
14 ballot at the general election and the names of justices and
15 judges seeking retention to office shall be grouped together
16 on a separate portion of the general election ballot.

17 (4) WRITE-IN CANDIDATES.--Space shall be made
18 available on the general election ballot for an elector to
19 write in the name of a write-in candidate for judge of a
20 circuit court or county court,~~or~~ member of a school board,~~or~~
21 sheriff if a candidate has qualified as a write-in candidate
22 for such office pursuant to s. 105.031. This subsection shall
23 not apply to the offices of justices and judges seeking
24 retention.

25 Section 5. Paragraph (a) of subsection (1) of section
26 105.051, Florida Statutes, is amended to read:

27 105.051 Determination of election or retention to
28 office.--

29 (1) ELECTION.--In circuits and counties holding
30 elections:
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1 (a) The name of an unopposed candidate for the office
2 of circuit judge, county court judge, ~~or~~ member of a school
3 board, or sheriff shall not appear on any ballot, and such
4 candidate shall be deemed to have voted for himself or herself
5 at the general election.

6 Section 6. Subsection (3) is added to section 105.061,
7 Florida Statutes, to read:

8 105.061 Electors qualified to vote.--

9 (3) Each qualified elector of the county shall be
10 eligible to vote for a candidate for the office of sheriff.

11 Section 7. Subsection (1) of section 105.08, Florida
12 Statutes, is amended to read:

13 105.08 Campaign contribution and expense; reporting.--

14 (1) A candidate for judicial office, ~~or~~ the office of
15 school board member, or the office of sheriff may accept
16 contributions and may incur only such expenses as are
17 authorized by law. Each such candidate shall keep an accurate
18 record of his or her contributions and expenses, and shall
19 file reports pursuant to chapter 106.

20 Section 8. This act shall take effect July 1, 2001.

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23 SENATE SUMMARY

24 Provides for nonpartisan election of sheriffs.
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