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1 A bill to be entitled

2 An act relating to elections; amending ss. 99.061 and
3 105.031, F.S.; providing for earlier qualifying for
4 nomination or election to public office; amending ss.
5 99.095, 99.0955, and 99.096, F.S.; providing for earlier
6 filing of the oath to qualify by the alternative method;
7 amending ss. 100.061 and 100.091, F.S.; providing for
8 earlier primary elections; amending s. 106.07, F.S.;
9 providing for additional campaign finance reporting
10 periods; providing for construction of the act in pari
11 materia with laws enacted during the 2003 Regular Session
12 of the Legislature; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsections (1) and (2) of section 99.061,
17 Florida Statutes, are amended to read:

18 99.061 Method of qualifying for nomination or election to
19 federal, state, county, or district office.--

20 (1) The provisions of any special act to the contrary
21 notwithstanding, each person seeking to qualify for nomination
22 or election to a federal, state, or multicounty district office,
23 other than election to a judicial office as defined in chapter
24 105 or the office of school board member, shall file his or her
25 qualification papers with, and pay the qualifying fee, which
26 shall consist of the filing fee and election assessment, and
27 party assessment, if any has been levied, to, the Department of
28 State, or qualify by the alternative method with the Department
29 of State, at any time after noon of the 1st day for qualifying,
30 which shall be as follows: the 120th day prior to the first



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31 primary, but not later than noon of the 116th day prior to the
32 date of the first primary, for persons seeking to qualify for
33 nomination or election to federal office; and noon of the 64th
34 ~~50th~~ day prior to the first primary, but not later than noon of
35 the 60th ~~46th~~ day prior to the date of the first primary, for
36 persons seeking to qualify for nomination or election to a state
37 or multicounty district office.

38 (2) The provisions of any special act to the contrary
39 notwithstanding, each person seeking to qualify for nomination
40 or election to a county office, or district or special district
41 office not covered by subsection (1), shall file his or her
42 qualification papers with, and pay the qualifying fee, which
43 shall consist of the filing fee and election assessment, and
44 party assessment, if any has been levied, to, the supervisor of
45 elections of the county, or shall qualify by the alternative
46 method with the supervisor of elections, at any time after noon
47 of the 1st day for qualifying, which shall be the 64th ~~50th~~ day
48 prior to the first primary or special district election, but not
49 later than noon of the 60th ~~46th~~ day prior to the date of the
50 first primary or special district election. However, if a
51 special district election is held at the same time as the second
52 primary or general election, qualifying shall be the 50th day
53 prior to the first primary, but not later than noon of the 46th
54 day prior to the date of the first primary. Within 30 days after
55 the closing of qualifying time, the supervisor of elections
56 shall remit to the secretary of the state executive committee of
57 the political party to which the candidate belongs the amount of
58 the filing fee, two-thirds of which shall be used to promote the
59 candidacy of candidates for county offices and the candidacy of
60 members of the Legislature.



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61 Section 2. Subsection (1) of section 99.095, Florida
62 Statutes, is amended to read:

63 99.095 Alternative method of qualifying.--

64 (1) A person seeking to qualify for nomination to any
65 office may qualify to have his or her name placed on the ballot
66 for the first primary election by means of the petitioning
67 process prescribed in this section. A person qualifying by this
68 alternative method shall not be required to pay the qualifying
69 fee or party assessment required by this chapter. A person using
70 this petitioning process shall file an oath with the officer
71 before whom the candidate would qualify for the office stating
72 that he or she intends to qualify by this alternative method for
73 the office sought. If the person is running for an office which
74 will be grouped on the ballot with two or more similar offices
75 to be filled at the same election, the candidate must indicate
76 in his or her oath for which group or district office he or she
77 is running. The oath shall be filed at any time after the first
78 Tuesday after the first Monday in November ~~January~~ of the year
79 immediately preceding the year in which the first primary is
80 held, but prior to the 21st day preceding the first day of the
81 qualifying period for the office sought. The Department of State
82 shall prescribe the form to be used in administering and filing
83 such oath. No signatures shall be obtained by a candidate on any
84 nominating petition until the candidate has filed the oath
85 required in this section. If the person is running for an office
86 which will be grouped on the ballot with two or more similar
87 offices to be filled at the same election and the petition does
88 not indicate the group or district office for which the person
89 is running, the signatures obtained on such petition will not be
90 counted.



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91 Section 3. Paragraph (a) of subsection (3) of section
92 99.0955, Florida Statutes, is amended to read:

93 99.0955 Candidates with no party affiliation; name on
94 general election ballot.--

95 (3)(a) A candidate with no party affiliation may, in lieu
96 of paying the qualifying fee, qualify for office by the
97 alternative method prescribed in this subsection. A candidate
98 using this petitioning process shall file an oath with the
99 officer before whom the candidate would qualify for the office
100 stating that he or she intends to qualify by this alternative
101 method. If the person is running for an office that requires a
102 group or district designation, the candidate must indicate the
103 designation in his or her oath. The oath shall be filed at any
104 time after the first Tuesday after the first Monday in November
105 ~~January~~ of the year immediately preceding the year in which the
106 election is held, but before the 21st day preceding the first
107 day of the qualifying period for the office sought. The
108 Department of State shall prescribe the form to be used in
109 administering and filing the oath. Signatures may not be
110 obtained by a candidate on any petition until the candidate has
111 filed the oath required in this subsection. Upon receipt of the
112 written oath from a candidate, the qualifying officer shall
113 provide the candidate with petition forms in sufficient numbers
114 to facilitate the gathering of signatures. If the candidate is
115 running for an office that requires a group or district
116 designation, the petition must indicate that designation or the
117 signatures obtained on the petition will not be counted.

118 Section 4. Paragraph (a) of subsection (3) of section
119 99.096, Florida Statutes, is amended to read:

120 99.096 Minor party candidates; names on ballot.--



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121 (3)(a) A minor party candidate may, in lieu of paying the
122 qualifying fee and party assessment, qualify for office by the
123 alternative method prescribed in this subsection. A candidate
124 using this petitioning process shall file an oath with the
125 officer before whom the candidate would qualify for the office
126 stating that he or she intends to qualify by this alternative
127 method. If the person is running for an office that requires a
128 group or district designation, the candidate must indicate the
129 designation in his or her oath. The oath must be filed at any
130 time after the first Tuesday after the first Monday in November
131 ~~January~~ of the year immediately preceding the year in which the
132 election is held, but before the 21st day preceding the first
133 day of the qualifying period for the office sought. The
134 Department of State shall prescribe the form to be used in
135 administering and filing the oath. Signatures may not be
136 obtained by a candidate on any petition until the candidate has
137 filed the oath required in this section. Upon receipt of the
138 written oath from a candidate, the qualifying officer shall
139 provide the candidate with petition forms in sufficient numbers
140 to facilitate the gathering of signatures. If the candidate is
141 running for an office that requires a group or district
142 designation, the petition must indicate that designation or the
143 signatures on such petition will not be counted.

144 Section 5. Section 100.061, Florida Statutes, is amended
145 to read:

146 100.061 First primary election.--In each year in which a
147 general election is held, a first primary election for
148 nomination of candidates of political parties shall be held on
149 the Tuesday 15 ~~9~~ weeks prior to the general election. Each
150 candidate receiving a majority of the votes cast in each contest



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151 in the first primary election shall be declared nominated for
 152 such office. A second primary election shall be held as provided
 153 by s. 100.091 in every contest in which a candidate does not
 154 receive a majority.

155 Section 6. Subsection (1) of section 100.091, Florida
 156 Statutes, is amended to read:

157 100.091 Second primary election.--

158 (1) In each year in which a general election is held, a
 159 second primary election for nomination of candidates of
 160 political parties where nominations were not made in the first
 161 primary election shall be held on the Tuesday 8 5 weeks prior to
 162 the general election.

163 Section 7. Subsection (1) of section 105.031, Florida
 164 Statutes, is amended to read:

165 105.031 Qualification; filing fee; candidate's oath; items
 166 required to be filed.--

167 (1) TIME OF QUALIFYING.--Except for candidates for
 168 judicial office, nonpartisan candidates for multicounty office
 169 shall qualify with the Division of Elections of the Department
 170 of State and nonpartisan candidates for countywide or less than
 171 countywide office shall qualify with the supervisor of
 172 elections. Candidates for judicial office other than the office
 173 of county court judge shall qualify with the Division of
 174 Elections of the Department of State, and candidates for the
 175 office of county court judge shall qualify with the supervisor
 176 of elections of the county. Candidates for judicial office shall
 177 qualify no earlier than noon of the 120th day, and no later than
 178 noon of the 116th day, before the first primary election.
 179 Candidates for the office of school board member shall qualify
 180 no earlier than noon of the 64th ~~50th~~ day, and no later than



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181 noon of the 60th ~~46th~~ day, before the first primary election.
 182 Filing shall be on forms provided for that purpose by the
 183 Division of Elections and furnished by the appropriate
 184 qualifying officer. Any person seeking to qualify by the
 185 alternative method, as set forth in s. 105.035, if the person
 186 has submitted the necessary petitions by the required deadline
 187 and is notified after the fifth day prior to the last day for
 188 qualifying that the required number of signatures has been
 189 obtained, shall be entitled to subscribe to the candidate's oath
 190 and file the qualifying papers at any time within 5 days from
 191 the date he or she is notified that the necessary number of
 192 signatures has been obtained. Any person other than a write-in
 193 candidate who qualifies within the time prescribed in this
 194 subsection shall be entitled to have his or her name printed on
 195 the ballot.

196 Section 8. Paragraphs (a) and (b) of subsection (1) of
 197 section 106.07, Florida Statutes, are amended to read:

198 106.07 Reports; certification and filing.--

199 (1) Each campaign treasurer designated by a candidate or
 200 political committee pursuant to s. 106.021 shall file regular
 201 reports of all contributions received, and all expenditures
 202 made, by or on behalf of such candidate or political committee.
 203 Reports shall be filed on the 10th day following the end of each
 204 calendar quarter from the time the campaign treasurer is
 205 appointed, except that, if the 10th day following the end of a
 206 calendar quarter occurs on a Saturday, Sunday, or legal holiday,
 207 the report shall be filed on the next following day which is not
 208 a Saturday, Sunday, or legal holiday. Quarterly reports shall
 209 include all contributions received and expenditures made during
 210 the calendar quarter which have not otherwise been reported



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211 pursuant to this section.

212 (a) Except as provided in paragraph (b), following the
213 last day of qualifying for office, the reports shall be filed on
214 the 46th, 32nd, 18th, and 4th days immediately preceding the
215 first primary and on the 32nd, 18th, and 4th days immediately
216 preceding the second primary and general election, for a
217 candidate who is opposed in seeking nomination or election to
218 any office, for a political committee, or for a committee of
219 continuous existence.

220 (b) Following the last day of qualifying for office, any
221 statewide candidate who has requested to receive contributions
222 from the Election Campaign Financing Trust Fund or any statewide
223 candidate in a race with a candidate who has requested to
224 receive contributions from the trust fund shall file reports on
225 the 4th, 11th, 18th, 25th, ~~and~~ 32nd, 39th, and 46th days prior
226 to the first primary and general elections, and on the 4th,
227 11th, 18th, ~~and~~ 25th, 32nd, and 39th days prior to the second
228 primary.

229 Section 9. If any law amended by this act was also amended
230 by a law enacted at the 2003 Regular Session of the Legislature,
231 such laws shall be construed as if they had been enacted at the
232 same session of the Legislature, and full effect shall be given
233 to each if possible.

234 Section 10. This act shall take effect October 1, 2003.