

A bill to be entitled

An act relating to the residency of candidates and public officers; creating ss. 99.0125 and 111.015, F.S.; requiring a candidate or public officer required to reside in a specific geographic area to have only one domicile at a time; providing factors that may be considered when determining residency; providing exceptions for active duty military members; preempting certain local residency requirements for candidates and public officers; providing for applicability; providing an effective date.

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

Section 1. Section 99.0125, Florida Statutes, is created to read:

99.0125 Residency; candidates.—

(1) The address at which a candidate maintains his or her domicile must be used to satisfy any candidate residency requirement. A candidate may have only one domicile at a time. The building claimed as a domicile must be zoned for residential use and must comply with all requirements necessary to obtain a certificate of occupancy or certificate of completion pursuant to applicable building codes.

(2) Factors that may be considered in determining whether a candidate meets a residency requirement include, but are not

27 limited to:

28 (a) A formal declaration of domicile in the public records  
 29 of the county.

30 (b) A statement, whether oral or written, indicating the  
 31 intention to establish a place as his or her domicile.

32 (c) Whether he or she transferred the title to his or her  
 33 previous residence.

34 (d) The address at which he or she claims a homestead  
 35 exemption.

36 (e) An address at which he or she has purchased, rented,  
 37 or leased property.

38 (f) The address where he or she plans to build a new home.

39 (g) The amount of time that he or she spends at property  
 40 he or she owns, leases, or rents.

41 (h) Proof of payment for, and usage activity of, utilities  
 42 at property owned by the candidate.

43 (i) The address at which he or she receives mail and  
 44 correspondence.

45 (j) The address provided to register his or her dependent  
 46 children for school.

47 (k) The address of his or her spouse or immediate family  
 48 members.

49 (l) The physical address of his or her employment.

50 (m) Previous permanent residency in a state other than  
 51 Florida or in another country, and the date his or her residency  
 52 was terminated.

53 (n) The address on his or her voter information card or  
54 other official correspondence from the supervisor of elections  
55 providing proof of voter registration.

56 (o) The address on his or her valid Florida driver license  
57 issued under s. 322.18, valid Florida identification card issued  
58 under s. 322.051, or any other license required by law.

59 (p) The address on the title to, or a certificate of  
60 registration of, his or her motor vehicle.

61 (q) The address listed on filed federal income tax  
62 returns.

63 (r) The location where his or her bank statements and  
64 checking accounts are registered.

65 (s) A request made to a federal, state, or local  
66 government agency to update or change his or her address.

67 (t) Whether he or she has relinquished a license or permit  
68 held in another jurisdiction.

69 (3) An active duty military member may not be deemed to  
70 have acquired a domicile in this state by reason of being  
71 stationed on duty in this state; nor shall an active duty  
72 military member be deemed to have abandoned domicile in this  
73 state because he or she is stationed in another municipality,  
74 state, or country. However, this subsection does not prohibit an  
75 active duty military member from establishing a new domicile  
76 where he or she is stationed.

77 (4) This section preempts and supersedes any ordinance,  
78 regulation, or local law of a county, municipality, or other

79 political subdivision that establishes residency requirements of  
 80 candidates for elected public office, except to the extent that  
 81 such ordinance, regulation, or law establishes residency  
 82 requirements which are stricter than the requirements of this  
 83 section.

84 Section 2. Section 111.015, Florida Statutes, is created  
 85 to read:

86 111.015 Residency; public officers.-

87 (1) The address at which a public officer maintains his or  
 88 her domicile must be used to satisfy any residency requirement.

89 A public officer may have only one domicile at a time. The  
 90 building claimed as a domicile must be zoned for residential use  
 91 and must comply with all requirements necessary to obtain a  
 92 certificate of occupancy or certificate of completion pursuant  
 93 to applicable building codes.

94 (2) Factors that may be considered in determining whether  
 95 a public officer meets a residency requirement include, but are  
 96 not limited to:

97 (a) A formal declaration of domicile in the public records  
 98 of the county.

99 (b) A statement, whether oral or written, indicating the  
 100 intention to establish a place as his or her domicile.

101 (c) Whether he or she transferred the title to his or her  
 102 previous residence.

103 (d) The address at which he or she claims a homestead  
 104 exemption.

- 105        (e) An address at which he or she has purchased, rented,  
 106 or leased property.
- 107        (f) The address where he or she plans to build a new home.
- 108        (g) The amount of time that he or she spends at property  
 109 he or she owns, leases, or rents.
- 110        (h) Proof of payment for, and usage activity of, utilities  
 111 at property owned by the public officer.
- 112        (i) The address at which he or she receives mail and  
 113 correspondence.
- 114        (j) The address provided to register his or her dependent  
 115 children for school.
- 116        (k) The address of his or her spouse or immediate family  
 117 members.
- 118        (l) The physical address of his or her employment.
- 119        (m) Previous permanent residency in a state other than  
 120 Florida or in another country, and the date his or her residency  
 121 was terminated.
- 122        (n) The address on his or her voter information card or  
 123 other official correspondence from the supervisor of elections  
 124 providing proof of voter registration.
- 125        (o) The address on his or her valid Florida driver license  
 126 issued under s. 322.18, valid Florida identification card issued  
 127 under s. 322.051, or any other license required by law.
- 128        (p) The address on the title to, or a certificate of  
 129 registration of, his or her motor vehicle.
- 130        (q) The address listed on filed federal income tax

131 returns.

132 (r) The location where his or her bank statements and  
133 checking accounts are registered.

134 (s) A request made to a federal, state, or local  
135 government agency to update or change his or her address.

136 (t) Whether he or she has relinquished a license or permit  
137 held in another jurisdiction.

138 (3) An active duty military member may not be deemed to  
139 have acquired a domicile in this state by reason of being  
140 stationed on duty in this state; nor shall an active duty  
141 military member be deemed to have abandoned domicile in this  
142 state because he or she is stationed in another municipality,  
143 state, or country. However, this subsection does not prohibit an  
144 active duty military member from establishing a new domicile  
145 where he or she is stationed.

146 (4) This section preempts and supersedes any ordinance,  
147 regulation, or local law of a county, municipality, or other  
148 political subdivision that establishes residency requirements of  
149 public officers, except to the extent that such ordinance,  
150 regulation, or law establishes residency requirements which are  
151 stricter than the requirements of this section.

152 Section 3. In accordance with Section 2, Article III of  
153 the State Constitution, this act does not apply to members of  
154 the Legislature.

155 Section 4. This act shall take effect January 1, 2015.