



1 A bill to be entitled
2 An act relating to elections; amending s. 97.021,
3 F.S.; revising the definition of the term "marksense
4 ballots" for purposes of the Florida Election Code;
5 amending s. 99.012, F.S.; requiring an officer who
6 qualifies for federal office to resign from the office
7 he or she presently holds if the terms, or any part
8 thereof, run concurrently; providing requirements for
9 resignation; providing for automatic irrevocable
10 resignation in the event of noncompliance; specifying
11 that a resignation creates a vacancy in office and
12 providing requirements therefor; revising an
13 exemption; amending s. 99.021, F.S.; providing
14 requirements for persons seeking to qualify for
15 election as a candidate with no party affiliation;
16 amending s. 99.061, F.S.; providing an additional
17 means by which a candidate may pay his or her
18 qualifying fee; conforming provisions to changes made
19 by the act; amending s. 99.063, F.S.; conforming
20 provisions to changes made by the act; amending s.
21 99.0955, F.S.; providing requirements for persons
22 seeking to qualify as a candidate with no party
23 affiliation; amending s. 100.011, F.S.; prohibiting a
24 court from extending the official time of closing of
25 the polls except under certain circumstances; amending



26 | s. 100.3605, F.S.; requiring the governing body of a
27 | municipality to determine the date on which initial
28 | and runoff elections for municipal office are held and
29 | providing options therefor; preempting the state the
30 | authority to establish election dates for municipal
31 | elections; providing construction; amending s.
32 | 100.361, F.S.; requiring municipal recall elections to
33 | be held concurrently with municipal elections under
34 | certain conditions; amending s. 101.131, F.S.;
35 | prohibiting an elected official from being designated
36 | as a poll watcher; amending s. 101.151, F.S.;
37 | providing applicability of specified ballot
38 | requirements to a voter interface device; amending s.
39 | 101.20, F.S.; providing an exception to the
40 | requirement that a sample ballot be published by the
41 | supervisor of elections in a newspaper of general
42 | circulation in the county; amending ss. 101.5603 and
43 | 101.56075, F.S.; conforming provisions to changes made
44 | by the act; repealing s. 101.75, F.S., relating to
45 | change of dates for cause in municipal elections;
46 | amending s. 105.031, F.S.; providing an additional
47 | means by which certain nonpartisan candidates may pay
48 | their qualification fees; amending s. 121.121, F.S.;
49 | revising a cross-reference to conform to changes made
50 | by the act; extending the terms of incumbent elected



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51 municipal officers until the next municipal election;
52 providing effective dates.

53

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

55

56 Section 1. Paragraph (a) of subsection (5) of section
57 97.021, Florida Statutes, is amended to read:

58 97.021 Definitions.—For the purposes of this code, except
59 where the context clearly indicates otherwise, the term:

60 (5) "Ballot" or "official ballot" when used in reference
61 to:

62 (a) "Marksense ballot ballots" means the that printed
63 sheet of paper, used in conjunction with an electronic or
64 electromechanical vote tabulation voting system, containing the
65 names of candidates, or a statement of proposed constitutional
66 amendments or other questions or propositions submitted to the
67 electorate at an any election, or the selections made by the
68 elector of candidates or other questions or propositions at an
69 election, on which ~~sheet of paper~~ an elector casts his or her
70 vote either directly by using a marking device to designate his
71 or her ballot selections on the sheet of paper or indirectly
72 through the use of a voter interface device used to designate
73 his or her ballot selections on the sheet of paper.

74 Section 2. Subsections (4) through (7) of section 99.012,
75 Florida Statutes, are renumbered as subsections (5) through (8),



76 | respectively, present subsection (7) is amended, and a new
77 | subsection (4) is added to that section, to read:

78 | 99.012 Restrictions on individuals qualifying for public
79 | office.—

80 | (4) (a) Any officer who qualifies for federal public office
81 | must resign from the office he or she presently holds if the
82 | terms, or any part thereof, run concurrently.

83 | (b) The resignation is irrevocable.

84 | (c) The resignation must be submitted in writing no later
85 | than the date upon which the officer qualifies for office.

86 | (d) The written resignation must be effective no later
87 | than the earlier of:

88 | 1. The date the officer would take office, if elected; or

89 | 2. The date the officer's successor is required to take
90 | office.

91 | (e)1. An elected district, county, or municipal officer
92 | must submit his or her resignation to the officer before whom he
93 | or she qualified for the office he or she holds, and must submit
94 | a copy of his or her resignation to the Governor and the
95 | Department of State.

96 | 2. An appointed district, county, or municipal officer
97 | must submit his or her resignation to the officer or authority
98 | which appointed him or her to the office he or she holds, and
99 | must submit a copy of his or her resignation to the Governor and
100 | the Department of State.



101 3. Any other officer must submit his or her resignation to
102 the Governor, and must submit a copy of his or her resignation
103 to the Department of State.

104 (f)1. The failure of an officer who qualifies for federal
105 public office to submit a resignation pursuant to this
106 subsection constitutes an automatic irrevocable resignation,
107 effective immediately, from the office he or she presently
108 holds.

109 2. The Department of State shall send a notice of
110 automatic resignation to the Governor and, if the person is a
111 district, county, or municipal officer, shall send a copy of the
112 notice of automatic resignation to:

113 a. The officer before whom he or she qualified if he or
114 she held an elective office; or

115 b. The officer or authority who appointed him or her if he
116 or she held an appointive office.

117 (g) Notwithstanding any special act to the contrary, an
118 elected officer's resignation creates a vacancy in office to be
119 filled by election, thereby authorizing persons to qualify as
120 candidates for nomination and election as if the officer's term
121 was otherwise scheduled to expire. An elected charter county
122 officer's or elected municipal officer's resignation creates a
123 vacancy in office to be filled for that portion of the officer's
124 unexpired term in a manner provided by the respective charter.
125 The office is deemed vacant on the effective date of the



126 | resignation submitted by the officer in his or her written
 127 | resignation.

128 | (8)-(7) Nothing contained in subsection (3) or subsection
 129 | (4) relates to persons holding any federal office ~~or seeking the~~
 130 | ~~office of President or Vice President.~~

131 | Section 3. Subsection (1) of section 99.021, Florida
 132 | Statutes, is amended to read:

133 | 99.021 Form of candidate oath.—

134 | (1)(a)1. Each candidate, whether a party candidate, a
 135 | candidate with no party affiliation, or a write-in candidate, in
 136 | order to qualify for nomination or election to any office other
 137 | than a judicial office as defined in chapter 105 or a federal
 138 | office, shall take and subscribe to an oath or affirmation in
 139 | writing. A copy of the oath or affirmation shall be made
 140 | available to the candidate by the officer before whom such
 141 | candidate seeks to qualify and shall be substantially in the
 142 | following form:

143 | State of Florida

144 | County of....

145 | Before me, an officer authorized to administer oaths,
 146 | personally appeared ...(please print name as you wish it to
 147 | appear on the ballot)..., to me well known, who, being sworn,
 148 | says that he or she is a candidate for the office of; that
 149 | he or she is a qualified elector of County, Florida; that
 150 | he or she is qualified under the Constitution and the laws of



151 Florida to hold the office to which he or she desires to be
 152 nominated or elected; that he or she has qualified for no other
 153 public office in the state, the term of which office or any part
 154 thereof runs concurrent with that of the office he or she seeks;
 155 that he or she has resigned from any office from which he or she
 156 is required to resign pursuant to s. 99.012, Florida Statutes;
 157 and that he or she will support the Constitution of the United
 158 States and the Constitution of the State of Florida.

159 ... (Signature of candidate) ...

160 ... (Address) ...

161 Sworn to and subscribed before me this day of,
 162 ...(year)...., at County, Florida.

163 ... (Signature and title of officer administering oath) ...

164 2. Each candidate for federal office, whether a party
 165 candidate, a candidate with no party affiliation, or a write-in
 166 candidate, in order to qualify for nomination or election to
 167 office shall take and subscribe to an oath or affirmation in
 168 writing. A copy of the oath or affirmation shall be made
 169 available to the candidate by the officer before whom such
 170 candidate seeks to qualify and shall be substantially in the
 171 following form:

172 State of Florida

173 County of

174 Before me, an officer authorized to administer oaths,
 175 personally appeared ... (please print name as you wish it to



176 appear on the ballot)...., to me well known, who, being sworn,
177 says that he or she is a candidate for the office of; that
178 he or she is qualified under the Constitution and laws of the
179 United States to hold the office to which he or she desires to
180 be nominated or elected; that he or she has qualified for no
181 other public office in the state, the term of which office or
182 any part thereof runs concurrent with that of the office he or
183 she seeks; and that he or she will support the Constitution of
184 the United States.

185 ... (Signature of candidate)...

186 ... (Address)...

187 Sworn to and subscribed before me this day of,
188 ... (year)...., at County, Florida.

189 ... (Signature and title of officer administering oath)...

190 (b) ~~In addition,~~ Any person seeking to qualify for
191 nomination as a candidate of any political party shall, at the
192 time of subscribing to the oath or affirmation, state in
193 writing:

194 1. The party of which the person is a member.

195 2. That the person has not been a registered member of any
196 other political party for 365 days before the beginning of
197 qualifying preceding the general election for which the person
198 seeks to qualify.

199 3. That the person has paid the assessment levied against
200 him or her, if any, as a candidate for said office by the



201 executive committee of the party of which he or she is a member.

202 (c) Any person seeking to qualify for election as a
203 candidate with no party affiliation shall, at the time of
204 subscribing to the oath or affirmation, state in writing that he
205 or she is registered without party affiliation.

206 (d)~~(e)~~ The officer before whom such person qualifies shall
207 certify the name of such person to the supervisor of elections
208 in each county affected by such candidacy so that the name of
209 such person may be printed on the ballot. Each person seeking
210 election as a write-in candidate shall subscribe to the oath
211 prescribed in this section in order to be entitled to have
212 write-in ballots cast for him or her counted.

213 Section 4. Paragraph (a) of subsection (7) of section
214 99.061, Florida Statutes, is amended to read:

215 99.061 Method of qualifying for nomination or election to
216 federal, state, county, or district office.—

217 (7) (a) In order for a candidate to be qualified, the
218 following items must be received by the filing officer by the
219 end of the qualifying period:

220 1. A properly executed check or certified check drawn upon
221 the candidate's campaign account payable to the person or entity
222 as prescribed by the filing officer in an amount not less than
223 the fee required by s. 99.092, unless the candidate obtained the
224 required number of signatures on petitions pursuant to s.
225 99.095. The filing fee for a special district candidate is not



226 required to be drawn upon the candidate's campaign account. If a
227 candidate's check is returned by the bank for any reason, the
228 filing officer shall immediately notify the candidate and the
229 candidate shall have until the end of qualifying to pay the fee
230 with a cashier's check purchased from funds of the campaign
231 account. Failure to pay the fee as provided in this subparagraph
232 shall disqualify the candidate.

233 2. The candidate's oath required by s. 99.021, which must
234 contain the name of the candidate as it is to appear on the
235 ballot; the office sought, including the district or group
236 number if applicable; and the signature of the candidate, which
237 must be verified under oath or affirmation pursuant to s.
238 92.525(1) (a).

239 3. If the office sought is partisan, the written statement
240 of political party affiliation required by s. 99.021(1) (b) or,
241 if a person is seeking to qualify for election as a candidate
242 with no party affiliation, the written statement required by s.
243 99.021(1) (c).

244 4. The completed form for the appointment of campaign
245 treasurer and designation of campaign depository, as required by
246 s. 106.021.

247 5. The full and public disclosure or statement of
248 financial interests required by subsection (5). A public officer
249 who has filed the full and public disclosure or statement of
250 financial interests with the Commission on Ethics or the



251 supervisor of elections prior to qualifying for office may file
252 a copy of that disclosure at the time of qualifying.

253 Section 5. Paragraph (b) of subsection (2) of section
254 99.063, Florida Statutes, is amended to read:

255 99.063 Candidates for Governor and Lieutenant Governor.—

256 (2) No later than 5 p.m. of the 9th day following the
257 primary election, each designated candidate for Lieutenant
258 Governor shall file with the Department of State:

259 (b) If the office sought is partisan, the written
260 statement of political party affiliation required by s.
261 99.021(1) (b) or, if a person is seeking to qualify for election
262 as a candidate with no party affiliation, the written statement
263 required by s. 99.021(1) (c).

264 Section 6. Subsection (1) of section 99.0955, Florida
265 Statutes, is amended to read:

266 99.0955 Candidates with no party affiliation; name on
267 general election ballot.—

268 (1) Each person seeking to qualify for election as a
269 candidate with no party affiliation shall file his or her
270 qualifying papers and pay the qualifying fee or qualify by the
271 petition process pursuant to s. 99.095 with the officer and
272 during the times and under the circumstances prescribed in s.
273 99.061. A person seeking to qualify for election as a candidate
274 with no party affiliation must be registered without party
275 affiliation at the time of qualification. Upon qualifying, the



276 candidate is entitled to have his or her name placed on the
277 general election ballot.

278 Section 7. Subsections (3) and (4) of section 100.011,
279 Florida Statutes, are renumbered as subsections (4) and (5),
280 respectively, and a new subsection (3) is added to that section
281 to read:

282 100.011 Opening and closing of polls, all elections;
283 expenses.—

284 (3) A court may not extend the official time of closing of
285 the polls unless there is a specific showing or finding of fact
286 that extraordinary circumstances exist to justify the extension.
287 Extraordinary circumstances may include an act of God or any
288 other circumstance that materially impairs the physical
289 operation of the polling equipment.

290 Section 8. Effective July 1, 2020, section 100.3605,
291 Florida Statutes, is amended to read:

292 100.3605 Conduct of municipal elections.—

293 (1) The Florida Election Code, chapters 97-106, shall
294 govern the conduct of a municipality's election in the absence
295 of an applicable special act, charter, or ordinance provision.
296 No charter or ordinance provision shall be adopted which
297 conflicts with or exempts a municipality from any provision in
298 the Florida Election Code that expressly applies to
299 municipalities.

300 (2) (a) The governing body of a municipality shall



301 determine if an election for municipal office is held on the
302 same date as the general election, the first Tuesday after the
303 first Monday in November in an odd-numbered year, or the third
304 Tuesday in March in an odd-numbered or even-numbered year.

305 (b) If a municipal charter or ordinance requires a runoff
306 election for municipal office, the governing body of a
307 municipality shall conduct its elections in one of the following
308 formats:

309 1. The initial election shall be held at the primary
310 election on the Tuesday 10 weeks before the general election and
311 the runoff election shall be held on the same date as the
312 general election.

313 2. The initial election shall be held at an election on
314 the Tuesday 10 weeks before the election held on the first
315 Tuesday after the first Monday in November in an odd-numbered
316 year and the runoff election shall be held at an election on the
317 first Tuesday after the first Monday in November in an odd-
318 numbered year.

319 3. The initial election shall be held at an election on
320 the Tuesday 10 weeks before the third Tuesday in March and the
321 runoff election shall be held at an election on the third
322 Tuesday in March.

323 (c) This subsection does not affect the manner in which
324 vacancies in municipal office are filled or recall elections for
325 municipal officers are conducted.



326 (d) Notwithstanding any general law, special law, local
327 law, municipal charter, or municipal ordinance, this subsection
328 provides the exclusive method for establishing the dates of
329 elections for municipal office in this state. Any general law,
330 special law, local law, municipal charter, or municipal
331 ordinance that conflicts with this subsection is superseded to
332 the extent of the conflict.

333 (3) The governing body of a municipality may, by
334 ordinance, ~~change the dates for qualifying and for the election~~
335 ~~of members of the governing body of the municipality and provide~~
336 for the orderly transition of office resulting from election
337 ~~such~~ date changes.

338 Section 9. Subsection (4) of section 100.361, Florida
339 Statutes, is amended to read:

340 100.361 Municipal recall.—

341 (4) RECALL ELECTION.—If the person designated in the
342 petition files with the clerk, within 5 days after the last-
343 mentioned notice, his or her written resignation, the clerk
344 shall at once notify the governing body of that fact, and the
345 resignation shall be irrevocable. The governing body shall then
346 proceed to fill the vacancy according to the provisions of the
347 appropriate law. In the absence of a resignation, the chief
348 judge of the judicial circuit in which the municipality is
349 located shall fix a day for holding a recall election for the
350 removal of those not resigning. Any such election shall be held



351 not less than 30 days or more than 60 days after the expiration
352 of the 5-day period last-mentioned and at the same time as any
353 other general, municipal, or special election held within the
354 period; but if no such election is to be held within that
355 period, the judge shall call a special recall election to be
356 held within the period aforesaid.

357 Section 10. Subsection (3) of section 101.131, Florida
358 Statutes, is amended to read:

359 101.131 Watchers at polls.—

360 (3) Any elected official, ~~No~~ candidate, ~~or~~ sheriff, deputy
361 sheriff, police officer, or other law enforcement officer may
362 not be designated as a poll watcher.

363 Section 11. Subsection (10) is added to section 101.151,
364 Florida Statutes, to read:

365 101.151 Specifications for ballots.—

366 (10) With respect to any certified voting system that uses
367 a voter interface device to designate the elector's ballot
368 selections on a printed sheet of paper, this section, s.
369 101.161, and ss. 101.2512-101.254 that prescribe the ballot
370 layout apply only to the display of candidates and issues on the
371 voter interface device.

372 Section 12. Subsection (2) of section 101.20, Florida
373 Statutes, is amended to read:

374 101.20 Publication of ballot form; sample ballots.—

375 (2) Upon completion of the list of qualified candidates



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376 and before the day of an election, a sample ballot shall be
377 published by the supervisor of elections in a newspaper of
378 general circulation in the county unless the supervisor mails a
379 sample ballot to each registered elector or to each household in
380 which there is a registered elector at least 7 days, before the
381 day of an election. A supervisor may send a sample ballot to
382 each registered elector by e-mail at least 7 days before the day
383 of an election if an e-mail address has been provided and the
384 elector has opted to receive a sample ballot by electronic
385 delivery. ~~If an e-mail address has not been provided, or if the~~
386 ~~elector has not opted for electronic delivery, a sample ballot~~
387 ~~may be mailed to each registered elector or to each household in~~
388 ~~which there is a registered elector at least 7 days before an~~
389 ~~election.~~

390 Section 13. Subsection (5) of section 101.5603, Florida
391 Statutes, is amended to read:

392 101.5603 Definitions relating to Electronic Voting Systems
393 Act.—As used in this act, the term:

394 (5) "Marking device" means any approved device for marking
395 a ballot with ink or other substance, including through a voter
396 interface device, which will enable the ballot to be tabulated
397 by means of automatic tabulating equipment.

398 Section 14. Subsection (1) of section 101.56075, Florida
399 Statutes, is amended to read:

400 101.56075 Voting methods.—



401 (1) Except as provided in subsection (2), all voting shall
402 be by marksense ballot using ~~utilizing~~ a marking device for the
403 purpose of designating ballot selections.

404 Section 15. Section 101.75, Florida Statutes, is repealed.

405 Section 16. Paragraph (a) of subsection (5) of section
406 105.031, Florida Statutes, is amended to read:

407 105.031 Qualification; filing fee; candidate's oath; items
408 required to be filed.-

409 (5) ITEMS REQUIRED TO BE FILED.-

410 (a) In order for a candidate for judicial office or the
411 office of school board member to be qualified, the following
412 items must be received by the filing officer by the end of the
413 qualifying period:

414 1. Except for candidates for retention to judicial office,
415 a properly executed check or certified check drawn upon the
416 candidate's campaign account in an amount not less than the fee
417 required by subsection (3) or, in lieu thereof, the copy of the
418 notice of obtaining ballot position pursuant to s. 105.035. If a
419 candidate's check is returned by the bank for any reason, the
420 filing officer shall immediately notify the candidate and the
421 candidate shall, the end of qualifying notwithstanding, have 48
422 hours from the time such notification is received, excluding
423 Saturdays, Sundays, and legal holidays, to pay the fee with a
424 cashier's check purchased from funds of the campaign account.
425 Failure to pay the fee as provided in this subparagraph shall



426 | disqualify the candidate.

427 | 2. The candidate's oath required by subsection (4), which
428 | must contain the name of the candidate as it is to appear on the
429 | ballot; the office sought, including the district or group
430 | number if applicable; and the signature of the candidate, duly
431 | acknowledged.

432 | 3. The loyalty oath required by s. 876.05, signed by the
433 | candidate and duly acknowledged.

434 | 4. The completed form for the appointment of campaign
435 | treasurer and designation of campaign depository, as required by
436 | s. 106.021. In addition, each candidate for judicial office,
437 | including an incumbent judge, shall file a statement with the
438 | qualifying officer, within 10 days after filing the appointment
439 | of campaign treasurer and designation of campaign depository,
440 | stating that the candidate has read and understands the
441 | requirements of the Florida Code of Judicial Conduct. Such
442 | statement shall be in substantially the following form:

443 |

444 | Statement of Candidate for Judicial Office

445 |

446 | I, ...(name of candidate)..., a judicial candidate, have
447 | received, read, and understand the requirements of the Florida
448 | Code of Judicial Conduct.

449 | ...(Signature of candidate)...

450 | ...(Date)...



451
452 5. The full and public disclosure of financial interests
453 required by s. 8, Art. II of the State Constitution or the
454 statement of financial interests required by s. 112.3145,
455 whichever is applicable. A public officer who has filed the full
456 and public disclosure or statement of financial interests with
457 the Commission on Ethics or the supervisor of elections prior to
458 qualifying for office may file a copy of that disclosure at the
459 time of qualifying.

460 Section 17. Subsection (2) of section 121.121, Florida
461 Statutes, is amended to read:

462 121.121 Authorized leaves of absence.—

463 (2) A member who is required to resign his or her office
464 as a subordinate officer, deputy sheriff, or police officer
465 because he or she is a candidate for a public office which is
466 currently held by his or her superior officer who is also a
467 candidate for reelection to the same office, in accordance with
468 s. 99.012(5) ~~99.012(4)~~, shall, upon return to covered
469 employment, be eligible to purchase retirement credit for the
470 period between his or her date of resignation and the beginning
471 of the term of office for which he or she was a candidate as a
472 leave of absence without pay, as provided in subsection (1).

473 Section 18. To provide for an orderly transition of
474 office, the terms of incumbent elected municipal officers are
475 extended until the next municipal election held in accordance



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476 | with this act.

477 | Section 19. Except as otherwise expressly provided in this

478 | act, this act shall take effect July 1, 2017.