

1 A bill to be entitled

2 An act relating to nonpartisan elections for state
3 attorneys and public defenders; amending s. 99.061,
4 F.S.; revising provisions governing candidate
5 qualifying to conform with the redesignation of the
6 offices of state attorney and public defender as
7 nonpartisan offices; amending s. 100.111, F.S.;
8 removing the requirement that a state political party
9 chair provide certain notification in the event of a
10 vacancy in nomination for the office of state attorney
11 or public defender, to conform; amending s. 101.151,
12 F.S.; revising specifications for ballot layout to
13 conform with the redesignation of the offices of state
14 attorney and public defender as nonpartisan offices;
15 amending s. 105.031, F.S.; revising provisions
16 governing candidate qualifying for nonpartisan offices
17 to include candidates for the offices of state
18 attorney and public defender; amending s. 105.035,
19 F.S.; adding candidates for the offices of state
20 attorney and public defender to the list of candidates
21 who may qualify for election by a specified petition
22 process, in lieu of a qualifying fee; amending s.
23 105.041, F.S.; requiring that the listing of
24 candidates on a ballot for the offices of state
25 attorney and public defender identify the applicable

26 | judicial circuit; requiring that space be made
 27 | available on the general election ballot if a write-in
 28 | candidate has qualified to run for the office of state
 29 | attorney or public defender; amending s. 105.051,
 30 | F.S.; prohibiting the name of an unopposed candidate
 31 | for the office of state attorney or public defender
 32 | from appearing on any ballot; amending s. 105.061,
 33 | F.S.; specifying that a qualified elector of a
 34 | judicial circuit is eligible to vote for a candidate
 35 | for the office of state attorney or public defender of
 36 | that circuit; amending s. 105.08, F.S.; specifying
 37 | applicability of campaign financing and reporting
 38 | requirements to candidates for the office of state
 39 | attorney or public defender; amending s. 105.09, F.S.;
 40 | prohibiting a political party or partisan political
 41 | organization from endorsing, supporting, or assisting
 42 | any candidate in a campaign for election to the office
 43 | of state attorney or public defender; providing a
 44 | penalty; providing an effective date.

45 |
 46 | Be It Enacted by the Legislature of the State of Florida:

47 |
 48 | Section 1. Subsection (1) of section 99.061, Florida
 49 | Statutes, is amended to read:
 50 | 99.061 Method of qualifying for nomination or election to

51 federal, state, county, or district office.—

52 (1) The provisions of any special act to the contrary
53 notwithstanding, each person seeking to qualify for nomination
54 or election to a federal, state, or multicounty district office,
55 other than election to a judicial office as defined in chapter
56 105, the office of state attorney or public defender, or the
57 office of school board member, shall file his or her
58 qualification papers with, and pay the qualifying fee, which
59 shall consist of the filing fee and election assessment, and
60 party assessment, if any has been levied, to, the department ~~of~~
61 ~~State,~~ or qualify by the petition process pursuant to s. 99.095
62 with the department ~~of State,~~ at any time after noon of the 1st
63 day for qualifying, which shall be as follows: the 120th day
64 before ~~prior to~~ the primary election, but not later than noon of
65 the 116th day before ~~prior to~~ the date of the primary election,
66 for persons seeking to qualify for nomination or election to
67 federal office ~~or to the office of the state attorney or the~~
68 ~~public defender;~~ and noon of the 71st day before ~~prior to~~ the
69 primary election, but not later than noon of the 67th day before
70 ~~prior to~~ the date of the primary election, for persons seeking
71 to qualify for nomination or election to a state or multicounty
72 district office, other than the office of the state attorney or
73 the public defender.

74 Section 2. Paragraph (a) of subsection (3) of section
75 100.111, Florida Statutes, is amended to read:

76 | 100.111 Filling vacancy.—

77 | (3) (a) In the event that death, resignation, withdrawal,
78 | or removal should cause a party to have a vacancy in nomination
79 | which leaves no candidate for an office from such party, the
80 | filing officer before whom the candidate qualified shall notify
81 | the chair of the state and county political party executive
82 | committee of such party and:

83 | 1. If the vacancy in nomination is for a statewide office,
84 | the state party chair shall, within 5 days, call a meeting of
85 | his or her executive board to consider designation of a nominee
86 | to fill the vacancy.

87 | 2. If the vacancy in nomination is for the office of
88 | United States Representative, state senator, or state
89 | representative, ~~state attorney, or public defender,~~ the state
90 | party chair shall notify the appropriate county chair or chairs
91 | and, within 5 days, the appropriate county chair or chairs shall
92 | call a meeting of the members of the executive committee in the
93 | affected county or counties to consider designation of a nominee
94 | to fill the vacancy.

95 | 3. If the vacancy in nomination is for a county office,
96 | the state party chair shall notify the appropriate county chair
97 | and, within 5 days, the appropriate county chair shall call a
98 | meeting of his or her executive committee to consider
99 | designation of a nominee to fill the vacancy.

100 |

101 The name of any person so designated shall be submitted to the
102 filing officer before whom the candidate qualified within 7 days
103 after notice to the chair in order that the person designated
104 may have his or her name on the ballot of the ensuing general
105 election. If the name of the new nominee is submitted after the
106 certification of results of the preceding primary election,
107 however, the ballots may ~~shall~~ not be changed and the former
108 party nominee's name will appear on the ballot. Any ballots cast
109 for the former party nominee will be counted for the person
110 designated by the political party to replace the former party
111 nominee. If there is no opposition to the party nominee, the
112 person designated by the political party to replace the former
113 party nominee will be elected to office at the general election.

114 Section 3. Paragraph (a) of subsection (2) of section
115 101.151, Florida Statutes, is amended to read:

116 101.151 Specifications for ballots.—

117 (2) (a) The ballot must include the following office titles
118 above the names of the candidates for the respective offices in
119 the following order:

120 1. The office titles of President and Vice President above
121 the names of the candidates for President and Vice President of
122 the United States nominated by the political party that received
123 the highest vote for Governor in the last general election of
124 the Governor in this state, followed by the names of other
125 candidates for President and Vice President of the United States

126 | who have been properly nominated.

127 | 2. The office titles of United States Senator and
128 | Representative in Congress.

129 | 3. The office titles of Governor and Lieutenant Governor;
130 | Attorney General; Chief Financial Officer; and Commissioner of
131 | Agriculture; ~~State Attorney, with the applicable judicial~~
132 | ~~circuit; and Public Defender, with the applicable judicial~~
133 | ~~circuit.~~

134 | 4. The office titles of State Senator and State
135 | Representative, with the applicable district for the office
136 | printed beneath.

137 | 5. The office titles of Clerk of the Circuit Court or,
138 | when the Clerk of the Circuit Court also serves as the County
139 | Comptroller, Clerk of the Circuit Court and Comptroller, when
140 | authorized by law; Clerk of the County Court, when authorized by
141 | law; Sheriff; Property Appraiser; Tax Collector; District
142 | Superintendent of Schools; and Supervisor of Elections.

143 | 6. The office titles of Board of County Commissioners,
144 | with the applicable district printed beneath each office, and
145 | such other county and district offices as are involved in the
146 | election, in the order fixed by the Department of State,
147 | followed, in the year of their election, by "Party Offices," and
148 | thereunder the offices of state and county party executive
149 | committee members.

150 | Section 4. Section 105.031, Florida Statutes, is amended

151 to read:

152 105.031 Qualification; filing fee; candidate's oath; items
153 required to be filed.—

154 (1) TIME OF QUALIFYING.—Except for candidates for judicial
155 office and for the office of state attorney or public defender,
156 nonpartisan candidates for multicounty office shall qualify with
157 the division ~~of Elections of the Department of State~~ and
158 nonpartisan candidates for countywide or less than countywide
159 office shall qualify with the supervisor of elections.
160 Candidates for judicial office, other than the office of county
161 court judge, and candidates for the office of state attorney or
162 public defender shall qualify with the division ~~of Elections of~~
163 ~~the Department of State,~~ and candidates for the office of county
164 court judge shall qualify with the supervisor of elections of
165 the county. Candidates for judicial office and for the office of
166 state attorney or public defender shall qualify no earlier than
167 noon of the 120th day, and no later than noon of the 116th day,
168 before the primary election. Candidates for the office of school
169 board member shall qualify no earlier than noon of the 71st day,
170 and no later than noon of the 67th day, before the primary
171 election. Filing shall be on forms provided for that purpose by
172 the division ~~of Elections~~ and furnished by the appropriate
173 qualifying officer. Any person other than a write-in candidate
174 who qualifies within the time prescribed in this subsection is
175 ~~shall be~~ entitled to have his or her name printed on the ballot.

176 (2) FILING IN GROUPS OR DISTRICTS.—Candidates shall
 177 qualify in groups or districts where multiple offices are to be
 178 filled.

179 (3) QUALIFYING FEE.—Each candidate qualifying for election
 180 to a judicial office, the office of state attorney or public
 181 defender, or the office of school board member, except write-in
 182 ~~judicial or school board~~ candidates for such offices, shall,
 183 during the time for qualifying, pay to the officer with whom he
 184 or she qualifies a qualifying fee, which shall consist of a
 185 filing fee and an election assessment, or qualify by the
 186 petition process. The amount of the filing fee is 3 percent of
 187 the annual salary of the office sought. The amount of the
 188 election assessment is 1 percent of the annual salary of the
 189 office sought. The department ~~of State~~ shall transfer all filing
 190 fees to the Department of Legal Affairs for deposit in the
 191 Elections Commission Trust Fund. The supervisor of elections
 192 shall forward all filing fees to the Elections Commission Trust
 193 Fund. The election assessment shall be deposited into the
 194 Elections Commission Trust Fund. The annual salary of the office
 195 for purposes of computing the qualifying fee shall be computed
 196 by multiplying 12 times the monthly salary authorized for such
 197 office as of July 1 immediately preceding the first day of
 198 qualifying. This subsection does not apply to candidates
 199 qualifying for retention to judicial office.

200 (4) CANDIDATE'S OATH.—

201 (a) All candidates for the office of state attorney,
 202 public defender, or school board member shall subscribe to the
 203 oath as prescribed in s. 99.021.

204 (b) All candidates for judicial office shall subscribe to
 205 an oath or affirmation in writing to be filed with the
 206 appropriate qualifying officer upon qualifying. A printed copy
 207 of the oath or affirmation shall be furnished to the candidate
 208 by the qualifying officer and shall be in substantially the
 209 following form:

210
 211 State of Florida
 212 County of

213 Before me, an officer authorized to administer oaths,
 214 personally appeared ...(please print name as you wish it to
 215 appear on the ballot)..., to me well known, who, being sworn,
 216 says he or she: is a candidate for the judicial office of;
 217 that his or her legal residence is County, Florida; that he
 218 or she is a qualified elector of the state and of the
 219 territorial jurisdiction of the court to which he or she seeks
 220 election; that he or she is qualified under the constitution and
 221 laws of Florida to hold the judicial office to which he or she
 222 desires to be elected or in which he or she desires to be
 223 retained; that he or she has qualified for no other public
 224 office in the state, the term of which office or any part
 225 thereof runs concurrent to the office he or she seeks; that he

251 candidate shall, the end of qualifying notwithstanding, have 48
252 hours from the time such notification is received, excluding
253 Saturdays, Sundays, and legal holidays, to pay the fee with a
254 cashier's check purchased from funds of the campaign account.
255 Failure to pay the fee as provided in this subparagraph shall
256 disqualify the candidate.

257 2. The candidate's oath required by subsection (4), which
258 must contain the name of the candidate as it is to appear on the
259 ballot; the office sought, including the district or group
260 number if applicable; and the signature of the candidate, duly
261 acknowledged.

262 3. The loyalty oath required by s. 876.05, signed by the
263 candidate and duly acknowledged.

264 4. The completed form for the appointment of campaign
265 treasurer and designation of campaign depository, as required by
266 s. 106.021. In addition, each candidate for judicial office,
267 including an incumbent judge, shall file a statement with the
268 qualifying officer, within 10 days after filing the appointment
269 of campaign treasurer and designation of campaign depository,
270 stating that the candidate has read and understands the
271 requirements of the Florida Code of Judicial Conduct. Such
272 statement shall be in substantially the following form:

273
274 Statement of Candidate for Judicial Office
275

276 I, ...(name of candidate)..., a judicial candidate, have
 277 received, read, and understand the requirements of the Florida
 278 Code of Judicial Conduct.

279 ... (Signature of candidate)...

280 ... (Date)...

281

282 5. The full and public disclosure of financial interests
 283 required by s. 8, Art. II of the State Constitution or the
 284 statement of financial interests required by s. 112.3145,
 285 whichever is applicable. A public officer who has filed the full
 286 and public disclosure or statement of financial interests with
 287 the Commission on Ethics or the supervisor of elections prior to
 288 qualifying for office may file a copy of that disclosure at the
 289 time of qualifying.

290 (b) If the filing officer receives qualifying papers that
 291 do not include all items as required by paragraph (a) prior to
 292 the last day of qualifying, the filing officer shall make a
 293 reasonable effort to notify the candidate of the missing or
 294 incomplete items and shall inform the candidate that all
 295 required items must be received by the close of qualifying. A
 296 candidate's name as it is to appear on the ballot may not be
 297 changed after the end of qualifying.

298 (6) Notwithstanding the qualifying period prescribed in
 299 this section, a filing officer may accept and hold qualifying
 300 papers submitted not earlier than 14 days prior to the beginning

301 of the qualifying period, to be processed and filed during the
302 qualifying period.

303 Section 5. Section 105.035, Florida Statutes, is amended
304 to read:

305 105.035 Petition process of qualifying for certain
306 judicial offices and the offices of state attorney, public
307 defender, and ~~the office of~~ school board member.—

308 (1) A person seeking to qualify for election to the office
309 of circuit judge or county court judge or the office of state
310 attorney, public defender, or school board member may qualify
311 for election to such office by means of the petitioning process
312 prescribed in this section. A person qualifying by this petition
313 process is not required to pay the qualifying fee required by
314 this chapter.

315 (2) The petition format shall be prescribed by the
316 division of ~~Elections~~ and shall be used by the candidate to
317 reproduce petitions for circulation. If the candidate is running
318 for an office that will be grouped on the ballot with two or
319 more similar offices to be filled at the same election, the
320 candidate's petition must indicate, prior to the obtaining of
321 registered electors' signatures, for which group or district
322 office the candidate is running.

323 (3) Each candidate for election to a judicial office or
324 the office of state attorney, public defender, or school board
325 member shall obtain the signature of a number of qualified

326 electors equal to at least 1 percent of the total number of
327 registered electors of the district, circuit, county, or other
328 geographic entity represented by the office sought as shown by
329 the compilation by the department ~~of State~~ for the last
330 preceding general election. A separate petition shall be
331 circulated for each candidate availing himself or herself of ~~the~~
332 ~~provisions of~~ this section. Signatures may not be obtained until
333 the candidate has filed the appointment of campaign treasurer
334 and designation of campaign depository pursuant to s. 106.021.

335 (4) (a) Each candidate seeking to qualify for election to
336 the office of circuit judge, the office of state attorney or
337 public defender, or the office of school board member from a
338 multicounty school district pursuant to this section shall file
339 a separate petition from each county from which signatures are
340 sought. Each petition shall be submitted, before ~~prior to~~ noon
341 of the 28th day preceding the first day of the qualifying period
342 for the office sought, to the supervisor of elections of the
343 county for which such petition was circulated. Each supervisor
344 of elections to whom a petition is submitted shall check the
345 signatures on the petition to verify their status as electors of
346 that county and of the geographic area represented by the office
347 sought. No later than the 7th day before the first date for
348 qualifying, the supervisor shall certify the number shown as
349 registered electors and submit such certification to the
350 division ~~of Elections~~. The division shall determine whether the

351 required number of signatures has been obtained for the name of
352 the candidate to be placed on the ballot and shall notify the
353 candidate. If the required number of signatures has been
354 obtained, the candidate shall, during the time prescribed for
355 qualifying for office, submit a copy of such notice and file his
356 or her qualifying papers and oath prescribed in s. 105.031 with
357 the division ~~of Elections~~. Upon receipt of the copy of such
358 notice and qualifying papers, the division shall certify the
359 name of the candidate to the appropriate supervisor or
360 supervisors of elections as having qualified for the office
361 sought.

362 (b) Each candidate seeking to qualify for election to the
363 office of county court judge or the office of school board
364 member from a single county school district pursuant to this
365 section shall submit his or her petition, before ~~prior to~~ noon
366 of the 28th day preceding the first day of the qualifying period
367 for the office sought, to the supervisor of elections of the
368 county for which such petition was circulated. The supervisor
369 shall check the signatures on the petition to verify their
370 status as electors of the county and of the geographic area
371 represented by the office sought. No later than the 7th day
372 before the first date for qualifying, the supervisor shall
373 determine whether the required number of signatures has been
374 obtained for the name of the candidate to be placed on the
375 ballot and shall notify the candidate. If the required number of

376 signatures has been obtained, the candidate shall, during the
 377 time prescribed for qualifying for office, submit a copy of such
 378 notice and file his or her qualifying papers and oath prescribed
 379 in s. 105.031 with the qualifying officer. Upon receipt of the
 380 copy of such notice and qualifying papers, such candidate shall
 381 be entitled to have his or her name printed on the ballot.

382 Section 6. Subsections (2) and (4) of section 105.041,
 383 Florida Statutes, are amended to read:

384 105.041 Form of ballot.—

385 (2) LISTING OF CANDIDATES.—The order of nonpartisan
 386 offices appearing on the ballot shall be determined by the
 387 department ~~of State~~. The names of candidates for election to
 388 each nonpartisan office shall be listed in alphabetical order.
 389 With respect to the office titles placed above the names of
 390 candidates for the offices of state attorney and public
 391 defender, the applicable judicial circuit must be identified.

392 With respect to retention of justices and judges, the question
 393 "Shall Justice (or Judge) (name of justice or judge) of the
 394 (name of the court) be retained in office?" shall appear on the
 395 ballot in alphabetical order and thereafter the words "Yes" and
 396 "No."

397 (4) WRITE-IN CANDIDATES.—Space shall be made available on
 398 the general election ballot for an elector to write in the name
 399 of a write-in candidate for judge of a circuit court or county
 400 court, the office of state attorney or public defender, or

401 member of a school board if a candidate has qualified as a
402 write-in candidate for such office pursuant to s. 105.031. This
403 subsection does ~~shall~~ not apply to the offices of justices and
404 judges seeking retention.

405 Section 7. Paragraph (a) of subsection (1) of section
406 105.051, Florida Statutes, is amended to read:

407 105.051 Determination of election or retention to office.—

408 (1) ELECTION.—In circuits and counties holding elections:

409 (a) The name of an unopposed candidate for the office of
410 circuit judge, county court judge, state attorney, public
411 defender, or member of a school board may ~~shall~~ not appear on
412 any ballot, and such candidate shall be deemed to have voted for
413 himself or herself at the general election.

414 Section 8. Present subsection (2) of section 105.061,
415 Florida Statutes, is renumbered as subsection (3), and a new
416 subsection (2) is added to that section, to read:

417 105.061 Electors qualified to vote.—

418 (2) Each qualified elector of a judicial circuit is
419 eligible to vote for a candidate for the offices of state
420 attorney and public defender of such circuit.

421 Section 9. Subsection (1) of section 105.08, Florida
422 Statutes, is amended to read:

423 105.08 Campaign contribution and expense; reporting.—

424 (1) A candidate for judicial office, state attorney,
425 public defender, or the office of school board member may accept

426 contributions and may incur only such expenses as are authorized
 427 by law. Each such candidate shall keep an accurate record of his
 428 or her contributions and expenses, and shall file reports
 429 pursuant to chapter 106.

430 Section 10. Section 105.09, Florida Statutes, is amended
 431 to read:

432 105.09 Political activity on ~~in~~ behalf of a candidate for
 433 judicial office or the office of state attorney or public
 434 defender limited.-

435 (1) A ~~No~~ political party or partisan political
 436 organization may not ~~shall~~ endorse, support, or assist any
 437 candidate in a campaign for election to judicial office or the
 438 office of state attorney or public defender.

439 (2) Any person who knowingly, in an individual capacity or
 440 as an officer of an organization, violates ~~the provisions of~~
 441 this section commits ~~is guilty of~~ a misdemeanor of the second
 442 degree, punishable as provided in s. 775.082 or s. 775.083.

443 Section 11. This act shall take effect July 1, 2017.