

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Ethics and Elections

BILL: SB 666

INTRODUCER: Senator Collins

SUBJECT: Form of Candidate Oath

DATE: March 6, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Biehl	Roberts	EE	Pre-meeting
2.	_____	_____	JU	_____
3.	_____	_____	RC	_____

I. Summary:

Current law requires each candidate for a state office other than a judicial office to sign a written oath or affirmation that includes, in part, the candidate’s address. This bill specifies that the address in the oath or affirmation must be the candidate’s address *of legal residence*.

The bill takes effect July 1, 2023.

II. Present Situation:

The Florida Constitution and statutory Election Code¹ specify a number of requirements candidates for public office must satisfy. Those requirements include, but are not limited to, a signed oath or affirmation and residency requirements.

Oath or Affirmation

Each candidate for an elected office in Florida must take and subscribe to in writing an oath or affirmation.² The oath or affirmation for a state office other than a judicial office must:

- Provide the name of the office for which the candidate is running;
- Affirm that the candidate is a qualified elector of his or her county;
- Affirm that the candidate is qualified under the Constitution and laws of Florida to hold the office for which he or she is running
- Affirm that the candidate has not qualified for any other public office in the state for which the term runs concurrently;³ and

¹ Chapters 97-106, F.S.

² Sections 99.021(1)(a) and 105.031(4), F.S.

³ Florida’s “resign-to-run” law states, “No officer may qualify as a candidate for another state, district, county, or municipal public office if the terms or any part thereof run concurrently with each other without resigning from the office he or she presently holds” (s. 99.012(3)(a), F.S.).

- Affirm that the candidate will support the constitutions of the United States and the State of Florida.⁴

The oath or affirmation must be signed by the candidate in front of the filing officer administering the oath and must contain his or her address.⁵

Residency

Many elected offices require that the public officials holding them live within a specified district or area. Unless otherwise provided for constitutionally, legislatively, or judicially, any residency requirement for an elected office must be met at the time of assuming office.⁶ Some offices with specified residency requirements are below.

Office	Point at Which Residency Requirement Must be Met
City commissioner	At time of assuming office, unless otherwise provided by city charter or ordinance ⁷
Congressional member (U.S. Senator or U.S. Representative)	At time of election ⁸
County commissioner	At time of election ⁹
Constitutional county officers (clerk of court, supervisor of elections, property tax appraiser, sheriff)	At time of assuming office ¹⁰
Governor, Lieutenant Governor, or Cabinet member	At time of election ¹¹
Judge	At time of assuming office ¹²
State legislators	At time of election ¹³
School board members	At time of qualifying ¹⁴
School superintendent	At time of assuming office ¹⁵

⁴ Section 99.021(1)(a)1., F.S.

⁵ *Id.*

⁶ “Guidelines for Determining When Residency Qualifications for Elected Office Must be Met,” Florida Division of Elections, DE Reference Guide 0008, updated 10/2018.

⁷ See *Nichols v. State*, 177 So.2d 467 (Fla. 1965); *Marina v. Leahy*, 578 So.2d 382; and Division of Elections opinions 94-04 and 92-10.

⁸ Article 1, ss. 2 and 3, U.S. CONST.

⁹ See *State v. Grassi*, 532 So.2d 1055 (Fla. 1988); Art. VII, s. 1(e), FLA. CONST.; Division of Elections opinions 92-10 and 94-04; and Attorney General Opinion 74-293.

¹⁰ See Division of Elections opinions 90-30, 92-10, and 94-04.

¹¹ Article IV, s. 5, FLA. CONST.

¹² See Art. V, s. 8, FLA. CONST.; and Division of Elections opinions 78-31 and 94-04.

¹³ See *Ruiz v. Farias*, 43 So.3d 124 (Fla. 3DCA 2010).

¹⁴ See ss. 1001.34 and 1001.361, F.S.; and Division of Elections opinions 82-02 and 94-04.

¹⁵ See Division of Elections opinion 94-04.

III. Effect of Proposed Changes:

The bill specifies that the address of the candidate that is required to be included in the signed oath or affirmation for a state office other than a judicial office must be the candidate's address *of legal residence*.

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

This bill revises the required oath for candidates for nonjudicial offices but not the required oath for candidates for judicial office.

VIII. Statutes Affected:

This bill substantially amends section 99.021, Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
