

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 982

INTRODUCER: Senator Bernard

SUBJECT: Candidate Qualifying

DATE: March 14, 2025

REVISED: _____

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

I. Summary:

SB 982 makes the following changes regarding candidate qualifying and use of debit cards:

- Authorizes a candidate for an office, other than judicial office or school board member, to pay his or her filing fee by a debit card linked to the candidate's campaign account.
- Revises the statute specifying the length of time a candidate for an office, other than judgeship or school board, whose filing-fee check is returned by a bank has to pay the filing fee via cashier's check.
- Grants a candidate for nomination or election to an office the standing to challenge in a circuit court whether another candidate for the same office has met the requirements outlined in subsection for qualification.
- Revises the requirements for a candidate's or political committee's use of a debit card for expenses or expenditures.

The bill takes effect July 1, 2025.

II. Present Situation:

Qualifying Process

Current law prescribes the process by which a person seeking nomination or election to a public office may qualify to do so.¹ Such a person must file his or her qualification papers with, and pay the qualifying fee² to, the relevant filing officer.³ The law also provides a process by which a person can obtain a certain number of signed petitions in lieu of paying the qualifying fee.⁴

In order for a candidate⁵ for an office other than a judgeship or school board to be qualified, the following items must be received by the filing officer by the end of the qualifying period:⁶

- A properly executed check drawn upon the candidate's campaign account for the filing fee, unless the candidate qualified by petition.⁷ If a candidate's check is returned by the bank for any reason, the filing officer must immediately notify the candidate. The candidate has until the end of the qualifying period to pay the fee with a cashier's check purchased from funds of the campaign account.⁸
- The candidate's oath, as required by s. 99.021, F.S.
- If the office sought is partisan, the written statement of political party affiliation required by s. 99.021(1)(b), F.S.; or if the candidate is running without party affiliation for a partisan office, the written statement required by s. 99.021(1)(c), F.S.
- The completed form for the appointment of campaign treasurer and designation of campaign depository.
- The candidate's financial disclosure.⁹

¹ Sections 99.061 and 105.031, F.S.

² The qualifying fee consists of the filing fee and election assessment, and party assessment, if applicable (ss. 99.061(1), 99.092(1), and 105.031(3), F.S.). Write-in candidates are exempt from the filing fee requirement (s. 99.092(1), F.S.).

³ The filing officer for a federal, state, or multicounty district office, other than a judicial office or school board member, is the Department of State (s. 99.061(1), F.S.). The filing officer for a county office, or for a district office that is not multicounty, is the local supervisor of elections (s. 99.061(2), F.S.). Except for candidates for judicial office, nonpartisan candidates for multicounty office qualify with the Department of State, and nonpartisan candidates for countywide or less than countywide office file with the supervisor of elections. Candidates for county court judge file with the supervisor of elections; all other judicial candidates file with the Department of State. Section 105.031(1), F.S.

⁴ Sections 99.095 and 105.035, F.S.

⁵ Section 106.011(3), F.S., defines "candidate" to mean a person to whom any of the following applies: 1) a person who seeks to qualify for nomination or election by means of the petitioning process; 2) a person who seeks to qualify for election as a write-in candidate; 3) a person who receives contributions or makes expenditures, or consents for any other person to receive contributions or make expenditures, with a view to bring about his or her nomination or election to, or retention in, public office; 4) a person who appoints a treasurer and designates a primary depository; or 5) a person who files qualification papers and subscribes to a candidate's oath as required by law. The definition excludes any candidate for a political party executive committee.

⁶ The qualifying period for the following offices is between the 120th and 116th days prior to the primary election: federal office, state attorney, public defender, or judicial office. The qualifying period for the following offices is between the 71st and 67th days prior to the primary election: state or multicounty district office, other than state attorney or public defender; county office or single-county district office; or school board. See ss. 99.061 and 105.031, F.S.

⁷ The filing fee for a special district candidate is not required be drawn upon his or her campaign account (s. 99.061(7)(a)1., F.S.).

⁸ In contrast, the qualifying provisions governing candidates for judgeships and school boards allows a candidate 48 hours from the time notification of the returned check is received, excluding Saturdays, Sundays, and legal holidays (s. 105.031(5)(a)1., F.S.).

⁹ Section 99.061(7)(a), F.S.

In 2024, the Florida Fourth District Court of Appeal upheld a lower court’s ruling that disqualified five candidates for county commission because they paid the filing fee with a debit card instead of a check.¹⁰

In 2016, the Florida Supreme Court ruled that the statutory provision granting a candidate for an office - other than a judgeship or school board - whose filing-fee check is returned by a bank only until the end of the qualifying period to pay via cashier’s check was facially unconstitutional. Consequently, the Court said the prior version of the statute is now the law – specifically, that in such a situation the candidate shall, the end of qualifying notwithstanding, have 48 hours from the time such notification is received, excluding Saturdays, Sundays, and legal holidays, to pay the fee with a cashier’s check.¹¹

Expenditures by Candidates and Political Committees – Use of Debit Cards

The campaign treasurer or deputy campaign treasurer of a candidate or political committee may make expenditures¹² from funds on deposit in the primary campaign depository only by means of a bank check drawn upon the campaign account of the candidate or political committee.¹³ For purposes of the section governing expenses of and expenditures by candidates and political committees, debit cards are considered bank checks if:

- Debit cards are obtained from the same bank that has been designated as the candidate’s or political committee’s primary campaign depository.
- Debit cards are issued in the name of the treasurer, deputy treasurer, or authorized user and contain the name of the campaign account of the candidate or political committee.
- No more than three debit cards are requested and issued.
- The person using the debit card does not receive cash as part of, or independent of, any transaction for goods or services.
- All receipts for debit cards contain:
 - The last four digits of the debit card number.
 - The exact amount of the expenditure.
 - The name of the payee.
 - The signature of the campaign treasurer, deputy treasurer, or authorized user.
 - The exact purpose for which the expenditure is authorized.¹⁴

In the 2024 case discussed above, the qualifying of the county commission candidates was also challenged because the receipt for payment of the filing fee provided by the filing officer did not have a signature line and therefore was not signed by the campaign treasurer who made the expenditure.¹⁵

¹⁰ *Wyly v. Felder*, 398 So.2d 463 (Fla. 4th DCA 2024).

¹¹ *Wright v. City of Miami Gardens*, 200 So.3d 765 (Fla 2016).

¹² Section 106.011(10)(a), F.S., defines “expenditure” to mean a purchase, payment, distribution, loan, advance, transfer of funds by a campaign manager or deputy campaign treasurer between a primary deposit and a separate interest-bearing account or certificate of deposit, or gift of money or anything of value made for the purpose of influencing the results of an election or making an electioneering communication.

¹³ Section 106.11(a)(a), F.S.

¹⁴ Section 106.11(2)(a), F.S.

¹⁵ *Wyly*, *supra* note 11.

Challenge of Election Results

The certification of election or nomination of any person to office, or of the result on any question submitted by referendum, may be contested in the circuit court by any unsuccessful candidate for such office or nomination thereto or by any elector qualified to vote in the election related to such candidacy, or by any taxpayer. The grounds for contesting an election are:

- Misconduct, fraud, or corruption on the part of any election official or any member of the canvassing board sufficient to change or place in doubt the result of the election.
- Ineligibility of the successful candidate for the nomination or office in dispute.
- Receipt of a number of illegal votes or rejection of a number of legal votes sufficient to change or place in doubt the result of the election.
- Proof that any elector, election official, or canvassing board member was given or offered a bribe or reward for the purpose of procuring the successful candidate's nomination or election or determining the result on any question submitted by referendum.¹⁶

III. Effect of Proposed Changes:

Qualifying Process

SB 982 authorizes a candidate for an office other than judicial office or school board member to pay his or her filing fee by a debit card linked to the candidate's campaign account. Candidates for judicial office or school board membership would still be limited to payment by check.

The bill also conforms to the 2016 Florida Supreme Court decision the statutory language regarding the length of time a candidate for an office other than judgeship or school board whose filing-fee check is returned by a bank has to pay the filing fee via cashier's check. Specifically, in such a situation the candidate shall, the end of qualifying notwithstanding, have 48 hours from the time such notification is received, excluding Saturdays, Sundays, and legal holidays, to pay the fee with a cashier's check

Challenges to Candidates

The bill grants a candidate for nomination or election to an office standing to challenge in circuit court whether another candidate for the same office has complied with the subsection setting forth the items that must be received in order for a candidate to be qualified. The bill prescribes the following process for such a challenge:

- A complaint setting forth the grounds of the challenge must be filed within 10 days after midnight of the end of the qualifying period.
- The filing officer and any supervisor of elections responsible for conducting the election are indispensable parties to any such challenge.
- A copy of the complaint must be served upon the defendant and any other person named in the complaint in the same manner as in other civil cases under state law.
- Within 10 days after service of the complaint, the defendant must file an answer admitting to or denying the allegations.

¹⁶ Section 102.168, F.S.

- A candidate who makes such a challenge is entitled to an immediate hearing.

If a final order of a court determines that a person did not comply with the subsection setting forth the items that must be received in order for a candidate to be qualified, that person is disqualified from appearing on the ballot.

The bill does not appear to allow an opposing candidate to challenge the veracity of the documents required for qualification.

Expenditures by Candidates and Political Committees – Use of Debit Cards

The bill revises the requirements for a candidate's or political committee's use of a debit card for expenses or expenditures. Specifically, the bill revises the requirement that all debit card receipts contain the signature of the campaign treasurer, deputy treasurer, or authorized user to provide that such signature is required only if the receipt bears a signature line.

Effective Date

The bill takes effect July 1, 2025.

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:

Some candidates may incur litigation costs pursuant to the new cause of action created by the bill.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 99.061 and 106.11.

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.