

By Senator Bernard

24-01115-25

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1                   A bill to be entitled  
2           An act relating to candidate qualifying; amending s.  
3           99.061, F.S.; authorizing a candidate to pay the  
4           filing fee by a debit card linked to the candidate's  
5           campaign account; revising the timeframe during which  
6           a candidate may pay a filing fee if the initial  
7           payment is rejected by a bank; providing for standing  
8           for challenges to a candidate's qualification for  
9           nomination or election to office; providing procedures  
10          and requirements regarding such challenges; providing  
11          for immediate hearings in such challenges, subject to  
12          limitations; prohibiting a person from appearing on  
13          the ballot under certain circumstances; amending s.  
14          106.11, F.S.; revising conditions under which debit  
15          cards are considered bank checks for purposes of  
16          certain campaign expenditures; providing an effective  
17          date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21           Section 1. Paragraph (a) of subsection (7) of section  
22           99.061, Florida Statutes, is amended, and paragraph (d) is added  
23           to that subsection, to read:

24           99.061 Method of qualifying for nomination or election to  
25           federal, state, county, or district office.—

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

29           1. The filing fee ~~A properly executed check drawn upon the~~

24-01115-25

2025982\_\_

30 ~~candidate's campaign account~~ payable to the person or entity as  
31 prescribed by the filing officer in an amount not less than the  
32 fee required by s. 99.092 by a properly executed check drawn  
33 upon the candidate's campaign account or by a debit card linked  
34 to the candidate's campaign account as provided in s. 106.11(2),  
35 unless the candidate obtained the required number of signatures  
36 on petitions pursuant to s. 99.095. The filing fee for a special  
37 district candidate is not required to be drawn upon the  
38 candidate's campaign account. If a candidate's payment is  
39 rejected ~~check is returned~~ by the bank for any reason, the  
40 filing officer must ~~shall~~ immediately notify the candidate and  
41 the candidate must, irrespective of whether the qualifying  
42 period has ended, have 48 hours from the time such notification  
43 is received, excluding Saturdays, Sundays, and legal holidays,  
44 ~~shall have until the end of qualifying to~~ pay the fee with a  
45 cashier's check purchased from funds of the campaign account.  
46 Failure to pay the fee as provided in this subparagraph shall  
47 disqualify the candidate.

48 2. The candidate's oath required by s. 99.021, which must  
49 contain the name of the candidate as it is to appear on the  
50 ballot; the office sought, including the district or group  
51 number if applicable; and the signature of the candidate, which  
52 must be verified under oath or affirmation pursuant to s.  
53 92.525(1) (a).

54 3. If the office sought is partisan, the written statement  
55 of political party affiliation required by s. 99.021(1) (b); or  
56 if the candidate is running without party affiliation for a  
57 partisan office, the written statement required by s.  
58 99.021(1) (c).

24-01115-25

2025982\_\_

59           4. The completed form for the appointment of campaign  
60 treasurer and designation of campaign depository, as required by  
61 s. 106.021.

62           5. The full and public disclosure or statement of financial  
63 interests required by subsection (5). A public officer who has  
64 filed the full and public disclosure or statement of financial  
65 interests with the Commission on Ethics before qualifying for  
66 office may file a copy of that disclosure or a verification or  
67 receipt of electronic filing as provided in subsection (5) at  
68 the time of qualifying.

69           (d) A candidate for nomination or election to an office has  
70 standing to challenge in circuit court whether another candidate  
71 for the same office has complied with the requirements of this  
72 subsection.

73           1. A complaint setting forth the grounds of the challenge  
74 must be filed with the clerk of the circuit court within 10 days  
75 after midnight of the end of the qualifying period.

76           2. The filing officer and any supervisor of elections  
77 responsible for conducting the election are indispensable  
78 parties to any such challenge.

79           3. A copy of the complaint must be served upon the  
80 defendant and any other person named in the complaint in the  
81 same manner as in other civil cases under state law. Within 10  
82 days after the complaint has been served, a defendant must file  
83 an answer admitting to or denying the allegations on which the  
84 plaintiff relies or stating that the defendant has no knowledge  
85 or information concerning the allegations, which must be deemed  
86 a denial of the allegations, and must state any other defenses,  
87 in law or fact, on which the defendant relies.

24-01115-25

2025982\_\_

88        4. Any candidate presenting such a challenge is entitled to  
89 an immediate hearing. However, the court may limit the time for  
90 taking testimony in any such hearing, as appropriate based on  
91 the circumstances of the matter and the proximity of the  
92 succeeding election.

93        5. If an order of a court that has become final determines  
94 that a person did not comply with this subsection, the person is  
95 not qualified as a candidate for election, and his or her name  
96 may not appear on the ballot.

97        Section 2. Paragraph (a) of subsection (2) of section  
98 106.11, Florida Statutes, is amended to read:

99        106.11 Expenses of and expenditures by candidates and  
100 political committees.—Each candidate and each political  
101 committee which designates a primary campaign depository  
102 pursuant to s. 106.021(1) shall make expenditures from funds on  
103 deposit in such primary campaign depository only in the  
104 following manner, with the exception of expenditures made from  
105 petty cash funds provided by s. 106.12:

106        (2)(a) For purposes of this section, debit cards are  
107 considered bank checks, if:

108        1. Debit cards are obtained from the same bank that has  
109 been designated as the candidate's or political committee's  
110 primary campaign depository.

111        2. Debit cards are issued in the name of the treasurer,  
112 deputy treasurer, or authorized user and contain the name of the  
113 campaign account of the candidate or political committee.

114        3. No more than three debit cards are requested and issued.

115        4. The person using the debit card does not receive cash as  
116 part of, or independent of, any transaction for goods or

24-01115-25

2025982\_\_

117 services.

118 5. All receipts for debit card transactions contain:

119 a. The last four digits of the debit card number.

120 b. The exact amount of the expenditure.

121 c. The name of the payee.

122 d. The signature of the campaign treasurer, deputy  
123 treasurer, or authorized user, if the receipt has a signature  
124 line for the campaign treasurer, deputy treasurer, or authorized  
125 user to sign.

126 e. The exact purpose for which the expenditure is  
127 authorized.

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129 Any information required by this subparagraph but not included  
130 on the debit card transaction receipt may be handwritten on, or  
131 attached to, the receipt by the authorized user before  
132 submission to the treasurer.

133 Section 3. This act shall take effect July 1, 2025.