

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 Rules

BILL: CS/SB 62

INTRODUCER: Ethics and Elections Committee and Senator Arrington and others

SUBJECT: Candidate Qualification

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Biehl</u>	<u>Roberts</u>	<u>EE</u>	Fav/CS
2.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	Favorable
3.	<u>Biehl</u>	<u>Kruse</u>	<u>RC</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 62 provides that a competing candidate for office, or a competing political party, may have a person disqualified and thus removed from the ballot if the person falsely states in the qualifying papers that he or she:

- Has been a registered member of the political party for which the person is seeking nomination as a candidate for at least 365 consecutive days before the beginning of the qualifying period preceding the general election for which the person seeks to qualify; or
- Has been registered without any party affiliation and has not been a registered member of any political party for at least 365 consecutive days before the beginning of the qualifying period preceding the general election for which the person seeks to qualify.

Current law includes the requirement that a person seeking to qualify as candidate for office make these statements, but does not appear to have a mechanism to enforce the requirements if the person makes a false statement.

The bill takes effect upon becoming a law.

II. Present Situation:

Elections – Qualifying for Office and Placement on the Ballot

Each candidate for an elected office in Florida must take and subscribe to an oath or affirmation in writing.¹ Current law specifies oath formats for a candidate for federal office,² a candidate for a non-federal office other than a judicial office,³ and a candidate for a state judicial office.⁴

Generally, the oath or affirmation must, in substance:

- Provide the name of the office for which the candidate is running;
- Affirm that the candidate is a qualified elector of the county or court jurisdiction, as applicable;
- Affirm that the candidate is qualified under the State 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 and that he or she has resigned from any office from which he or she is required to resign;⁵ and
- Affirm that the candidate will support the constitutions of the United States and the State of Florida.⁶

In addition, any person seeking to qualify for nomination as a candidate of any political party must, at the time of subscribing to the oath or affirmation, also state in writing certain information about his or her party affiliation. The writing must specifically state:

- The party of which the person is a member;
- That the person has been a registered member of the political party for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify; and
- That the person has paid the assessment levied against him or her, if any, as a candidate for said office by the executive committee of the party of which he or she is a member.⁷

Similarly, a person seeking to qualify for office as a candidate with *no* party affiliation must state in writing that he or she:

- Is registered without a party affiliation; and
- Has not been a registered member of any political party for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify.⁸

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

² Section 99.021(1)(a)2., F.S.

³ Section 99.021(1)(a)1., F.S.

⁴ Section 105.031(4)(b), F.S.

⁵ Section 99.012(3)(a), F.S., 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.”

⁶ Sections 99.021(1)(a)1. and 105.031(4), F.S.

⁷ Section 99.021(1)(b), F.S.

⁸ Section 99.021(c), F.S.

Elections – Effect of Noncompliance with Qualifying Statement Requirements

Although current law requires candidates to provide the information required, there does not appear to be a mechanism by which the provision can be enforced if the person seeking to qualify did not actually comply with the requirement.⁹ Therefore, a person who complies with the facial requirement of completing and filing the written statement cannot be disqualified from placement on the ballot, even if his or her statement is untrue.

III. Effect of Proposed Changes:

The bill specifies that the statutorily required statements regarding political party affiliation or lack thereof constitute substantive requirements. Accordingly, a candidate must make the statements and the statements must be accurate. Therefore, as part of qualifying as a candidate:

- A person seeking to qualify for nomination as a candidate of any political party must be a registered member of that party for at least 365 consecutive days preceding the beginning of the qualifying period.
- A person seeking to qualify for office as a candidate with no party affiliation must be registered without any party affiliation and may not have been a registered member of any political party for at least 365 consecutive days preceding the beginning of the qualifying period.

The bill also creates a civil cause of action to allow for enforcement. Specifically, a qualified candidate or a political party having qualified candidates in the same race may file an action in the circuit court for the county in which the qualifying officer is headquartered. If a final court order determines that the challenged person did not meet the requirements relating to party affiliation, that person may not be qualified as a candidate and his or her name may not appear on the ballot.¹⁰

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁹ See *Jones v. Schiller*, 345 So.3d 406 (Fla. 1st DCA 2020), holding that the requirements regarding statement of party affiliation do not have an implied disqualification mechanism. Similarly, *Torres v. Shaw*, 345 So.3d 970 (Fla. 1st DCA 2022), held that voters and a political party had no private right of action to challenge the qualifications of a congressional candidate under the candidate oath requirement.

¹⁰ A final court order refers to a court order that has been entered by a trial court and for which no further remedy can be entered by an appellate court.

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:

The creation of the new cause of action may have a fiscal impact in the form of legal fees for persons who file or defend against such lawsuits.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 99.021, Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Ethics and Elections on November 19, 2025:

The committee substitute changes the bill's effective date from July 1, 2026, to "upon becoming a law," which may allow the bill's provisions to be in effect for the 2026 qualifying periods.

B. Amendments:

None.

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