

By the Committee on Ethics and Elections; and Senators
Arrington, Osgood, and Berman

582-01308-26

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1 A bill to be entitled
2 An act relating to candidate qualification; amending
3 s. 99.021, F.S.; specifying that a person seeking to
4 qualify for office as a candidate must be a registered
5 member of a political party, or registered without any
6 party affiliation, for 365 consecutive days preceding
7 the beginning of qualifying for an election; providing
8 that compliance with specified requirements is
9 mandatory; providing construction; authorizing
10 qualified candidates or certain political parties to
11 challenge compliance with specified provisions by
12 filing suit in a specified circuit court; prohibiting
13 a person from being qualified as a candidate for
14 nomination or election and appearing on the ballot
15 under specified circumstances; providing an effective
16 date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraphs (b) and (c) of subsection (1) of
21 section 99.021, Florida Statutes, are amended, and paragraph (f)
22 is added to that subsection, to read:

23 99.021 Form of candidate oath.—

24 (1)

25 (b) In addition, any person seeking to qualify for
26 nomination as a candidate of any political party shall, at the
27 time of subscribing to the oath or affirmation, state in
28 writing:

29 1. The party of which the person is a member.

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30 2. That the person has been a registered member of the
31 political party for which he or she is seeking nomination as a
32 candidate for at least 365 consecutive days preceding ~~before~~ the
33 beginning of qualifying before ~~preceding~~ the general election
34 for which the person seeks to qualify.

35 3. That the person has paid the assessment levied against
36 him or her, if any, as a candidate for said office by the
37 executive committee of the party of which he or she is a member.

38 (c) In addition, any person seeking to qualify for office
39 as a candidate with no party affiliation shall, at the time of
40 subscribing to the oath or affirmation, state in writing that he
41 or she is registered without any party affiliation and that he
42 or she has not been a registered member of any political party
43 for at least 365 consecutive days preceding ~~before~~ the beginning
44 of qualifying before ~~preceding~~ the general election for which
45 the person seeks to qualify.

46 (f) The statements in subparagraph (b)2. and paragraph (c)
47 constitute substantive requirements for the person completing
48 the statement, and compliance with those requirements is
49 mandatory. The sole method to enforce compliance with such
50 requirements is contained in this paragraph. Compliance with
51 subparagraph (b)2. and paragraph (c) may be challenged by a
52 qualified candidate or a political party with qualified
53 candidates in the same race by filing an action in the circuit
54 court for the county in which the qualifying officer is
55 headquartered. A person may not be qualified as a candidate for
56 nomination or election and his or her name may not appear on the
57 ballot if in an order that has become final, the court
58 determines that:

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59 1. The person seeking to qualify for nomination as a
60 candidate of any political party has not been a registered
61 member of that party for the 365-day period preceding the
62 beginning of qualifying; or

63 2. The person seeking to qualify for office as a candidate
64 with no party affiliation has not been registered without party
65 affiliation for, or has been a registered member of any
66 political party during, the 365-day period preceding the
67 beginning of qualifying.

68 Section 2. This act shall take effect upon becoming a law.