

# FLORIDA HOUSE OF REPRESENTATIVES

## FINAL BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

<b>BILL #:</b> <a href="#">CS/HB 91</a>	<b>COMPANION BILL:</b> <a href="#">CS/SB 62</a> (Arrington)
<b>TITLE:</b> Candidate Qualification	<b>LINKED BILLS:</b> None
<b>SPONSOR(S):</b> Tant	<b>RELATED BILLS:</b> None
<b>FINAL HOUSE FLOOR ACTION:</b> 113 Y's      0 N's	<b>GOVERNOR'S ACTION:</b> Pending

### SUMMARY

#### **Effect of the Bill:**

The bill requires a person seeking to qualify for office to swear or affirm that he or she has not changed his or her name during the 365-day period before qualification, with certain exceptions. The bill provides a limited judicial enforcement mechanism for removing a person from the ballot if he or she has:

- Legally changed his or her name during the 365-day period; or
- Not been a registered member of the party for which he or she is seeking nomination during the 365-day period or, in the case of a no-party-affiliation candidate, not registered with any party for that period.

#### **Fiscal or Economic Impact:**

The bill may have an indeterminate, though likely insignificant, fiscal impact on state government.

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### ANALYSIS

#### **EFFECT OF THE BILL:**

The bill requires any person seeking to qualify for nomination as a candidate of any political party or as no party affiliation, at the time of subscribing to the candidate oath or affirmation, to state in writing that such person has not legally changed his or her name during the 365-day period preceding the beginning of qualifying. This requirement does not apply if such person legally changed his or her name in proceedings for dissolution of marriage or adoption of children or based on a change of name conducted with a marriage certificate. (Section [1](#))

The bill provides a method to challenge the name-change prohibition, as well as a method to challenge an existing [365-day party affiliation requirement](#) whereby a candidate must have been a registered member of the party for which he or she is seeking nomination during the 365 days preceding the beginning of qualification or, in the case of a no-party-affiliation candidate, must not be registered with any party for that period. Only a qualified candidate or a political party with qualified candidate in the same race may challenge a candidate's qualification under the bill. (Section [1](#))

To initiate the challenge, such candidate or political party must file an action in the circuit court for the county in which the qualifying officer is headquartered. The court may order that a candidate's name not appear on the ballot if the court determines, upon a final order, that the person seeking to qualify for nomination or election as a candidate:

- Has legally changed his or her name during the 365-day period; or
- Has not been a registered member of the party for which he or she seeks nomination (or registered as a no-party-affiliation candidate), for the 365-day period. (Section [1](#))

Lastly, the bill clarifies that compliance with the 365-day party affiliation requirement is mandatory and specifies that for purposes of calculating the 365-day party affiliation requirement, the days have to be consecutive. (Section [1](#))

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law. (Section [2](#))

**STORAGE NAME:** h0091z.GOS

**DATE:** 3/27/2026

**RULEMAKING:**

The Florida Election Code currently grants the Department of State (DOS) rulemaking authority to prescribe requirements for filing candidate qualification papers.<sup>1</sup> DOS has used this rulemaking authority to adopt r. 1S-2.0001, F.A.C., which sets certain requirements for those papers and adopts by reference various qualification documents. To implement the provisions of the bill, DOS will likely need to begin rulemaking proceedings to amend those qualification documents.

***Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.***

**FISCAL OR ECONOMIC IMPACT:****STATE GOVERNMENT:**

The bill may have an indeterminate, though likely insignificant, fiscal impact on state government expenditures as the bill creates an expedited court challenge process.

**RELEVANT INFORMATION****SUBJECT OVERVIEW:****365-day Party Affiliation Requirement**

Current law provides that any person seeking to qualify for nomination as a candidate of any political party must, at the time of subscribing to the candidate oath or affirmation,<sup>2</sup> state in writing, that the person has been a registered member of the political party for which he or she is seeking nomination as a candidate for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify.<sup>3</sup> Similarly, any person seeking to qualify for office as a candidate with no party affiliation must state in writing that he or she is currently registered without any party affiliation and has not been registered with any political party for 365 days before the same qualifying period.<sup>4</sup>

The person to whom a candidate submits his or her qualification papers, the filing officer, performs a ministerial function in reviewing qualifying papers. The filing officer reviews the qualifying papers to determine whether all items required for candidate qualification have been properly filed and whether each item is complete on its face, including whether items that must be verified have been properly verified. If all required items are complete, then the filing officer deems the candidate qualified. The filing officer is prohibited from determining whether the contents of the qualifying papers are accurate.<sup>5</sup>

***Jones v. Schiller***

In 2022, the First District Court of Appeal (DCA) held that, while the Florida Election Code requires a candidate to swear or attest to an oath that he or she has been a member of a party for the previous 365 days, it provides no

<sup>1</sup> [S. 99.061\(10\), F.S.](#)

<sup>2</sup> Section [99.021\(1\)\(a\) and \(3\), F.S.](#), requires that each candidate whether a party candidate, a candidate with no party affiliation, or a write-in candidate, in order to qualify for nomination or election to any office other than a judicial office or a federal office, must take and subscribe to an oath or affirmation in writing. This is required before placement on the ballot. This oath is not required for the nomination of presidential electors or presidential preference primaries.

<sup>3</sup> S. [99.021\(1\)\(b\), F.S.](#)

<sup>4</sup> S. [99.021\(1\)\(c\), F.S.](#)

<sup>5</sup> S. [99.061\(7\)\(c\), F.S.](#)

enforcement mechanism to remove a person from the ballot who gives a false attestation.<sup>6</sup> The First DCA noted that the ruling “could invite bad actors to qualify for the ballot using false party affiliation statements to inject chaos into a party’s primary.”<sup>7</sup> However, the court noted that while there is no remedy permitting a court to remove a person from the ballot on those grounds, there could be criminal and financial consequences to lying under oath.<sup>8</sup>

### **Candidate Name Requirements**

Current law requires each candidate to designate in his or her candidate oath or affirmation the name he or she wishes to have printed on the ballot, or, in the case of a write-in candidate, the name he or she wishes to have a voter write in on a ballot. Such designation must include the candidate’s legal given name or names, a shortened form of the candidate’s legal name, an initial or initials of the candidate’s legal name or names, or a bona fide nickname customarily related to the candidate and by which the candidate is commonly known, immediately followed by the candidate’s legal surname.<sup>9</sup>

If a candidate wishes to designate a nickname, the candidate must file an affidavit that is verified under oath or affirmation, attesting that the nickname complies with the statutory requirements. A designated nickname may not:

- Be used to mislead voters.
- Imply the candidate is some other person.
- Constitute a political slogan or otherwise associate the candidate with a cause or an issue.
- Be obscene or profane.<sup>10</sup>

A person can legally change his or her name by filing a petition in the circuit court in the county in which he or she resides. Before the court hearing on such a petition, the petitioner must submit fingerprints for a state and national criminal history records check, except if a former name is being restored. In addition, the petition must show specified information, including residence, date and place of birth, occupation, and any prior criminal history.<sup>11</sup>

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<sup>6</sup> *Jones v. Schiller*, 345 So. 3d 406 (Fla. 1st DCA 2022).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*; see s. [837.012, F.S.](#)

<sup>9</sup> [S. 99.0215\(1\), F.S.](#)

<sup>10</sup> [S. 99.0215\(2\), F.S.](#)

<sup>11</sup> [S. 68.07, F.S.](#)