

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;
8 specifying that such person may not have legally
9 changed his or her name through a specified petition
10 during such 365-day period; providing applicability;
11 providing that compliance with specified requirements
12 is mandatory; providing construction; authorizing
13 qualified candidates or certain political parties to
14 challenge compliance with specified provisions by
15 filing suit in a specified circuit court; prohibiting
16 a person from being qualified as a candidate for
17 nomination or election and appearing on the ballot
18 under specified circumstances; providing an effective
19 date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Paragraphs (b) and (c) of subsection (1) of
24 section 99.021, Florida Statutes, are amended, and paragraphs
25 (f) and (g) are added to that subsection, to read:

26 99.021 Form of candidate oath.—

27 (1)

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

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

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

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

41 4. That the person has not legally changed his or her name
42 through a petition pursuant to s. 68.07 during the 365-day
43 period preceding the beginning of qualifying. This subparagraph
44 does not apply to any change of name in proceedings for
45 dissolution of marriage or adoption of children or based on a
46 change of name conducted with a marriage certificate.

47 (c) In addition, any person seeking to qualify for office
48 as a candidate with no party affiliation shall, at the time of
49 subscribing to the oath or affirmation, state in writing that he
50 or she is registered without any party affiliation and that he

51 or she has not:

52 1. Been a registered member of any political party for at
53 least 365 consecutive days preceding ~~before~~ the beginning of
54 qualifying ~~before~~ preceding the general election for which the
55 person seeks to qualify.

56 2. Legally changed his or her name through a petition
57 pursuant to s. 68.07 during the 365-day period preceding the
58 beginning of qualifying. This subparagraph does not apply to any
59 change of name in proceedings for dissolution of marriage or
60 adoption of children or based on a change of name conducted with
61 a marriage certificate.

62 (f) The statements in subparagraph (b)4. and subparagraph
63 (c)2. constitute substantive requirements for the person
64 completing the statement, and compliance with those requirements
65 is mandatory. The sole method to enforce compliance with such
66 requirements is contained in this paragraph. Compliance with
67 subparagraph (b)4. and subparagraph (c)2. may be challenged by a
68 qualified candidate or a political party with qualified
69 candidates in the same race by filing an action in the circuit
70 court for the county in which the qualifying officer is
71 headquartered. A person may not be qualified as a candidate for
72 nomination or election and his or her name may not appear on the
73 ballot if in an order that has become final, the court
74 determines that the person seeking to qualify has legally
75 changed his or her name through a petition pursuant to s. 68.07

76 during the 365-day period preceding the beginning of qualifying,
77 unless such change of name occurred in proceedings for
78 dissolution of marriage or adoption of children or was based on
79 a change of name conducted with a marriage certificate.

80 (g) The statements in subparagraph (b)2. and subparagraph
81 (c)1. constitute substantive requirements for the person
82 completing the statement, and compliance with those requirements
83 is mandatory. The sole method to enforce compliance with such
84 requirements is contained in this paragraph. Compliance with
85 subparagraph (b)2. and subparagraph (c)1. may be challenged by a
86 qualified candidate or a political party with qualified
87 candidates in the same race by filing an action in the circuit
88 court for the county in which the qualifying officer is
89 headquartered. A person may not be qualified as a candidate for
90 nomination or election and his or her name may not appear on the
91 ballot if in an order that has become final, the court
92 determines that:

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

97 2. The person seeking to qualify for office as a candidate
98 with no party affiliation has not been registered without party
99 affiliation for, or has been a registered member of any
100 political party during, the 365-day period preceding the

101 | beginning of qualifying.

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