

1 A bill to be entitled
2 An act relating to elections; amending s. 99.012,
3 F.S.; requiring an officer who qualifies for federal
4 public office to resign from the office he or she
5 presently holds if the terms, or any part thereof, run
6 concurrently; providing requirements for resignation;
7 providing for an automatic irrevocable resignation in
8 the event of noncompliance; specifying that a
9 resignation creates a vacancy in office and providing
10 requirements therefor; revising an exemption; amending
11 s. 99.021, F.S.; providing requirements for persons
12 seeking to qualify for election as a candidate with no
13 party affiliation; amending s. 99.061, F.S.; providing
14 an additional means by which a candidate may pay his
15 or her qualifying fee; conforming provisions to
16 changes made by the act; amending s. 99.063, F.S.;
17 conforming provisions to changes made by the act;
18 amending s. 99.0955, F.S.; providing requirements for
19 persons seeking to qualify for election as a candidate
20 with no party affiliation; amending s. 100.3605, F.S.;
21 requiring the governing body of a municipality to
22 determine the date on which initial and runoff
23 elections for municipal office are held and providing
24 options therefor; preempting to the state the
25 authority to establish election dates for municipal

26 | elections; providing construction; amending s.
 27 | 100.361, F.S.; requiring municipal recall elections to
 28 | be held concurrently with municipal elections under
 29 | certain conditions; amending s. 101.151, F.S.;
 30 | requiring ballots to indicate if certain candidates
 31 | are incumbents; repealing s. 101.75, F.S., relating to
 32 | change of dates for cause in municipal elections;
 33 | amending s. 105.031, F.S.; providing an additional
 34 | means by which certain nonpartisan candidates may pay
 35 | their qualifying fees; amending s. 121.121, F.S.;
 36 | revising a cross-reference to conform to changes made
 37 | by the act; extending the terms of incumbent elected
 38 | municipal officers until the next municipal election;
 39 | providing effective dates.

40 |

41 | Be It Enacted by the Legislature of the State of Florida:

42 |

43 | Section 1. Subsections (4) through (7) of section 99.012,
 44 | Florida Statutes, are renumbered as subsections (5) through (8),
 45 | respectively, present subsection (7) is amended, and a new
 46 | subsection (4) is added to that section, to read:

47 | 99.012 Restrictions on individuals qualifying for public
 48 | office.—

49 | (4) (a) Any officer who qualifies for federal public office
 50 | must resign from the office he or she presently holds if the

51 terms, or any part thereof, run concurrently.

52 (b) The resignation is irrevocable.

53 (c) The resignation must be submitted in writing no later
54 than the date upon which the officer qualifies for office.

55 (d) The written resignation must be effective no later
56 than the earlier of:

57 1. The date the officer would take office, if elected; or

58 2. The date the officer's successor is required to take
59 office.

60 (e)1. An elected district, county, or municipal officer
61 must submit his or her resignation to the officer before whom he
62 or she qualified for the office he or she holds, and must submit
63 a copy of his or her resignation to the Governor and the
64 Department of State.

65 2. An appointed district, county, or municipal officer
66 must submit his or her resignation to the officer or authority
67 which appointed him or her to the office he or she holds, and
68 must submit a copy of his or her resignation to the Governor and
69 the Department of State.

70 3. Any other officer must submit his or her resignation to
71 the Governor, and must submit a copy of his or her resignation
72 to the Department of State.

73 (f)1. The failure of an officer who qualifies for federal
74 public office to submit a resignation pursuant to this
75 subsection constitutes an automatic irrevocable resignation,

76 effective immediately, from the office he or she presently
77 holds.

78 2. The Department of State shall send a notice of
79 automatic resignation to the Governor and, if the person is a
80 district, county, or municipal officer, shall send a copy of the
81 notice of automatic resignation to:

82 a. The officer before whom he or she qualified if he or
83 she held an elective office; or

84 b. The officer or authority who appointed him or her if he
85 or she held an appointive office.

86 (g) Notwithstanding any special act to the contrary, an
87 elected officer's resignation creates a vacancy in office to be
88 filled by election, thereby authorizing persons to qualify as
89 candidates for nomination and election as if the officer's term
90 was otherwise scheduled to expire. An elected charter county
91 officer's or elected municipal officer's resignation creates a
92 vacancy in office to be filled for that portion of the officer's
93 unexpired term in a manner provided by the respective charter.
94 The office is deemed vacant on the effective date of the
95 resignation submitted by the officer in his or her written
96 resignation.

97 (8) ~~(7)~~ Nothing contained in subsection (3) or subsection
98 (4) relates to persons holding any federal office ~~or seeking the~~
99 office of President or Vice President.

100 Section 2. Subsection (1) of section 99.021, Florida

101 Statutes, is amended to read:

102 99.021 Form of candidate oath.—

103 (1)(a)1. Each candidate, whether a party candidate, a
 104 candidate with no party affiliation, or a write-in candidate, in
 105 order to qualify for nomination or election to any office other
 106 than a judicial office as defined in chapter 105 or a federal
 107 office, shall take and subscribe to an oath or affirmation in
 108 writing. A copy of the oath or affirmation shall be made
 109 available to the candidate by the officer before whom such
 110 candidate seeks to qualify and shall be substantially in the
 111 following form:

112 State of Florida

113 County of....

114 Before me, an officer authorized to administer oaths,
 115 personally appeared ...(please print name as you wish it to
 116 appear on the ballot)..., to me well known, who, being sworn,
 117 says that he or she is a candidate for the office of; that
 118 he or she is a qualified elector of County, Florida; that
 119 he or she is qualified under the Constitution and the laws of
 120 Florida to hold the office to which he or she desires to be
 121 nominated or elected; that he or she has qualified for no other
 122 public office in the state, the term of which office or any part
 123 thereof runs concurrent with that of the office he or she seeks;
 124 that he or she has resigned from any office from which he or she
 125 is required to resign pursuant to s. 99.012, Florida Statutes;

126 and that he or she will support the Constitution of the United
 127 States and the Constitution of the State of Florida.

128 ... (Signature of candidate)...

129 ... (Address)...

130 Sworn to and subscribed before me this day of,

131 ... (year) ..., at County, Florida.

132 ... (Signature and title of officer administering oath)...

133 2. Each candidate for federal office, whether a party
 134 candidate, a candidate with no party affiliation, or a write-in
 135 candidate, in order to qualify for nomination or election to
 136 office shall take and subscribe to an oath or affirmation in
 137 writing. A copy of the oath or affirmation shall be made
 138 available to the candidate by the officer before whom such
 139 candidate seeks to qualify and shall be substantially in the
 140 following form:

141 State of Florida

142 County of

143 Before me, an officer authorized to administer oaths,
 144 personally appeared ... (please print name as you wish it to
 145 appear on the ballot) ..., to me well known, who, being sworn,
 146 says that he or she is a candidate for the office of; that
 147 he or she is qualified under the Constitution and laws of the
 148 United States to hold the office to which he or she desires to
 149 be nominated or elected; that he or she has qualified for no
 150 other public office in the state, the term of which office or

151 any part thereof runs concurrent with that of the office he or
 152 she seeks; and that he or she will support the Constitution of
 153 the United States.

154 ... (Signature of candidate)...

155 ... (Address)...

156 Sworn to and subscribed before me this day of,
 157 ... (year)...., at County, Florida.

158 ... (Signature and title of officer administering oath)...

159 (b) ~~In addition,~~ Any person seeking to qualify for
 160 nomination as a candidate of any political party shall, at the
 161 time of subscribing to the oath or affirmation, state in
 162 writing:

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

164 2. That the person has not been a registered member of any
 165 other political party for 365 days before the beginning of
 166 qualifying preceding the general election for which the person
 167 seeks to qualify.

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

171 (c) Any person seeking to qualify for election as a
 172 candidate with no party affiliation shall, at the time of
 173 subscribing to the oath or affirmation, state in writing that he
 174 or she is registered without party affiliation.

175 (d) ~~(e)~~ The officer before whom such person qualifies shall

176 certify the name of such person to the supervisor of elections
177 in each county affected by such candidacy so that the name of
178 such person may be printed on the ballot. Each person seeking
179 election as a write-in candidate shall subscribe to the oath
180 prescribed in this section in order to be entitled to have
181 write-in ballots cast for him or her counted.

182 Section 3. Paragraph (a) of subsection (7) of section
183 99.061, Florida Statutes, is amended to read:

184 99.061 Method of qualifying for nomination or election to
185 federal, state, county, or district office.—

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

189 1. A properly executed check or certified check drawn upon
190 the candidate's campaign account payable to the person or entity
191 as prescribed by the filing officer in an amount not less than
192 the fee required by s. 99.092, unless the candidate obtained the
193 required number of signatures on petitions pursuant to s.
194 99.095. The filing fee for a special district candidate is not
195 required to be drawn upon the candidate's campaign account. If a
196 candidate's check is returned by the bank for any reason, the
197 filing officer shall immediately notify the candidate and the
198 candidate shall have until the end of qualifying to pay the fee
199 with a cashier's check purchased from funds of the campaign
200 account. Failure to pay the fee as provided in this subparagraph

201 shall disqualify the candidate.

202 2. The candidate's oath required by s. 99.021, which must
 203 contain the name of the candidate as it is to appear on the
 204 ballot; the office sought, including the district or group
 205 number if applicable; and the signature of the candidate, which
 206 must be verified under oath or affirmation pursuant to s.
 207 92.525(1) (a).

208 3. If the office sought is partisan, the written statement
 209 of political party affiliation required by s. 99.021(1) (b) or,
 210 if a person is seeking to qualify for election as a candidate
 211 with no party affiliation, the written statement required by s.
 212 99.021(1) (c).

213 4. The completed form for the appointment of campaign
 214 treasurer and designation of campaign depository, as required by
 215 s. 106.021.

216 5. The full and public disclosure or statement of
 217 financial interests required by subsection (5). A public officer
 218 who has filed the full and public disclosure or statement of
 219 financial interests with the Commission on Ethics or the
 220 supervisor of elections prior to qualifying for office may file
 221 a copy of that disclosure at the time of qualifying.

222 Section 4. Paragraph (b) of subsection (2) of section
 223 99.063, Florida Statutes, is amended to read:

224 99.063 Candidates for Governor and Lieutenant Governor.—

225 (2) No later than 5 p.m. of the 9th day following the

226 primary election, each designated candidate for Lieutenant
 227 Governor shall file with the Department of State:

228 (b) If the office sought is partisan, the written
 229 statement of political party affiliation required by s.
 230 99.021(1)(b) or, if a person is seeking to qualify for election
 231 as a candidate with no party affiliation, the written statement
 232 required by s. 99.021(1)(c).

233 Section 5. Subsection (1) of section 99.0955, Florida
 234 Statutes, is amended to read:

235 99.0955 Candidates with no party affiliation; name on
 236 general election ballot.—

237 (1) Each person seeking to qualify for election as a
 238 candidate with no party affiliation shall file his or her
 239 qualifying papers and pay the qualifying fee or qualify by the
 240 petition process pursuant to s. 99.095 with the officer and
 241 during the times and under the circumstances prescribed in s.
 242 99.061. A person seeking to qualify for election as a candidate
 243 with no party affiliation must be registered without party
 244 affiliation at the time of qualification. Upon qualifying, the
 245 candidate is entitled to have his or her name placed on the
 246 general election ballot.

247 Section 6. Effective July 1, 2020, section 100.3605,
 248 Florida Statutes, is amended to read:

249 100.3605 Conduct of municipal elections.—

250 (1) The Florida Election Code, chapters 97-106, shall

251 govern the conduct of a municipality's election in the absence
252 of an applicable special act, charter, or ordinance provision.
253 No charter or ordinance provision shall be adopted which
254 conflicts with or exempts a municipality from any provision in
255 the Florida Election Code that expressly applies to
256 municipalities.

257 (2) (a) The governing body of a municipality shall
258 determine if an election for municipal office is held on the
259 same date as the general election, the first Tuesday after the
260 first Monday in November in an odd-numbered year, or the first
261 Tuesday after the first Monday in April in an odd-numbered or
262 even-numbered year.

263 (b) If a municipal charter or ordinance requires a runoff
264 election for municipal office, the governing body of a
265 municipality shall conduct its elections in one of the following
266 formats:

267 1. The initial election shall be held at the primary
268 election on the Tuesday 10 weeks before the general election and
269 the runoff election shall be held on the same date as the
270 general election.

271 2. The initial election shall be held at an election on
272 the Tuesday 10 weeks before the election held on the first
273 Tuesday after the first Monday in November in an odd-numbered
274 year and the runoff election shall be held at an election on the
275 first Tuesday after the first Monday in November in an odd-

276 | numbered year.

277 | 3. The initial election shall be held at an election on
 278 | the Tuesday 10 weeks before the first Tuesday after the first
 279 | Monday in April and the runoff election shall be held at an
 280 | election on the first Tuesday after the first Monday in April.

281 | (c) This subsection does not affect the manner in which
 282 | vacancies in municipal office are filled or recall elections for
 283 | municipal officers are conducted.

284 | (d) Notwithstanding any general law, special law, local
 285 | law, municipal charter, or municipal ordinance, this subsection
 286 | provides the exclusive method for establishing the dates of
 287 | elections for municipal office in this state. Any general law,
 288 | special law, local law, municipal charter, or municipal
 289 | ordinance that conflicts with this subsection is superseded to
 290 | the extent of the conflict.

291 | (3) The governing body of a municipality may, by
 292 | ordinance, ~~change the dates for qualifying and for the election~~
 293 | ~~of members of the governing body of the municipality~~ and provide
 294 | for the orderly transition of office resulting from election
 295 | ~~such~~ date changes.

296 | Section 7. Subsection (4) of section 100.361, Florida
 297 | Statutes, is amended to read:

298 | 100.361 Municipal recall.—

299 | (4) RECALL ELECTION.—If the person designated in the
 300 | petition files with the clerk, within 5 days after the last-

301 mentioned notice, his or her written resignation, the clerk
302 shall at once notify the governing body of that fact, and the
303 resignation shall be irrevocable. The governing body shall then
304 proceed to fill the vacancy according to the provisions of the
305 appropriate law. In the absence of a resignation, the chief
306 judge of the judicial circuit in which the municipality is
307 located shall fix a day for holding a recall election for the
308 removal of those not resigning. Any such election shall be held
309 not less than 30 days or more than 60 days after the expiration
310 of the 5-day period last-mentioned and at the same time as any
311 other general, municipal, or special election held within the
312 period; but if no such election is to be held within that
313 period, the judge shall call a special recall election to be
314 held within the period aforesaid.

315 Section 8. Paragraphs (c) and (d) of subsection (2) of
316 section 101.151, Florida Statutes, are redesignated as
317 paragraphs (d) and (e), respectively, and a new paragraph (c) is
318 added to that subsection to read:

319 101.151 Specifications for ballots.—

320 (2)

321 (c) In any election in which a candidate is seeking
322 reelection to public office and the office sought is not subject
323 to term limits, the word "incumbent" shall appear on the ballot
324 next to the candidate's name.

325 Section 9. Section 101.75, Florida Statutes, is repealed.

326 Section 10. Paragraph (a) of subsection (5) of section
327 105.031, Florida Statutes, is amended to read:

328 105.031 Qualification; filing fee; candidate's oath; items
329 required to be filed.—

330 (5) ITEMS REQUIRED TO BE FILED.—

331 (a) In order for a candidate for judicial office or the
332 office of school board member to be qualified, the following
333 items must be received by the filing officer by the end of the
334 qualifying period:

335 1. Except for candidates for retention to judicial office,
336 a properly executed check or certified check drawn upon the
337 candidate's campaign account in an amount not less than the fee
338 required by subsection (3) or, in lieu thereof, the copy of the
339 notice of obtaining ballot position pursuant to s. 105.035. If a
340 candidate's check is returned by the bank for any reason, the
341 filing officer shall immediately notify the candidate and the
342 candidate shall, the end of qualifying notwithstanding, have 48
343 hours from the time such notification is received, excluding
344 Saturdays, Sundays, and legal holidays, to pay the fee with a
345 cashier's check purchased from funds of the campaign account.
346 Failure to pay the fee as provided in this subparagraph shall
347 disqualify the candidate.

348 2. The candidate's oath required by subsection (4), which
349 must contain the name of the candidate as it is to appear on the
350 ballot; the office sought, including the district or group

351 number if applicable; and the signature of the candidate, duly
 352 acknowledged.

353 3. The loyalty oath required by s. 876.05, signed by the
 354 candidate and duly acknowledged.

355 4. The completed form for the appointment of campaign
 356 treasurer and designation of campaign depository, as required by
 357 s. 106.021. In addition, each candidate for judicial office,
 358 including an incumbent judge, shall file a statement with the
 359 qualifying officer, within 10 days after filing the appointment
 360 of campaign treasurer and designation of campaign depository,
 361 stating that the candidate has read and understands the
 362 requirements of the Florida Code of Judicial Conduct. Such
 363 statement shall be in substantially the following form:

364 Statement of Candidate for Judicial Office

365 I, ...(name of candidate)..., a judicial candidate, have
 366 received, read, and understand the requirements of the Florida
 367 Code of Judicial Conduct.

368 ... (Signature of candidate) ...

369 ... (Date) ...

370 5. The full and public disclosure of financial interests
 371 required by s. 8, Art. II of the State Constitution or the
 372 statement of financial interests required by s. 112.3145,
 373 whichever is applicable. A public officer who has filed the full
 374 and public disclosure or statement of financial interests with
 375 the Commission on Ethics or the supervisor of elections prior to

376 | qualifying for office may file a copy of that disclosure at the
377 | time of qualifying.

378 | Section 11. Subsection (2) of section 121.121, Florida
379 | Statutes, is amended to read:

380 | 121.121 Authorized leaves of absence.—

381 | (2) A member who is required to resign his or her office
382 | as a subordinate officer, deputy sheriff, or police officer
383 | because he or she is a candidate for a public office which is
384 | currently held by his or her superior officer who is also a
385 | candidate for reelection to the same office, in accordance with
386 | s. 99.012(5) ~~99.012(4)~~, shall, upon return to covered
387 | employment, be eligible to purchase retirement credit for the
388 | period between his or her date of resignation and the beginning
389 | of the term of office for which he or she was a candidate as a
390 | leave of absence without pay, as provided in subsection (1).

391 | Section 12. To provide for an orderly transition of
392 | office, the terms of incumbent elected municipal officers are
393 | extended until the next municipal election held in accordance
394 | with this act.

395 | Section 13. Except as otherwise expressly provided in this
396 | act, this act shall take effect July 1, 2017.