

# *State Qualifying Handbook*

November 2013  
Florida Department of State  
Division of Elections  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, FL 32399-0250  
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This publication is available in alternate format upon request by contacting 850.245.6240.

## **Chapter 1: Background**

The information contained in this publication is intended as a quick reference guide only and is current upon publication. To the extent that this Handbook covers material beyond that contained in law or rule, the Division of Elections offers such material to candidates as guidelines. Chapters 97-106, Florida Statutes, the Constitution of the State of Florida, Division of Elections' opinions and rules, Attorney General opinions, county charters, city charters and ordinances, and other sources should be reviewed in their entirety for complete information regarding qualifying.

This handbook explains the qualifying procedures for candidates who qualify with the Division of Elections (Division) as party candidates, no party affiliation candidates, nonpartisan candidates or write-in candidates. It gives the qualifications for each office, with both the regular and petition methods of qualifying, along with write-in procedures for each office that qualifies with the Division.

Forms and publications are available on the Division's website at:

<http://election.dos.state.fl.us>

Please direct any questions to the Division at 850.245.6280.

## **Chapter 2: Offices that Qualify with the Division**

- Statewide Offices:
  - Governor, Lieutenant Governor
  - Attorney General
  - Chief Financial Officer
  - Commissioner of Agriculture
  - Justice of the Supreme Court (only those whose terms expire January 2015)

- Multi-county State Offices:
  - State Attorney (Circuit 20)
  - Public Defender (Circuit 20)
  - State Senator (even-numbered districts)
  - State Representative (all districts)
- Judicial (Nonpartisan):
  - Judge, District Court of Appeal (only those whose terms expire January 2015)
  - Circuit Judges (only those whose terms expire January 2015)
- Multi-County Special Districts:
  - Varies by district

## **Chapter 3: Qualifying Options**

### **Pay the Qualifying Fee**

A candidate may pay the qualifying fee as their method of qualifying. This fee is determined by the office sought. Please refer to the qualifying requirements of each individual office sought for information related to specific qualifying fees.

### **Petition Method**

A candidate may qualify by collecting petitions. Please refer to the current Candidate Petition Handbook for more information about the candidate petition process:

<http://election.dos.state.fl.us/candidate/Qualifying-info.shtml>

### **Write-In Candidate**

A write-in candidate is not required to pay a fee or collect petitions. The candidate's name will not be listed on the ballot. A space will be available on the ballot where voters can write in the candidate's name.

## **Chapter 4: Things to Remember**

### **Where to File**

It is a candidate's responsibility to ensure qualifying papers are timely received by the Division and they are complete. All qualifying fees and paperwork must be received and complete by the close of the qualifying period for a candidate to be qualified. Our physical location and mailing address is:

**Division of Elections  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250**

### **Forms**

Although not required for qualifying, each candidate must file a Statement of Candidate (DS-DE 84) with the Division within 10 days after filing the Appointment of Campaign Treasurer and Designation of Campaign Depository (DS-DE 9). Willful failure to file these forms is a violation of Chapter 106, Florida Statutes.

Any candidate oath, Financial Disclosure Form, or qualifying check filed with the Division earlier than 14 days prior to the beginning of the qualifying period, is not valid for qualifying. If filed previously, originals of these documents must again be filed with the Division before the close of qualifying.

Current forms are available on the Division's website at: <http://election.myflorida.com>. Do not use old forms as required information may have changed.

Candidate Oath and Financial Disclosure forms require notarization. Review these documents carefully to ensure that they have been properly notarized.

Type or print your name the way you wish it to appear on the ballot under "Oath of Candidate" on the Candidate Oath form. A candidate's name as it

is to appear on the ballot may not be changed after the end of qualifying.

Candidates may submit qualifying papers by hand-delivery or mail. The Division does not accept qualifying papers via facsimile. All documents must have original signatures.

Please note that the U.S. Postal Service does not deliver to our building when mail is sent using regular or overnight delivery; instead, the Division has mail clerks that periodically make mail collections from the post office. If time is of the essence, candidates may wish to use Federal Express or UPS as these packages are delivered directly to the Division of Elections.

### **Qualifying Fee**

The qualifying fees must be:

- On a properly executed check;
- Made payable to the Department of State or Division;
- Drawn upon the campaign account; and
- In an amount not less than the fee required.

The check must be signed by the treasurer or a deputy treasurer. (A check signed by a candidate who has not been designated as the treasurer or deputy treasurer is not acceptable.)

Personal checks, cashiers' checks, cash, and money orders are **not** acceptable for qualifying.

The qualifying fee cannot be returned to a candidate unless the candidate withdraws, in writing, **before** the close of qualifying. The withdrawal statement must contain the candidate's signature. A fax withdrawal is acceptable (fax: 850-245-6260).

If a judicial candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate

shall, the end of qualifying notwithstanding, have 48 hours from the time such notification is received, excluding Saturdays, Sundays, and legal holidays, to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.

*(Section 105.031(5)(a)1, Fla. Stat.)*

For all other candidates, if a check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall have until the end of qualifying to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.

*(Section 99.061(7)(a)1, Fla. Stat.)*

#### **Missing or Incomplete Information**

If the filing officer receives qualifying papers that do not include all items as required prior to the last day of qualifying, the filing officer shall make a reasonable effort to notify the candidate of the missing or incomplete items and shall inform the candidate that all required items must be received by the close of qualifying.

*(Sections 99.061(7)(b) and 105.031(5)(b), Fla. Stat.)*

Please provide a telephone number and email address on your Candidate Oath where you can be reached during the day and after normal working hours. The Division will make every effort to contact you if there is a problem with your paperwork.

#### **Miscellaneous**

Your qualifying status can be determined on the Division's website at:

<http://election.dos.state.fl.us/candidate/index.asp>.

## **Chapter 5: Governor and Lieutenant Governor**

### **Qualifications**

1. Elector no less than 30 years of age;
2. Resident of the state for the preceding 7 years.  
*(Art. IV, § 5, Fla. Const.)*

### **Qualifying Dates**

Noon, June 16 – Noon, June 20, 2014  
*(Section 99.061, Fla. Stat.)*

Notwithstanding the qualifying dates stated above, the qualifying officer may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period.

*(Section 99.061 (8), Fla. Stat.)*

### **Required Qualifying Documents**

The following items must be received by the Division no later than noon, June 20, 2014:

1. **Form DS-DE 9**, Appointment of Campaign Treasurer and Designation of Campaign Depository. (If the original DS-DE 9 was previously filed with the Division, a copy is not required to be filed during the qualifying period.)
2. **Party Affiliation Candidates: Form DS-DE 24**, Candidate Oath;
3. **No Party Affiliation Candidates: Form DS-DE 24B**, Candidate Oath; or  
  
**Write-in Candidates: Form DS-DE 24A**, Candidate Oath.
4. **Form 6**, Full and Public Disclosure of Financial Interests for the year 2013 (and any other forms applicable as identified on Form 6). A public officer who has filed the full and public

disclosure or statement of financial interests for the year 2013 with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

### Candidates Paying the Qualifying Fee:

In addition to the above referenced items, all candidates, except a person seeking to qualify by the petition method or as a write-in candidate, must pay the qualifying fee below, as applicable:

- *Party Affiliation Candidates:* **\$7,816.38** – 6% of annual salary as of July 1, 2013; or
- *No Party Affiliation Candidates:* **\$5,210.92** – 4% of annual salary as of July 1, 2013.

### Write-in Candidates:

At the time of qualifying, all write-in candidates must reside within the district represented by the office sought.

*(Section 99.0615, Fla. Stat.)*

### Lieutenant Governor Running Mate

No later than 5:00 p.m. on September 4, 2014, each candidate for Governor shall designate a Lieutenant Governor as a running mate. The following items must be received by the Division no later than 5:00 p.m., September 4, 2014:

1. Written designation by the gubernatorial candidate of a Lieutenant Governor running mate;
2. *Party Affiliation Candidates:* [Form DS-DE 24](#), Candidate Oath; or

*No Party Affiliation Candidates:* [Form DS-DE 24B](#) Candidate Oath;

*Write-in Candidates:* [Form DS-DE 24A](#), Candidate Oath.

3. [Form 6](#): Full and Public Disclosure of Financial Interests for the year 2013 (and any other

forms applicable as identified on Form 6). A public officer who has filed the full and public disclosure for the year 2013 with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

*(Section 99.063, Fla. Stat.)*

## Chapter 6: Attorney General

### Qualifications

1. Elector no less than 30 years of age;
2. Resident of the state for the preceding 7 years;
3. A member of the Florida Bar for the preceding 5 years.

*(Art. IV, § 5, Fla. Const.)*

### Qualifying Dates

Noon, June 16 – Noon, June 20, 2014

Notwithstanding the qualifying dates stated above, the qualifying office may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period.

*(Section 99.061 (8), Fla. Stat.)*

### Required Qualifying Documents

The following items must be received by the Division no later than noon, June 20, 2014:

1. [Form DS-DE 9](#), Appointment of Campaign Treasurer and Designation of Campaign Depository. (If the original DS-DE 9 was previously filed with the Division of Elections, a copy is not required to be filed during the qualifying period.)
2. *Party Affiliation Candidates:* [Form DS-DE 24](#), Candidate Oath;

*No Party Affiliation Candidates:* [Form DS-DE 24B](#), Candidate Oath; or

*Write-in Candidates:* [Form DS-DE 24A](#), Candidate Oath.

3. [Form 6](#), Full and Public Disclosure of Financial Interests for the year 2013 (and any other forms applicable as identified on Form 6). A public officer who has filed the full and public disclosure or statement of financial interests for the year 2013 with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

#### **Candidates Paying the Qualifying Fee:**

In addition to the above referenced items, all candidates, except a person seeking to qualify by the petition method or as a write-in candidate, must pay the qualifying fee below, as applicable:

- *Party Affiliation Candidates:* **\$7,738.32** – 6% of annual salary as of July 1, 2013; or
- *No Party Affiliation Candidates:* **\$5,158.88** – 4% of annual salary as of July 1, 2013.

#### **Write-in Candidates:**

At the time of qualifying, all write-in candidates must reside within the district represented by the office sought.

*(Section 99.0615, Fla. Stat.)*

## **Chapter 7: Chief Financial Officer**

### **Qualifications**

1. Elector no less than 30 years of age;
2. Resident of the state for the preceding 7 years.  
*(Art. IV, § 5, Fla. Const.)*

### **Qualifying Dates**

Noon, June 16 – Noon, June 20, 2014

Notwithstanding the qualifying dates stated above, the qualifying office may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period.

*(Section 99.061 (8), Fla. Stat.)*

### **Items Required to Qualify**

The following items must be received by the Division no later than noon, June 20, 2014:

1. [Form DS-DE 9](#), Appointment of Campaign Treasurer and Designation of Campaign Depository. (If the original DS-DE 9 was previously filed with the Division, a copy is not required to be filed during the qualifying period.)
2. *Party Affiliation Candidates:* [Form DS-DE 24](#), Candidate Oath;

*No Party Affiliation Candidates:* [Form DS-DE 24B](#), Candidate Oath; or

*Write-in Candidates:* [Form DS-DE 24A](#), Candidate Oath.

3. [Form 6](#), Full and Public Disclosure of Financial Interests for the year 2013 (and any other forms applicable as identified on Form 6). A public officer who has filed the full and public disclosure or statement of financial interests for the year 2013 with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

### **Candidates Paying the Qualifying Fee:**

In addition to the above referenced items, all candidates, except a person seeking to qualify by the petition method or as a write-in candidate, must pay the qualifying fee below, as applicable:

- *Party Affiliation Candidates: \$7,738.32* – 6% of annual salary as of July 1, 2013; or
- *No Party Affiliation Candidates: \$5,158.88* – 4% of annual salary as of July 1, 2013.

**Write-in Candidates:**

At the time of qualifying, all write-in candidates must reside within the district represented by the office sought.

*(Section 99.0615, Fla. Stat.)*

## **Chapter 8: Commissioner of Agriculture**

### **Qualifications**

1. Elector no less than 30 years of age;
2. Resident of the state for the preceding 7 years.  
*(Art. IV, § 5, Fla. Cons.)*

### **Qualifying Dates**

Noon, June 16 – June 20, 2014

Notwithstanding the qualifying dates stated above, the qualifying office may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period.

*(Section 99.061 (8), Fla. Stat.)*

### **Required Qualifying Documents**

The following items must be received by the Division no later than noon, June 20, 2014:

1. [Form DS-DE 9](#), Appointment of Campaign Treasurer and Designation of Campaign Depository. (If the original DS-DE 9 was previously filed with the Division, a copy is not

required to be filed during the qualifying period.)

2. *Party Affiliation Candidates:* [Form DS-DE 24](#), Candidate Oath;

*No Party Affiliation Candidates:* [Form DS-DE 24B](#), Candidate Oath; or

*Write-in Candidates:* [Form DS-DE 24A](#), Candidate Oath.

3. [Form 6](#), Full and Public Disclosure of Financial Interests for the year 2013 (and any other forms applicable as identified on Form 6). A public officer who has filed the full and public disclosure or statement of financial interests for the year 2013 with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

### **Candidates Paying the Qualifying Fee:**

In addition to the above reference items, all candidates, except a person seeking to qualify by the petition method or as a write-in candidate, must pay the qualifying fee, below, as applicable:

- *Party Affiliation Candidates: \$7,738.32* – 6% of annual salary as of July 1, 2013); or
- *No Party Affiliation Candidates: \$5,158.88* – 4% of annual salary as of July 1, 2013.

### **Write-in Candidates:**

At the time of qualifying, all write-in candidates must reside within the district represented by the office sought.

*(Section 99.0615, Fla. Stat.)*

## **Chapter 9: State Attorney and Public Defender**

### **Qualifications**

#### State Attorney

1. Elector and resident of the circuit upon taking office.
2. Must be a member of the Florida Bar for the preceding five years.
3. Must devote full time to the duties of the office and must not engage in private practice.  
*(Art. V, § 17, Fla. Const.)*

#### Public Defender

1. Elector and resident of the circuit upon taking office.
2. Must be a member of the Florida Bar for the preceding five years.  
*(Art. V, § 18, Fla. Const.)*

### **Qualifying Dates and Location**

Noon, April 28 – Noon, May 2, 2014

Notwithstanding the qualifying dates stated above, the qualifying office may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period.  
*(Section 99.061 (8), Fla. Stat.)*

### **Required Qualifying Documents**

The following items must be received by the Division no later than noon, May 2, 2014:

1. [Form DS-DE 9](#), Appointment of Campaign Treasurer and Designation of Campaign Depository. (If the original DS-DE 9 was previously filed with the Division, a copy is not

required to be filed during the qualifying period.)

2. *Party Affiliation Candidates:* [Form DS-DE 24](#), Candidate Oath;

*No Party Affiliation Candidates:* [Form DS-DE 24B](#), Candidate Oath – Candidate with No Party Affiliation.

*Write-in Candidates:* [Form DS-DE 24A](#), Candidate Oath.

3. [Form 6](#), Full and Public Disclosure of Financial Interests for the year 2013 (and any other forms applicable as identified on Form 6). A public officer who has filed the full and public disclosure or statement of financial interests for the year 2013 with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

### **Candidates Paying the Qualifying Fee**

In addition to the above referenced items, all candidates, except a person seeking to qualify by the petition method or as a write-in candidate, must pay the qualifying fee below, as applicable:

- *Party Affiliation Candidates:* **\$9,188.40** (6% of annual salary as of July 1, 2013); or,
- *No Party Affiliation Candidates:* **\$6,125.60** (4% of annual salary as of July 1, 2013).

### **Write-in Candidates**

At the time of qualifying, all write-in candidates must reside within the district represented by the office sought.

*(Section 99.0615, Fla. Stat.)*

## **Chapter 10: State Senator and State Representative**

### **Qualifications**

1. Elector and resident of the district upon taking office.
2. Must be at least twenty-one years of age.
3. Must be a resident of the state for at least two years prior to election.

*(Art. III, § 15, Fla. Const.)*

### **Qualifying Dates**

Noon, June 16 – Noon, June 20, 2014

Notwithstanding the qualifying dates stated above, the qualifying office may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period.

*(Section 99.061 (8), Fla. Stat.)*

### **Required Qualifying Documents**

The following items must be received by the Division no later than noon, June 20, 2014:

1. [Form DS-DE 9](#), Appointment of Campaign Treasurer and Designation of Campaign Depository. (If the original DS-DE 9 was previously filed with the Division, a copy is not required to be filed during the qualifying period.)
2. *Party Affiliation Candidates:* [Form DS-DE 24](#), Candidate Oath;

*No Party Affiliation Candidates:* [Form DS-DE 24B](#), Candidate Oath; or

*Write-in Candidates:* [Form DS-DE 24A](#), Candidate Oath.

3. [Form 6](#), Full and Public Disclosure of Financial Interests for the year 2013 (and any other forms applicable as identified on Form 6). A public officer who has filed the full and public disclosure or statement of financial interests for the year 2013 with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

### **Candidates Paying the Qualifying Fee**

In addition to the above referenced items, all candidates, except a person seeking to qualify by the petition method or as a write-in candidate, must pay the qualifying fee below, as applicable:

- *Party Affiliation Candidates:* **\$1,781.82** (6% of annual salary as of July 1, 2013);
- *No Party Affiliation Candidates:* **\$1,187.88** (4% of annual salary as of July 1, 2013)

### **Write-in Candidates**

At the time of qualifying, all write-in candidates must reside within the district represented by the office sought.

*(Section 99.0615, Fla. Stat.)*

## **Chapter 11: Justice of the Supreme Court and Judge, District Court of Appeal**

### **Qualifications**

1. Elector and resident of the territorial jurisdiction of the court upon taking office.
2. Must be a member of the Florida Bar for the preceding ten years.
3. No justice shall serve after attaining the age of seventy years except upon temporary

assignment or to complete a term, one-half of which has been served.

*(Art. V, § 8, Fla. Const.)*

### **Qualifying Dates**

Noon, April 28 – Noon, May 2, 2014

Notwithstanding the qualifying dates stated above, the qualifying office may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period.

*(Section 105.031 (6), Fla. Stat.)*

### **Required Qualifying Documents**

The following items must be received by the Division no later than noon, May 2, 2014:

1. [Form DS-DE 9](#), Appointment of Campaign Treasurer and Designation of Campaign Depository. If you do not anticipate collecting or expending funds in connection with your candidacy, this form is still required to be filed; however, the campaign account does not have to be physically opened.
2. [Form DS-DE 26](#), Judicial Office Candidate Oath.
3. [Form 6](#), Full and Public Disclosure of Financial Interests for the year 2013 (and any other forms applicable as identified on Form 6). A public officer who has filed the full and public disclosure or statement of financial interests for the year 2013 with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure at the time of qualifying.
4. [Form DS-DE 96](#), Affidavit of Intention must be filed at the time of qualifying if you anticipate receiving no contributions or making no expenditures in connection with your campaign.  
*(Sections 105.031 and 105.08, Fla. Stat.)*

### **Special Requirements**

If [Form DS-DE 96](#), Affidavit of Intention, is filed at the time of qualifying, the candidate is exempt from filing campaign treasurer's reports. However, [Form DS-DE 97](#), Affidavit of Compliance, must still be filed as a final report within 90 days following the general election. If contributions or expenditures are received after filing the above sworn statements, a statement to that effect must be filed, a campaign account opened at the depository previously designated, and campaign treasurer's reports filed.

## **Chapter 12: Circuit Judge**

### **Qualifications**

1. Elector and resident of the circuit upon taking office.
2. Must be a member of the Florida Bar for the preceding five years.
3. No judge shall serve after attaining the age of seventy years except upon temporary assignment or to complete a term, one-half of which has been served.

*(Art. V, § 8, Fla. Const.)*

### **Qualifying Dates**

Noon, April 28 – Noon, May 2, 2014

Notwithstanding the qualifying dates stated above, the qualifying office may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period.

*(Section 105.031 (6), Fla. Stat.)*

### **Required Qualifying Documents**

The following items must be received by the Division no later than noon, May 2, 2014:

1. [Form DS-DE 9](#), Appointment of Campaign Treasurer and Designation of Campaign Depository. (If the original DS-DE 9 was previously filed with the Division, a copy is not required to be filed during the qualifying period.)
2. [Form DS-DE 26](#), Judicial Office Candidate Oath; or  
  
[Form DS-DE 26A](#), Judicial Office Candidate Oath – Write-in.
3. [Form 6](#), Full and Public Disclosure of Financial Interests for the year 2013 (and any other forms applicable as identified on Form 6). A public officer who has filed the full and public disclosure or statement of financial interests for the year 2013 with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

### Candidates Paying the Qualifying Fee

In addition to the above referenced items, all candidates, except a person seeking to qualify by the petition method or as a write-in candidate, must pay a qualifying fee in the amount of **\$5,803.20** (4% of the annual salary as of July 1, 2013).

### Write-in Candidates

At the time of qualifying, all write-in candidates must reside within the district represented by the office sought.

*(Section 99.0615, Fla. Stat.)*

## **Chapter 13: Multi-County Special District**

### Qualifying Dates

Noon, June 16 – Noon, June 20, 2014

Notwithstanding the qualifying dates stated above, the qualifying office may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period.

*(Section 99.061 (8), Fla. Stat.)*

### Required Qualifying Documents

The following items must be received by the Division no later than noon, June 20, 2014:

1. [Form DS-DE 25](#), Candidate Oath; or  
  
[Form DS-DE 24A](#), Candidate Oath.
2. [Form 1](#), Statement of Financial Interests for the year 2013. A public officer who has filed a financial disclosure statement for 2013 with the Commission on Ethics or the supervisor of elections prior to qualifying for office may file a copy with this office for qualifying.

### Candidates Paying the Qualifying Fee

In addition to the above referenced items, all candidates, except a person seeking to qualify by the petition method or as a write-in candidate, must pay a qualifying fee in the amount of **\$25.00**.

### Write-in Candidates

At the time of qualifying, all write-in candidates must reside within the district represented by the office sought.

*(Section 99.0615, Fla. Stat.)*

\*Special district candidates who intend to accept campaign contributions and make campaign expenditures, or who begin raising or expending campaign funds, must file a Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository.

## **Section 99.061, Florida Statutes**

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

(1) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a federal, state, or multicounty district office, other than election to a judicial office as defined in chapter 105 or the office of school board member, shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the Department of State, or qualify by the petition process pursuant to s. 99.095 with the Department of State, at any time after noon of the 1st day for qualifying, which shall be as follows: the 120th day prior to the primary election, but not later than noon of the 116th day prior to the date of the primary election, for persons seeking to qualify for nomination or election to federal office or to the office of the state attorney or the public defender; and noon of the 71st day prior to the primary election, but not later than noon of the 67th day prior to the date of the primary election, for persons seeking to qualify for nomination or election to a state or multicounty district office, other than the office of the state attorney or the public defender.

(2) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a county office, or district office not covered by subsection (1), shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the supervisor of elections of the county, or shall qualify by the petition process pursuant to s. 99.095 with the supervisor of elections, at any time after noon of the 1st day for qualifying, which shall be the 71st day prior to the primary election, but not later than noon of the 67th day prior to the date of the primary election. Within 30 days after the closing of qualifying time, the supervisor of elections shall remit to the secretary of the state executive committee of the political party to which the candidate belongs the amount of the filing fee, two-thirds of which shall be used to promote the candidacy of candidates for county offices and the candidacy of members of the Legislature.

(3) Notwithstanding the provisions of any special act to the contrary, each person seeking to qualify for election to a special district office shall qualify between noon of the 71st day prior to the primary election and noon of the 67th day prior to the date of the primary election. Candidates for single-county special districts shall qualify with the supervisor of elections in the county in which the district is located. If the district is a multicounty district, candidates shall qualify with the Department of State. All special district candidates shall qualify by paying a filing fee of \$25 or qualify by the petition process pursuant to s. 99.095. Notwithstanding s. 106.021, a candidate who does not collect contributions and whose only expense is the filing fee or signature verification fee is not required to appoint a campaign treasurer or designate a primary campaign depository.

(4)(a) Each person seeking to qualify for election to office as a write-in candidate shall file his or her qualification papers with the respective qualifying officer at any time after noon of the 1st day for qualifying, but not later than noon of the last day of the qualifying period for the office sought.

(b) Any person who is seeking election as a write-in candidate shall not be required to pay a filing fee, election assessment, or party assessment. A write-in candidate is not entitled to have his or her name printed on any ballot; however, space for the write-in candidate's name to be written in must be provided on the general election ballot. A person may not qualify as a write-in candidate if the person has also otherwise qualified for nomination or election to such office.

(5) At the time of qualifying for office, each candidate for a constitutional office shall file a full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution, which must be verified under oath or affirmation pursuant to s. 92.525(1)(a), and a candidate for any other office, including local elective office, shall file a statement of financial interests pursuant to s. 112.3145.

(6) The Department of State shall certify to the supervisor of elections, within 7 days after the closing date for qualifying, the names of all duly qualified candidates for nomination or election who have qualified with the Department of State.

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

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

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

3. If the office sought is partisan, the written statement of political party affiliation required by s. 99.021(1)(b).

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

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

(b) If the filing officer receives qualifying papers during the qualifying period prescribed in this section which do not include all items as required by paragraph (a) prior to the last day of qualifying, the filing officer shall make a reasonable effort to notify the candidate of the missing or incomplete items and shall inform the candidate that all required items must be received by the close of qualifying. A candidate's name as it is to appear on the ballot may not be changed after the end of qualifying.

(c) The filing officer performs a ministerial function in reviewing qualifying papers. In determining whether a candidate is qualified, the filing officer shall review the qualifying papers to determine whether all items required by paragraph (a) have been properly filed and whether each item is complete on its face, including whether items that must be verified have been properly verified pursuant to s. 92.525(1)(a). The filing officer may not determine whether the contents of the qualifying papers are accurate.

(8) Notwithstanding the qualifying period prescribed in this section, a qualifying office may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period.

(9) Notwithstanding the qualifying period prescribed by this section, in each year in which the Legislature apportions the state, the qualifying period for persons seeking to qualify for nomination or election to federal office shall be between noon of the 71st day prior to the primary election, but not later than noon of the 67th day prior to the primary election.

(10) The Department of State may prescribe by rule requirements for filing papers to qualify as a candidate under this section.

(11) The decision of the filing officer concerning whether a candidate is qualified is exempt from the provisions of chapter 120.

History.—ss. 25, 26, ch. 6469, 1913; RGS 329, 330; CGL 386, 387; ss. 4, 5, ch. 13761, 1929; s. 1, ch. 16990, 1935; CGL 1936 Supp. 386; ss. 1, chs. 19007, 19008, 19009, 1939; CGL 1940 Supp. 4769(3); s. 1, ch. 20619, 1941; s. 1, ch. 21851, 1943; s. 1, ch. 23006, 1945; s. 1, ch. 24163, 1947; s. 3, ch. 26870, 1951; s. 11, ch. 28156, 1953; s. 4, ch. 29936, 1955; s. 10, ch. 57-1; s. 1, ch. 59-84; s. 1, ch. 61-373 and s. 4, ch. 61-530; s. 1, ch. 63-502; s. 7, ch. 65-378; s. 2, ch. 67-531; ss. 10, 35, ch. 69-106; s. 5, ch. 69-281; s. 1, ch. 69-300; s. 1, ch. 70-42; s. 1, ch. 70-93; s. 1, ch. 70-439; s. 6, ch. 77-175; s. 1, ch. 78-188; s. 3, ch. 81-105; s. 2, ch. 83-15; s. 2, ch. 83-25; s. 1, ch. 83-251; s. 29, ch. 84-302; s. 1, ch. 86-7; s. 6, ch. 89-338; s. 8, ch. 90-315; s. 32, ch. 91-107; s. 536, ch. 95-147; s. 1, ch. 95-156; s. 9, ch. 99-318; s. 9, ch. 99-326; s. 3, ch. 2001-75; s. 11, ch. 2005-277; s. 51, ch. 2005-278; s. 7, ch. 2005-286; s. 16, ch. 2007-30; s. 14, ch. 2011-40.

Note.—Former ss. 102.32, 102.33, 102.351, 102.36, 102.66, 102.69.

## **Section 99.095, Florida Statutes**

### **99.095 Petition process in lieu of a qualifying fee and party assessment.—**

(1) A person who seeks to qualify as a candidate for any office and who meets the petition requirements of this section is not required to pay the qualifying fee or party assessment required by this chapter.

(2)(a) Except as provided in paragraph (b), a candidate must obtain the number of signatures of voters in the geographical area represented by the office sought equal to at least 1 percent of the total number of registered voters of that geographical area, as shown by the compilation by the department for the immediately preceding general election. Signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to s. 106.021 and are valid only for the qualifying period immediately following such filings.

(b) A candidate for a special district office shall obtain 25 signatures of voters in the geographical area represented by the office sought.

(c) The format of the petition shall be prescribed by the division and shall be used by candidates to reproduce petitions for circulation. If the candidate is running for an office that requires a group or district designation, the petition must indicate that designation and, if it does not, the signatures are not valid. A separate petition is required for each candidate.

(d) In a year of apportionment, any candidate for county or district office seeking ballot position by the petition process may obtain the required number of signatures from any registered voter in the respective county, regardless of district boundaries. The candidate shall obtain at least the number of signatures equal to 1 percent of the total number of registered voters, as shown by a compilation by the department for the immediately preceding general election, divided by the total number of districts of the office involved.

(3) Each petition must be submitted before noon of the 28th day preceding the first day of the qualifying period for the office sought to the supervisor of elections of the county in which such petition was circulated. Each supervisor shall check the signatures on the petitions to verify their status as voters in the county, district, or other geographical area represented by the office sought. No later than the 7th day before the first day of the qualifying period, the supervisor shall certify the number of valid signatures.

(4)(a) Certifications for candidates for federal, state, multicounty district, or multicounty special district office shall be submitted to the division no later than the 7th day before the first day of the qualifying period for the office sought. The division shall determine whether the required number of signatures has been obtained and shall notify the candidate.

(b) For candidates for county, district, or special district office not covered by paragraph (a), the supervisor shall determine whether the required number of signatures has been obtained and shall notify the candidate.

(5) If the required number of signatures has been obtained, the candidate is eligible to qualify pursuant to s. 99.061.

History.—s. 2, ch. 74-119; s. 6, ch. 77-175; s. 29, ch. 79-400; s. 10, ch. 89-338; s. 9, ch. 90-315; s. 539, ch. 95-147; s. 3, ch. 99-140; s. 1, ch. 99-318; s. 14, ch. 2005-277; s. 9, ch. 2005-286; s. 17, ch. 2007-30; s. 11, ch. 2008-95; s. 18, ch. 2011-40.

## **Section 105.031, Florida Statutes**

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

(1) TIME OF QUALIFYING.—Except for candidates for judicial office, nonpartisan candidates for multicounty office shall qualify with the Division of Elections of the Department of State and nonpartisan candidates for countywide or less than countywide office shall qualify with the supervisor of elections. Candidates for judicial office other than the office of county court judge shall qualify with the Division of Elections of the Department of State, and candidates for the office of county court judge shall qualify with the supervisor of elections of the county. Candidates for judicial office shall qualify no earlier than noon of the 120th day, and no later than noon of the 116th day, before the primary election. Candidates for the office of school board member shall qualify no earlier than noon of the 71st day, and no later than noon of the 67th day, before the primary election. Filing shall be on forms provided for that purpose by the Division of Elections and furnished by the appropriate qualifying officer. Any person other than a write-in candidate who qualifies within the time prescribed in this subsection shall be entitled to have his or her name printed on the ballot.

(2) FILING IN GROUPS OR DISTRICTS.—Candidates shall qualify in groups or districts where multiple offices are to be filled.

(3) QUALIFYING FEE.—Each candidate qualifying for election to a judicial office or the office of school board member, except write-in judicial or school board candidates, shall, during the time for qualifying, pay to the officer with whom he or she qualifies a qualifying fee, which shall consist of a filing fee and an election assessment, or qualify by the petition process. The amount of the filing fee is 3 percent of the annual salary of the office sought. The amount of the election assessment is 1 percent of the annual salary of the office sought. The Department of State shall transfer all filing fees to the Department of Legal Affairs for deposit in the Elections Commission Trust Fund. The supervisor of elections shall forward all filing fees to the Elections Commission Trust Fund. The election assessment shall be deposited into the Elections Commission Trust Fund. The annual salary of the office for purposes of computing the qualifying fee shall be computed by multiplying 12 times the monthly salary authorized for such office as of July 1 immediately preceding the first day of qualifying. This subsection does not apply to candidates qualifying for retention to judicial office.

(4) CANDIDATE'S OATH.—

(a) All candidates for the office of school board member shall subscribe to the oath as prescribed in s. 99.021.

(b) All candidates for judicial office shall subscribe to an oath or affirmation in writing to be filed with the appropriate qualifying officer upon qualifying. A printed copy of the oath or affirmation shall be furnished to the candidate by the qualifying officer and shall be in substantially the following form:

State of Florida

County of \_\_

Before me, an officer authorized to administer oaths, personally appeared (please print name as you wish it to appear on the ballot), to me well known, who, being sworn, says he or she: is a candidate for the judicial office of \_\_; that his or her legal residence is \_\_ County, Florida; that he or she is a qualified elector of the state and of the territorial jurisdiction of the court to which he or she seeks election; that he or she is qualified under the constitution and laws of Florida to hold the judicial office to which he or she desires to be elected or in which he or she desires to be retained; that he or she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent to the office he or she seeks; that he or she has resigned from

any office which he or she is required to resign pursuant to s. 99.012, Florida Statutes; and that he or she will support the Constitution of the United States and the Constitution of the State of Florida.

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

(Signature and title of officer administering oath)

(5) ITEMS REQUIRED TO BE FILED.—

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

1. Except for candidates for retention to judicial office, a properly executed check drawn upon the candidate's campaign account in an amount not less than the fee required by subsection (3) or, in lieu thereof, the copy of the notice of obtaining ballot position pursuant to s. 105.035. If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall, the end of qualifying notwithstanding, have 48 hours from the time such notification is received, excluding Saturdays, Sundays, and legal holidays, to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.
2. The candidate's oath required by subsection (4), which must contain the name of the candidate as it is to appear on the ballot; the office sought, including the district or group number if applicable; and the signature of the candidate, duly acknowledged.
3. The loyalty oath required by s. 876.05, signed by the candidate and duly acknowledged.
4. The completed form for the appointment of campaign treasurer and designation of campaign depository, as required by s. 106.021. In addition, each candidate for judicial office, including an incumbent judge, shall file a statement with the qualifying officer, within 10 days after filing the appointment of campaign treasurer and designation of campaign depository, stating that the candidate has read and understands the requirements of the Florida Code of Judicial Conduct. Such statement shall be in substantially the following form:
5. The full and public disclosure of financial interests required by s. 8, Art. II of the State Constitution or the statement of financial interests required by s. 112.3145, whichever is applicable. A public officer who has filed the full and public disclosure or statement of financial interests with the Commission on Ethics or the supervisor of elections prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

(b) If the filing officer receives qualifying papers that do not include all items as required by paragraph (a) prior to the last day of qualifying, the filing officer shall make a reasonable effort to notify the candidate of the missing or incomplete items and shall inform the candidate that all required items must be received by the close of qualifying. A candidate's name as it is to appear on the ballot may not be changed after the end of qualifying.

(6) Notwithstanding the qualifying period prescribed in this section, a filing officer may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period.

**History.**—s. 3, ch. 71-49; s. 36, ch. 77-175; s. 1, ch. 78-260; s. 5, ch. 79-365; s. 54, ch. 79-400; s. 17, ch. 81-105; s. 10, ch. 83-251; s. 1, ch. 89-152; s. 34, ch. 89-338; s. 5, ch. 91-107; s. 630, ch. 95-147; s. 2, ch. 95-156; s. 13, ch. 97-13; s. 13, ch. 99-6; s. 2, ch. 99-326; s. 2, ch. 99-355; s. 23, ch. 2002-17; s. 65, ch. 2005-277; s. 21, ch. 2005-286; s. 40, ch. 2007-30; s. 4, ch. 2010-16; s. 51, ch. 2011-40.

## **Section 105.035, Florida Statutes**

### **105.035 Petition process of qualifying for certain judicial offices and the office of school board member.—**

(1) A person seeking to qualify for election to the office of circuit judge or county court judge or the office of school board member may qualify for election to such office by means of the petitioning process prescribed in this section. A person qualifying by this petition process is not required to pay the qualifying fee required by this chapter.

(2) The petition format shall be prescribed by the Division of Elections and shall be used by the candidate to reproduce petitions for circulation. If the candidate is running for an office that will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate's petition must indicate, prior to the obtaining of registered electors' signatures, for which group or district office the candidate is running.

(3) Each candidate for election to a judicial office or the office of school board member shall obtain the signature of a number of qualified electors equal to at least 1 percent of the total number of registered electors of the district, circuit, county, or other geographic entity represented by the office sought as shown by the compilation by the Department of State for the last preceding general election. A separate petition shall be circulated for each candidate availing himself or herself of the provisions of this section. Signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to s. 106.021.

(4)(a) Each candidate seeking to qualify for election to the office of circuit judge or the office of school board member from a multicounty school district pursuant to this section shall file a separate petition from each county from which signatures are sought. Each petition shall be submitted, prior to noon of the 28th day preceding the first day of the qualifying period for the office sought, to the supervisor of elections of the county for which such petition was circulated. Each supervisor of elections to whom a petition is submitted shall check the signatures on the petition to verify their status as electors of that county and of the geographic area represented by the office sought. No later than the 7th day before the first date for qualifying, the supervisor shall certify the number shown as registered electors and submit such certification to the Division of Elections. The division shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate. If the required number of signatures has been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of such notice and file his or her qualifying papers and oath prescribed in s. 105.031 with the Division of Elections. Upon receipt of the copy of such notice and qualifying papers, the division shall certify the name of the candidate to the appropriate supervisor or supervisors of elections as having qualified for the office sought.

(b) Each candidate seeking to qualify for election to the office of county court judge or the office of school board member from a single county school district pursuant to this section shall submit his or her petition, prior to noon of the 28th day preceding the first day of the qualifying period for the office sought, to the supervisor of elections of the county for which such petition was circulated. The supervisor shall check the signatures on the petition to verify their status as electors of the county and of the geographic area represented by the office sought. No later than the 7th day before the first date for qualifying, the supervisor shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate. If the required number of signatures has been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of such notice and file his or her qualifying papers

and oath prescribed in s. 105.031 with the qualifying officer. Upon receipt of the copy of such notice and qualifying papers, such candidate shall be entitled to have his or her name printed on the ballot.

**History.**—s. 37, ch. 77-175; s. 2, ch. 89-152; s. 35, ch. 89-338; s. 23, ch. 90-315; s. 631, ch. 95-147; s. 6, ch. 99-318; s. 3, ch. 99-326; s. 66, ch. 2005-277.