

2020 State Qualifying Handbook



Florida Department of State
Division of Elections
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, FL 32399-0250
850.245.6280

(Rev. 2/7/2020)

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Chapter 1: Background

The information contained in this publication is intended as a quick reference guide only. To the extent that this handbook covers material beyond that contained in law or rule, the Florida Division of Elections offers such material to candidates merely as guidelines. It is the responsibility of the person seeking to qualify to read, understand, and comply with applicable federal and state law requirements, procedures and timelines for qualifying. [Chapters 97-106](#), Florida Statutes, the [Constitution of the State of Florida](#), and Division of Elections' advisory [opinions](#) and [rules](#), the texts of which control, should be reviewed in their entirety for complete information regarding qualifying.

This handbook explains the qualifying procedures for state candidates who qualify with the Florida Department of State's 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.

All applicable forms and publications are available on the Division of Elections' website at dos.myflorida.com/elections/forms-publications.

Please direct any questions to the Bureau of Election Records help desk at **850.245.6280**.

Chapter 2: Offices that Qualify with the Division

- Multi-County State Offices:
 - State Attorney (Circuits 1-19)
 - Public Defender (Circuits 1-19)
 - State Senator (only odd numbered districts)
 - State Representative (all districts)
- Judicial (Nonpartisan):
 - Justice of the Supreme Court (only those whose terms expire January 2021)
 - Judge, District Court of Appeal (only those whose terms expire January 2021)
 - Circuit Judges (only those whose terms expire January 2021)
- Multi-County Special Districts:
 - Varies by district

Chapter 3: Resign-to-Run Law

Governing Law

No “officer” may qualify as a candidate for another state, district, county, or municipal public office if the terms, or any part thereof, run concurrently with each other without resigning from the office they presently hold. Also, any officer who qualifies for federal public office must resign from the office they presently hold if the terms, or any part thereof, run concurrently with each other. However, there are [exceptions to the Resign-to-Run Law](#).

(Section [99.012 \(3\) and \(4\)](#), Fla. Stat.)

Who is an “officer?”

An “officer” means a person, whether elected or appointed, who has the authority to exercise the sovereign power of the state pertaining to an office recognized under the State Constitution or laws of the state. With respect to a municipality, an “officer” means a person, whether elected or appointed, who has the authority to exercise municipal power as provided by the State Constitution, state laws, or municipal charter.

(Section [99.012\(1\)](#), Fla. Stat.)

“Officers” include, but are not limited to: mayors, city and county commissioners, state legislators, supervisors of elections, sheriffs, property appraisers, judges, school board members, superintendents of school, state attorneys and public defenders, municipal fire chiefs, medical examiners, and elected hospital board and airport authority members.

Exceptions to the Resign-to-Run Law

- Political party offices.
- Persons serving without salary on an appointed board or authority.
- Persons holding federal office.
- An elected officer running for federal office if the term of office they presently hold is scheduled to expire and be filled by election in the same primary and general election period as the federal office they are seeking.

Resignation Process

The resignation must be in writing at least 10 days prior to the first day of qualifying for the office sought.

- Elected district, county, or municipal officers:
 - Submit resignation to the officer before whom they qualified for the office they hold.
 - Submit a copy of the resignation to the Governor and to the Florida Department of State.
- Appointed district, county, or municipal officers:
 - Submit resignation to the officer or authority which appointed them to the office they hold.
 - Submit a copy of the resignation to the Governor and to the Florida Department of State.
- All other officers:
 - Submit resignation to the Governor.
 - Submit a copy of the resignation to the Florida Department of State.

Address Information

Address for Governor’s Office	Address for Florida Department of State
The Honorable Ron DeSantis, Governor The Capitol 400 S. Monroe St. Tallahassee, FL 32399-0001 Fax: (850) 922-9002	Kristi Reid Willis, Chief Bureau of Election Records Department of State R.A. Gray Building, Room 316, 500 S. Bronough Street Tallahassee, Florida 32399-0250 Email: kristi.willis@dos.my.florida.com Fax: (850) 245-6259 or -6260

Effective date of the resignation

The resignation’s effective date must be no later than the earlier of the following dates:

- The date the officer would take office, if elected; or
- The date the officer’s successor is required to take office.

Once submitted, the resignation is irrevocable.

Chapter 4: Qualifying Options

Qualifying Fee Method

A person may pay a fee to qualify as a candidate. This qualifying fee is based on the salary of the office sought. Please refer to the qualifying requirements of each individual office sought for the specific amount of the fees.

Petition Method

A person may follow the candidate petition process to qualify as a candidate. A person satisfying the petition requirements is not required to pay the qualifying fee and party assessment, if applicable. However, the person must still satisfy other applicable requirements for qualifying.

Please refer to the current [Candidate Petition Handbook](#) for more information.

Write-In Candidate

A person may qualify as a write-in candidate. A write-in candidate is neither required to pay a qualifying fee or party assessment, nor collect petitions. However, the write-in candidate must still satisfy other applicable requirements for qualifying.

A qualified write-in candidate's name will not be listed on the ballot. A space will be available on the ballot where voters can write in that candidate's name.

Chapter 5: Qualifying Process

Where and When to File

All qualifying fees and paperwork must be complete and received by the Florida Division of Elections before the end of qualifying period, at the following address:

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

How to File

It is a candidate's responsibility to ensure qualifying fees, if applicable, and paperwork are complete and timely filed.

Candidates may submit qualifying paperwork by hand-delivery or mail. The Division does not accept qualifying papers via facsimile or email.

To ensure that the qualifying fee, if applicable, and paperwork are timely submitted, a candidate or someone on their behalf should hand-deliver the paperwork directly to the Division or use a commercial express courier delivery service that ensures delivery directly to the Division.

(Rule [15-2.0001\(3\)](#), F.A.C.)

Note that the U.S. Postal Service does not deliver mail directly to the Florida Division of Elections. The U.S. Postal Service's designated hours for mail pick-up do not correspond with the qualifying deadline.

Any Candidate Oath, Financial Disclosure Form, or qualifying check filed with the Division earlier than the allowed 14-day pre-qualifying period is not valid for qualifying. If filed prior to the start of the pre-qualifying period, these documents must be filed again with the Division before the close of qualifying.

Forms

- Current qualifying [forms](#) are available on the Division’s website.
- **Do not use older versions of forms as this may delay qualifying or prevent a person from qualifying.**
- The Candidate Oath and Financial Disclosure Form should be reviewed carefully for proper notarization. Improper notarization may prevent a candidate from qualifying.
- The candidate’s name printed on the Candidate Oath will be printed on the ballot exactly as printed on the Oath and cannot be changed after the end of qualifying.

Prohibition on Qualifying for Multiple Offices

No person may qualify as a candidate for more than one public office, whether federal, state, district, county, or municipal, if the terms or any part thereof run concurrently with each other.

(Section [99.012\(2\)](#), Fla. Stat.)

Qualifying Fee

The qualifying fee must be:

- Paid by a properly executed check drawn on the campaign account. (A personal check, cashier’s check, money order, or cash are **not acceptable**);
- Made payable to the Florida Department of State, Florida Secretary of State, or Florida Division of Elections; and
- In an amount not less than the fee required.

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

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. The withdrawal may be faxed to 850.245.6260, or scanned and emailed to ElecRecords@dos.myflorida.com.

Returned Check

If a candidate's qualifying fee check is returned by the bank for any reason, the filing officer shall immediately notify the candidate. 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., and Wright v. City of Miami Gardens, 200 So.3d 765 (Fla. S. Ct. 2016))

Missing or Incomplete Information

If the filing officer receives qualifying paperwork that does not include all required items 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.)

Candidates should provide a telephone number and email address on the Candidate Oath where they can be reached during the day and after normal working hours.

Qualifying Status Look-up

A person's qualifying status can be found on the Division's [Candidate Tracking System](#).

Chapter 6: State Attorney

Qualifications

1. Elector and resident of the judicial circuit upon taking office.
2. Florida Bar member 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.)

Qualifying Dates

Noon (ET), Monday, April 20, 2020 – Noon (ET), Friday, April 24, 2020

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](#), Fla. Stat.)

Qualifying Documents

The following items must be complete and received by the Division no later than noon (ET), Friday, April 24, 2020:

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 301SL](#) Candidate Oath – State and Local Partisan Office
3. [Form 6](#), Full and Public Disclosure of Financial Interests for the year 2019 (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 2019 with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure (in lieu of another original) at the time of qualifying.

Qualifying Fee

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

- **Party Affiliation Candidates:** \$10,173.24 (6% of annual salary as of July 1, 2019); or
- **No Party Affiliation Candidates:** \$6,782.16 (4% of annual salary as of July 1, 2019).

Chapter 7: Public Defender

Qualifications

1. Elector and resident of the judicial circuit upon taking office.
2. Florida Bar member for the preceding five years.

(Art. V, § 18, Fla. Const.)

Qualifying Dates

Noon (ET), Monday, April 20, 2020 – Noon (ET), Friday, April 24, 2020

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, Fla. Stat.)

Qualifying Documents

The following items must be complete and received by the Division no later than noon (ET), Friday, April 24, 2020:

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 301SL](#) Candidate Oath – State and Local Partisan Office
3. [Form 6](#), Full and Public Disclosure of Financial Interests for the year 2019 (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 2019 with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure (in lieu of another original) at the time of qualifying.

Qualifying Fee

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

- **Party Affiliation Candidates:** \$10,173.24 (6% of annual salary as of July 1, 2019); or
- **No Party Affiliation Candidates:** \$6,782.16 (4% of annual salary as of July 1, 2019).

Chapter 8: 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 Florida for at least two years prior to election.

(Art. III, § 15, Fla. Const.)

Qualifying Dates

Noon (ET), Monday, June 8, 2020 – Noon (ET), Friday, June 12, 2020

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, Fla. Stat.)

Qualifying Documents

The following items must be complete and received by the Division no later than noon (ET), Friday, June 12, 2020:

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 301SL](#) Candidate Oath – State and Local Partisan Office
3. [Form 6](#), Full and Public Disclosure of Financial Interests for the year 2019 (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 2019 with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure (in lieu of another original) at the time of qualifying.

Qualifying Fee

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

- **Party Affiliation Candidates:** \$1,781.82 (6% of annual salary as of July 1, 2019); or
- **No Party Affiliation Candidates:** \$1,187.88 (4% of annual salary as of July 1, 2019).

Chapter 9: Justice of the Supreme Court and Judge of District Court of Appeal

Qualifications

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

(Art. V, § 8, Fla. Const.)

Qualifying Dates

Noon (ET), Monday, April 20, 2020 – Noon (ET), Friday, April 24, 2020

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](#), Fla. Stat.)

Qualifying Documents

The following items must be complete and received by the Division no later than noon (ET), Friday, April 24, 2020:

1. [Form DS-DE 9](#), Appointment of Campaign Treasurer and Designation of Campaign Depository. Even if a candidate does not anticipate collecting or expending funds in connection with the campaign, this form is still required to be filed; however, the campaign account does not have to be physically opened.
2. [Form DS-DE 303JU](#) Candidate Oath – Judicial Office
3. [Form 6](#), Full and Public Disclosure of Financial Interests for the year 2019 (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 2019 with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure (in lieu of another original) at the time of qualifying.
4. [Form DS-DE 96](#), Affidavit of Intention, must be filed at the time of qualifying if the candidates does not anticipate receiving any contributions or making any expenditures in connection with the 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 10: Circuit Judge

Qualifications

1. Elector and resident of the judicial circuit upon taking office.
2. Florida Bar member for the preceding five years.

Note: No judge shall serve after reaching seventy-five years of age except upon temporary assignment or to complete a term, one-half of which has been served.

(Art. V, § 8, Fla. Const.)

Qualifying Dates

Noon (ET), Monday, April 20, 2020 – Noon (ET), Friday, April 24, 2020

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](#), Fla. Stat.)

Qualifying Documents

The following items must be complete and received by the Division no later than noon (ET), Friday, April 24, 2020:

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 303JU](#) Candidate Oath – Judicial Office
3. [Form 6](#), Full and Public Disclosure of Financial Interests for the year 2019 (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 2019 with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure (in lieu of another original) at the time of qualifying.

Qualifying Fee

In addition to the above referenced items, all candidates, except persons certified to qualify by the petition method or seeking to qualify as write-in candidates, must pay a qualifying fee in the amount of \$6,427.52 (4% of the annual salary as of July 1, 2019).

Chapter 11: Multi-County Special District

Qualifying Dates

Noon (ET), Monday, June 8, 2020 – Noon (ET), Friday, June 12, 2020

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](#), Fla. Stat.)

Qualifying Documents

The following items must be complete and received by the Division no later than noon (ET), Friday, June 12, 2020:

1. [Form DS-DE 302NP](#) Candidate Oath – Nonpartisan Office
2. [Form 1](#), Statement of Financial Interests for the year 2019. A public officer who has filed a financial disclosure statement for 2019 with the Commission on Ethics or the Supervisor of Elections prior to qualifying for office may file a copy of that statement at the time of qualifying.

Qualifying Fee

In addition to the above referenced items, all special district candidates, except persons certified to qualify by the petition method or seeking to qualify as write-in candidates, must pay the qualifying fee below:

- Special District: **\$25.00**

The qualifying fee for a special district candidate is not required to be drawn upon the candidate's campaign account.

Note: A special district candidate who does not collect contributions and whose only expense is the filing fee or signature verification fee is not required to file [Form DS-DE 9](#), Appointment of Campaign Treasurer and Designation of Campaign Depository. However, a special district candidate who intends to accept campaign contributions and make campaign expenditures, or who begins raising or expending campaign funds, must file a [Form DS-DE 9](#).

(Section [99.061\(3\)](#), Fla. Stat.)

Appendix A: Legal References and Rules Cited

Florida Statutes

- [99.012](#) Restrictions on individuals qualifying for public office.
- [99.061](#) Method of qualifying for nomination or election to federal, state, county, or district office.
- [105.031](#) Qualification; filing fee; candidate's oath; items required to be filed.
- [105.08](#) Campaign contribution and expense; reporting.

Florida Election Code

[Chapters 97 – 106, Florida Statutes](#)

Constitution

[Constitution of the State of Florida](#)

- [Art. III, § 15](#) Terms and qualifications of legislators.
- [Art. V, § 8](#) Judicial Eligibility.
- [Art. V, § 17](#) State attorneys.
- [Art. V, § 18](#) Public defenders.

Florida Administrative Code

Rule [1S-2.0001](#) Designation of Division of Elections as Filing Office for Department of State; Requirements for Candidate Qualifying Papers; Withdrawal of Candidacy

Forms

- [DS-DE 9](#) Appointment of Campaign Treasurer and Designation of Campaign Depository
- [DS-DE 301SL](#) Candidate Oath – State and Local Partisan Office
- [DS-DE 302NP](#) Candidate Oath – Nonpartisan Office
- [DS-DE 303JU](#) Candidate Oath – Judicial Office
- [DS-DE 83](#) Statement of Candidate for Judicial Office
- [DS-DE 84](#) Statement of Candidate
- [DS-DE 96](#) Affidavit of Intention (Supreme Court & DCA only)
- [DS-DE 97](#) Affidavit of Compliance (Supreme Court & DCA only)
- [Form 1](#) Statement of Financial Interests
- [Form 6](#) Full and Public Disclosure of Financial Interests

Division of Elections

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