

By the Committee on Ethics and Elections; and Senator Bernard

582-02500-25

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1 A bill to be entitled
2 An act relating to candidate qualifying; amending s.
3 99.061, F.S.; authorizing a candidate to pay the
4 filing fee by a debit card linked to the candidate's
5 campaign account; providing for standing for
6 challenges to a candidate's qualification for
7 nomination or election to office; providing procedures
8 and requirements regarding such challenges; providing
9 for immediate hearings in such challenges, subject to
10 limitations; prohibiting a person from appearing on
11 the ballot under certain circumstances; amending s.
12 106.11, F.S.; revising conditions under which debit
13 cards are considered bank checks for purposes of
14 certain campaign expenditures; providing an effective
15 date.

16
17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Paragraph (a) of subsection (7) of section
20 99.061, Florida Statutes, is amended, and paragraph (d) is added
21 to that subsection, to read:

22 99.061 Method of qualifying for nomination or election to
23 federal, state, county, or district office.—

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

27 1. The filing fee ~~A properly executed check drawn upon the~~
28 ~~candidate's campaign account~~ payable to the person or entity as
29 prescribed by the filing officer in an amount not less than the

582-02500-25

2025982c1

30 fee required by s. 99.092 by a properly executed check drawn
31 upon the candidate's campaign account or by a debit card linked
32 to the candidate's campaign account as provided in s. 106.11(2),
33 unless the candidate obtained the required number of signatures
34 on petitions pursuant to s. 99.095. The filing fee for a special
35 district candidate is not required to be drawn upon the
36 candidate's campaign account. If a candidate's check is returned
37 by the bank for any reason, the filing officer must ~~shall~~
38 immediately notify the candidate and the candidate must ~~shall~~
39 have until the end of qualifying to pay the fee with a cashier's
40 check purchased from funds of the campaign account. Failure to
41 pay the fee as provided in this subparagraph shall disqualify
42 the candidate.

43 2. The candidate's oath required by s. 99.021, which must
44 contain the name of the candidate as it is to appear on the
45 ballot; the office sought, including the district or group
46 number if applicable; and the signature of the candidate, which
47 must be verified under oath or affirmation pursuant to s.
48 92.525(1)(a).

49 3. If the office sought is partisan, the written statement
50 of political party affiliation required by s. 99.021(1)(b); or
51 if the candidate is running without party affiliation for a
52 partisan office, the written statement required by s.
53 99.021(1)(c).

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

57 5. The full and public disclosure or statement of financial
58 interests required by subsection (5). A public officer who has

582-02500-25

2025982c1

59 filed the full and public disclosure or statement of financial
60 interests with the Commission on Ethics before qualifying for
61 office may file a copy of that disclosure or a verification or
62 receipt of electronic filing as provided in subsection (5) at
63 the time of qualifying.

64 (d) A candidate for nomination or election to an office has
65 standing to challenge in circuit court whether another candidate
66 for the same office has complied with the requirements of this
67 subsection.

68 1. A complaint setting forth the grounds of the challenge
69 must be filed with the clerk of the circuit court within 10 days
70 after midnight of the end of the qualifying period.

71 2. The filing officer and any supervisor of elections
72 responsible for conducting the election are indispensable
73 parties to any such challenge.

74 3. A copy of the complaint must be served upon the
75 defendant and any other person named in the complaint in the
76 same manner as in other civil cases under state law. Within 10
77 days after the complaint has been served, a defendant must file
78 an answer admitting to or denying the allegations on which the
79 plaintiff relies or stating that the defendant has no knowledge
80 or information concerning the allegations, which must be deemed
81 a denial of the allegations, and must state any other defenses,
82 in law or fact, on which the defendant relies.

83 4. Any candidate presenting such a challenge is entitled to
84 an immediate hearing. However, the court may limit the time for
85 taking testimony in any such hearing, as appropriate based on
86 the circumstances of the matter and the proximity of the
87 succeeding election.

582-02500-25

2025982c1

88 5. If an order of a court that has become final determines
89 that a person did not comply with this subsection, the person is
90 not qualified as a candidate for election, and his or her name
91 may not appear on the ballot.

92 Section 2. Paragraph (a) of subsection (2) of section
93 106.11, Florida Statutes, is amended to read:

94 106.11 Expenses of and expenditures by candidates and
95 political committees.—Each candidate and each political
96 committee which designates a primary campaign depository
97 pursuant to s. 106.021(1) shall make expenditures from funds on
98 deposit in such primary campaign depository only in the
99 following manner, with the exception of expenditures made from
100 petty cash funds provided by s. 106.12:

101 (2)(a) For purposes of this section, debit cards are
102 considered bank checks, if:

103 1. Debit cards are obtained from the same bank that has
104 been designated as the candidate's or political committee's
105 primary campaign depository.

106 2. Debit cards are issued in the name of the treasurer,
107 deputy treasurer, or authorized user and contain the name of the
108 campaign account of the candidate or political committee.

109 3. No more than three debit cards are requested and issued.

110 4. The person using the debit card does not receive cash as
111 part of, or independent of, any transaction for goods or
112 services.

113 5. All receipts for debit card transactions contain:

114 a. The last four digits of the debit card number.

115 b. The exact amount of the expenditure.

116 c. The name of the payee.

582-02500-25

2025982c1

117 d. The signature of the campaign treasurer, deputy
118 treasurer, or authorized user, if the receipt has a signature
119 line for the campaign treasurer, deputy treasurer, or authorized
120 user to sign.

121 e. The exact purpose for which the expenditure is
122 authorized.

123

124 Any information required by this subparagraph but not included
125 on the debit card transaction receipt may be handwritten on, or
126 attached to, the receipt by the authorized user before
127 submission to the treasurer.

128 Section 3. This act shall take effect July 1, 2025.