

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [HB 91](#)

**TITLE:** Candidate Qualification

**SPONSOR(S):** Tant

**COMPANION BILL:** [CS/SB 62](#) (Arrington)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Government Operations](#)



[State Affairs](#)

## SUMMARY

### **Effect of the Bill:**

The bill provides a limited judicial enforcement mechanism for removing a person from the ballot if he or she has not been a registered member of the party for which he or she is seeking nomination during the 365 days preceding qualification or, in the case of a no-party-affiliation candidate, not registered with any party for that period. To remove a person from the ballot under the bill, a qualified candidate or a political party with qualified candidates in the same race would file an action in circuit court and the court would have to render an order removing the candidate from the ballot.

### **Fiscal or Economic Impact:**

None.

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## ANALYSIS

### **EFFECT OF THE BILL:**

The bill provides that a person's compliance with the Florida Election Code's [365-day party affiliation requirement](#) may be challenged in court by a qualified candidate or a political party with qualified candidates in the same race. The challenge must be filed in the circuit court for the county in which the qualifying officer is headquartered. If the court determines that the person seeking to qualify for nomination or election as a candidate has not been a registered member of the party for which he or she is seeking nomination during the 365 days preceding the beginning of qualification—or, in the case of a no-party-affiliation candidate, not registered with any party for that period—the court may order that the candidate's name not appear on the ballot. Once that court order becomes final the candidate's name may not appear on the ballot. (Section [1](#))

The bill clarifies that the 365 days have to be consecutive days preceding the beginning of the qualifying period and provides that compliance with the requirement is mandatory. (Section [1](#))

The effective date of the bill is July 1, 2026. (Section [2](#))

## RELEVANT INFORMATION

### **SUBJECT OVERVIEW:**

### **[365-Day Party Affiliation Requirement](#)**

**STORAGE NAME:** h0091.GOS

**DATE:** 12/3/2025

Current law provides that any person seeking to qualify for nomination as a candidate of any political party must, at the time of subscribing to the candidate oath or affirmation,<sup>1</sup> state in writing, that the person has been a registered member of the political party for which he or she is seeking nomination as a candidate for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify.<sup>2</sup> Similarly, any person seeking to qualify for office as a candidate with no party affiliation must state in writing that he or she is currently registered without any party affiliation and has not been registered with any political party for 365 days before the same qualifying period.<sup>3</sup>

The person to whom a candidate submits his or her qualification papers, the filing officer, performs a merely ministerial function in reviewing qualifying papers. The filing officer reviews the qualifying papers to determine whether all items required for candidate qualification have been properly filed and whether each item is complete on its face, including whether items that must be verified have been properly verified. If all required items are complete, then the filing officer deems the candidate qualified. The filing officer is prohibited from determining whether the contents of the qualifying papers are accurate.<sup>4</sup>

#### Jones v. Schiller

In 2022, the First District Court of Appeal (DCA) held while the Florida Election Code requires a candidate to fill out an oath attesting that he or she has been a member of a party for the previous 365 days, it provides no enforcement mechanism to remove a person from the ballot who gives a false attestation.<sup>5</sup> The First DCA noted that the ruling “could invite bad actors to qualify for the ballot using false party affiliation statements to inject chaos into a party's primary.”<sup>6</sup> However, the court noted that while there is no remedy permitting a court to remove a person from the ballot on those grounds, there could be criminal and financial consequences to lying under oath.<sup>7</sup>

#### **RECENT LEGISLATION:**

YEAR	BILL #	HOUSE/SENATE SPONSOR(S)	OTHER INFORMATION
2025	<a href="#">CS/SB 280</a> – Candidate Qualification	Tant <i>Arrington</i>	Passed the Senate on March 27, 2025, and died in the House.

<sup>1</sup> S. [99.021\(1\)\(a\) and \(3\), F.S.](#), requires that each candidate whether a party candidate, a candidate with no party affiliation, or a write-in candidate, in order to qualify for nomination or election to any office other than a judicial office or a federal office, must take and subscribe to an oath or affirmation in writing. This is required before placement on the ballot. This oath is not required for the nomination of presidential electors or presidential preference primaries.

<sup>2</sup> S. [99.021\(1\)\(b\), F.S.](#)

<sup>3</sup> S. [99.021\(1\)\(c\), F.S.](#)

<sup>4</sup> S. [99.061\(7\)\(c\), F.S.](#)

<sup>5</sup> *Jones v. Schiller*, 345 So. 3d 406 (Fla. 1st DCA 2022).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*; see s. [837.012, F.S.](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Government Operations Subcommittee</a>			Toliver	Walker
<a href="#">State Affairs Committee</a>				