

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT  
IN AND FOR ESCAMBIA COUNTY, FLORIDA**

In Re: BRUCE CHILDERS,

Plaintiff,

vs.

Case No. 2024 CA 000816

ROBERT BENDER, Supervisor of Elections,

Defendant.

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**PLAINTIFF’S BENCH BRIEF**

Plaintiff, Bruce Childers (“Childers”), files this Bench Brief in support of his Emergency Motion for Injunctive Relief [DIN 11] (the “Motion”), set for Friday, June 28, 2024, at 2:00 p.m. CST.

***Procedural Status***

The action pending before this Court<sup>1</sup> seeks a Declaratory Judgment under Chapter 86 of the Florida Statutes. Plaintiff asks this Court to declare that a decision made by the Supervisor of Elections to reverse its qualification of the Plaintiff, Bruce Childers, six days after he had been certified by two qualifying officers, should be overturned.

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<sup>1</sup> Count 1 was for a Petition for a Writ of Mandamus. That action, filed before the undersigned entered an appearance in this case, has been dismissed without prejudice by this Court. Plaintiff’s current counsel had intended to voluntarily dismiss that Court, and thus there are no plans to refile.

Given the emergency nature of this action, the Plaintiff has filed an Emergency Motion for Injunctive Relief, asking for a mandatory order compelling the Supervisor of Elections (hereafter “Supervisor”) to put the Plaintiff back on the “qualified” status previously granted. The parties have agreed that an immediate resolution of this case is required, and have worked amiable to accommodate an emergency hearing by this Court, which this Court has graciously granted. Typically, the Motion for Injunctive Relief would be in two stages: a preliminary injunction that could have been issued without notice, followed by a hearing for a permanent injunction. Given the facts of this case, however, the parties agree that any meaningful relief must occur before the Supervisor starts sending out ballots on July 5, 2024, a holiday week. And time must be allowed for the printing of those ballots. The Supervisor needs to know whether his sole competition for this important Constitutional office will be deemed “qualified,” as he originally was on June 12, 2024 – two days before the qualification period expired. And Childers needs to know whether he can resume the campaign he began after being told by the Defendant that he qualified to run for the office now held by Defendant, Robert Bender.

## *Summary of Facts*

The essential facts supporting the relief prayed for by the Plaintiff are contained in the Motion, and are incorporated by reference into this Bench Brief.

A summary of facts Plaintiff intends to establish at the evidentiary hearing are:

1. The Plaintiff went in person to the Supervisor's office on June 12, 2024 – two days before the qualifying period ended. He was accompanied by his wife, Pam Childers, and his financial advisor,<sup>2</sup> Cameron Smith. They met with Chief Deputy Supervisor, Sonya Daniel, and the Candidate Coordinator, Keelie Sekerka, to go over the checklist given to candidates. (Exhibit "A").
2. "In determining whether a candidate is qualified, the qualifying officer shall review the qualifying papers to determine whether all items required have been properly filed and whether each item is complete on its face..." Supervisor's Handbook on Candidate Qualifying, Chapter 2, p. 2, attached Exhibit "D."
3. The operative statutes<sup>3</sup> call for verification on qualifications by one qualifying officer. However, the facts will show the Supervisor's office goes over and beyond that mandate requiring dual verification before qualifying a candidate.

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<sup>2</sup> Mr. Smith had assisted the Plaintiff with the preparation of the detailed financial disclosures on Form 6. He was there to answer any questions the Supervisor might have as to the financial disclosures.

<sup>3</sup> "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." Fla. Stat. § 99.061(7)(c) [See Legal Authorities ("LA") Tab 3]. (emphasis supplied).

4. This is intended to assure that all qualifications are met before qualifying a candidate. This dual-verification process was followed by the two qualifying officers who found Childers to have met all requirements for qualifying on June 12, 2024. A true and accurate copy of that completed checklist is attached as Exhibit “A.” That dual-verified list, initialed by both qualifying officers, shows that all requirements for qualification, including the Form 6 Financial Disclosures, had been met.
5. After and only after all requirements had been confirmed did the Supervisor’s office report on both its website, and to the *Pensacola News Journal*, that Plaintiff, Bruce Childers, was qualified to run for the position of Supervisor of Elections. The “qualified to run” status remained in place on the Supervisor’s website for six days – four days after qualification had ended.
6. When the Plaintiff, Bruce Childers, his wife, Pam Childers, and his financial advisor, Cameron Smith, left the Supervisor’s office on June 12, 2024, they were told everything that needed to be done had been done, as verified by the Supervisor’s dual-verified checklist. Plaintiff was expressly told that proof of his filing of Form 6 with the Commission on Ethics, the agency charged with being the custodian of those records, was all they required, and that proof required only the first page of the disclosures showing the Commission’s “watermark” verifying in the Supervisor’s records that Form 6 had been electronically filed with the Commission on Ethics. That was done on June 12, 2024, and nothing more was requested from the Defendant. A public records request shows that no emails, text messages, or other notices showing that anything else was needed was sent to the Plaintiff prior to June 17, 2024. See Response to Public Records Request attached as Exhibit “E.” Childers relied on that unambiguous determination that he was qualified, and began his campaign.
7. On June 17, 2024, the Plaintiff received a call from the Supervisor’s office stating that his status as being qualified for the office had been revoked. He was told, for the first time, that the Supervisor needed all four page of his Form 6 Financial Disclosures that had been *electronically filed* with the Commission on Ethics. The Commission on Ethics is the agency charged with maintaining financial disclosures

as a public record, with “public record” status not occurring until the candidate is elected to office. Plaintiff, his wife, and his financial advisor, had all been told that all that was required to be left with the Supervisor’s office was page one of the form Plaintiff had electronically filed with the Commission on Ethics with the watermark confirming that it had been filed there. The Plaintiff would have filed all four pages that *had been filed* with the Commission on Ethics had he been told that was required.

8. No effort was made by the Supervisor’s office to contact the Plaintiff to inform him that they wanted all four pages of Form 6 as filed with the Commission on Ethics. The reason given by Sonya Daniel for not doing so is that she did not pick up and review his file until June 17, 2024. Yet the dual-certification checklist shows that the Form 6 requirement had been met on June 12, 2024. The time for determining whether documents submitted comply with the requirements is when they are submitted – not six days after the Supervisor announces qualification to the candidate and the public – four days after the deadline for qualifying has expired.
9. The uncontroverted facts show that all four pages of the Plaintiff’s Form 6 were in the records of the Commission on Ethics from June 12, 2024, forward. This shows substantial compliance with the law, and accomplishment of the intent of the financial disclosures which allow the Commission on Ethics to address ethics complaints against elected officials engaging in conflicts of interest. See Exhibit “C” for a redacted copy carrying the “filing” watermark of the Commission on Ethics.
10. From June 12, 2024 forward, the Supervisor’s office had clear evidence that Form 6 had been filed where it would ultimately end up – with the Commission on Ethics, records custodian for these financial disclosures. It could have been retrieved by the Supervisor at any time, and would have been immediately produced by the Plaintiff had he not been told that proof of filing with the Commission, through filing page one of the Commission’s watermark, which equates to its received stamp, was sufficient.

### ***Summary of Legal Authorities and Arguments***

It is the well-settled law of the State of Florida that running for public office is to be encouraged. *Hurt v. Naples*, 299 So.2d 17, 21 (Fla. 1974) [LA Tab 9].

The Supervisor of Elections is well known for providing candidates with the proper information, and giving every assistance, in qualifying for office. In fact, elections officials are required to contact any candidate who is missing any required document, and to document those efforts. See page seven of the Supervisor of Elections Handbook attached as Exhibit “D,” citing to Fla. Stat. § 99.061(7)(b) [LA Tab 3]. Defendant, Robert Bender, acknowledged those duties in a radio broadcast, an electronic copy of which was part of the records of his office, and was obtained pursuant to a public records request. See transcript excerpts of Bender interview with local radio host Andrew McKay attached as Exhibit “F.” Mr. Bender reported that his office, on one occasion, called a candidate on more than 10 different occasions to make sure he submitted all documents required. Here, Defendant and his office, after leading Childers to reasonably believe he had met all requirements, did not bother to call the Plaintiff a single time, or text him, or email him, to report that the Supervisor had changed its mind, and had decided it needed a full duplicate of the full Form 6 that had been filed with the Commission on Ethics.

## LEGAL AUTHORITY AND ANALYSIS

### **1. Relevant Statutes.**

The Supervisor of Elections claimed six days after it qualified Childers that he was not a qualified candidate because he submitted only the first page of the Form 6 document rather than providing the entire Form 6 document to the qualifying officer. An analysis of the relevant statutes, Fla. Stat. §§ 99.061 [LA Tab 3], 112.3144 [LA Tab 5], and 112.3145 [LA Tab 6], as well as controlling Florida cases, demonstrates that the Supervisor erred in its way-too-late reversal of its decision that Childers was qualified.

Fla. Stat. § 99.061(7) [LA Tab 3] outlines the requirements for a candidate to qualify for election.

(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); or if the candidate is running without party affiliation for a partisan office, the written statement required by s. 99.021(1)(c).
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 before qualifying for office may file a copy of that disclosure *or a verification or receipt of electronic filing* as provided in subsection (5) at the time of qualifying.

Fla. Stat. §99.061(7) [LA Tab 3].

Specifically, subparagraph (a)(5) references the submission of a "full and public disclosure or statement of financial interests to the Commission on Ethics, and says the "officer may" file a copy or verification of electronic filing "at the time of qualifying." While Childers is not a public officer, and under the law prior to 2022 had no obligation to file a financial disclosure unless and until elected, the



change in the law now requires financial disclosures by candidates. Paper forms for doing so were not available from the Supervisor's office; nor did the Supervisor's office provide for filing electronically. Only the Commission on Ethics website provided the form, and it did not allow the blank form to be printed, but rather required on-line completion. Then and only then does the electronic filing system allow a print out. This explains why the qualifying officers, as they jointly certified, deemed proof of filing with the Commission on Ethics sufficient to meet the candidate disclosure requirements. See Exhibit "A." It makes no sense to file the full form with both the Commission and the Supervisor when the Supervisor simply forwards the form to the Commission if the candidate is elected. This is especially true when the policy of the State of Florida is the elimination of paper filing.<sup>4</sup> This supports the acceptance by the two qualifying officers of proof that the disclosure had been electronically filed with the Commission on Ethics, as acknowledged by the dual certification by two qualifying officers.

Further support for the dual qualification of Childers by the Supervisor of Election's qualifying officials can be found in Fla. Admin. Code Rule 1S-2.0001

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<sup>4</sup> "Beginning January 1, 2024, paper forms may not be provided and persons required to file a statement of financial interests must complete and file such statements on the electronic filing system pursuant to paragraph (2)(e)." Fla. Stat. § 112.3145(8)(b) [LA Tab 6]. The Supervisor's office provided no option for electronic filing. The Commission on Ethics does. That is where it was filed, and the qualifying officers accepted proof of such filing as satisfying the Form 6 filing requirement.

[LA Tab 1]. That rule, governing requirements for candidate qualifying papers, states in relevant part:

- 2(b) Qualifying items shall be deemed filed with the qualifying office upon the date of actual receipt by the qualifying office....
3. Qualifying Items.
  - (b) A current full and public disclosure of financial interests or statement of financial interests, as applicable, or receipt of such filing with the Florida Commission on Ethics, that covers the immediately preceding calendar or tax year and is on the applicable Florida Commission on Ethics' form for that year. For example, for a qualifying period that occurs in 2024, the current full and public disclosure or statement of financial interests form would be one that covers the 2023 calendar or tax year.

Fla. Admin. Code Rule 1S-2.0001 [LA Tab 1]. (emphasis supplied).

Childers filed the equivalent of a “receipt” of filing with the Florida Commission of Ethics of his financial disclosure on Form 6 with the qualifying officers, and it was reviewed and accepted as sufficient as documented on Exhibit “A.”

At the moment Childers completed Form 6 online through the Commission on Ethics’ electronic filing system, the State of Florida possessed it, and it was located where it would ultimately be located when and if he was elected. The document served no purpose unless and until he was elected, as it is not deemed a public record until and unless the candidate is elected. In addition, Childers’

actions in filing Form 6 with the Commission on Ethics complied with the candidate requirements found in Exhibit “B,” an excerpt of which is below.

Forms to File for <b>Party Affiliation Candidates</b>	<ul style="list-style-type: none"><li>• Candidate Oath – State and Local Partisan Office (DS-DE 301A)<ul style="list-style-type: none"><li>◦ Check “Candidate with party affiliation” box</li></ul></li><li>• *Form 6 - Full and Public Disclosure of Financial Interests 2023</li></ul>
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Under Fla. Stat. § 112.3144(4) [LA Tab 5], candidates subject to the annual filing requirements are required to file a full and public disclosure of financial interests with the Commission on Ethics and *can* file a receipt with the qualifying officer.

Beginning January 1, 2022, an incumbent in an elective office or a candidate holding another position subject to an annual filing requirement *may* submit a copy of the full and public disclosure of financial interests filed with the commission, *or* a verification or receipt of the filing, with the officer before whom he or she qualifies. A candidate not subject to an annual filing requirement does not file with the commission, but *may* complete and print a full and public disclosure of financial interests to file with the officer before whom he or she qualifies.

Fla. Stat. § 112.3144(4) [LA Tab 5]. (emphasis supplied).

This statute, the underlined portion, applied for the first time in this election, is less than a model of clarity. The two qualifying officers accepted proof of Childers’ filing a “full and public disclosure of financial interest” through the submission of the first page of Form 6 with the Commission’s watermark. This was a reasonable reading of this ambiguous statute. This reading supports the requirement by the qualifying officers to simply require proof that it had been filed

with the Commission on Ethics, which Childers provided. At the very least, the wording of this new requirement as applied to candidates is ambiguous. The Supervisor did not seek assistance in interpreting these requirements until after the qualifying deadline had expired. See attached Exhibit “G,” email from Christi Hankins dated June 17, 2024. And the County Attorney had to seek help from an attorney from the Department of State to try to ferret out where a candidate filed its disclosure. *Id.* Having a veteran Supervisor of Elections official need to seek advice of counsel, who in turn sought advice of counsel, is clear evidence of ambiguity. That ambiguity must be construed in favor of the candidate. The time for the qualifying officers to know the requirement is when they review those documents to determine qualifications – not four days after the deadline expired.

Fla. Stat. § 112.3145 [LA Tab 6] compounds the ambiguity. Subparagraph (2)(a) states:

A person seeking nomination or election to a state or local elective office shall file a statement of financial interests together with, and at the same time he or she files, qualifying papers. When a *candidate* has qualified for office prior to the deadline to file an annual statement of financial interests, the statement of financial interests that is filed with the candidate’s qualifying papers shall be deemed to satisfy the annual disclosure requirement of this section. The qualifying officer must record that the statement of financial interests was timely filed. However, if a candidate does not qualify until after the annual

statement of financial interests has been filed, the candidate *may* file a copy of his or her statement with the qualifying officer.

Fla. Stat. § 112.3145 (2)(a) [LA Tab 6]. (emphasis supplied).

This statute uses the term “candidate,” making no distinction between a public officer and a candidate. Here, Childers did file a copy of the “stamped” first page showing that the full report had been filed with the Commission on Ethics – as required by the qualifying officers. Despite what appears to be some confusion among Florida Statutes, Childers provided all of the financial information required by Florida law to the State of Florida through the Commission on Ethics, and provided proof of doing so to the qualifying officers – to their satisfaction as evidenced by Exhibit “A.” Childers’ Form 6 did not have to be forwarded by the Supervisor of Elections office to the Commission on Ethics, which was its ultimate destination, as that is where the full copy was electronically completed and filed by Childers from the inception. The two qualifying officers required only proof of that filing. Childers relied on their interpretation that this satisfied the candidate’s financial disclosure requirement. Those qualifying officers were charged with

making that decision when the documents were submitted – not four days after the qualifying deadline had ended.

Childers diligently complied with all statutory requirements for qualification as a candidate for election as instructed by the Supervisor’s qualifying officers, as documented in Exhibit "A."

In reviewing the Supervisors’ Handbook, attached as Exhibit “D,” the qualifying officers were justified in their decision to qualify Childers as it states on page 11 that:

**Is a copy of the CE Form 6 Financial Disclosure acceptable?**

*Candidates* [which include Plaintiff] must file their 2023 CE Form 6 Full and Public Disclosure electronically with the Florida Commission on Ethics. A copy of the electronically filed Form 6 *or receipt* of electronic filing **can** be provided during qualifying. Visit the Florida Commission on Ethics (COE) for information on the current Form 6.

Supervisor’s Handbook on Candidate Qualifying, page 11, February 21, 2024. (emphasis supplied).

Indeed the 2024 State Qualifying Handbook has similar language:

Form 6, Full and Public Disclosure of Financial Interests for the year 2023. Visit the Commission on Ethics for information on the current Form 6. The 2023 Full and Public Disclosure is required to be filed electronically. A copy of the electronically filed Form 6 *or receipt* of electronic filing must be provided to the Division during qualifying.

2024 State Qualifying Handbook, page 8, December 5, 2023, attached as Exhibit “H.” (emphasis supplied).

Following these directives, the Supervisor's office deeming the first page bearing the Commission’s watermark, confirmed Childers' qualification on

June 12, 2024, listing him as a qualified candidate and issuing a press release to that effect. It was only on June 18, 2024, after the deadline for qualifying had passed, that the Supervisor's office told Childers that his qualification was being revoked, citing an alleged deficiency in his Form 6 disclosure.

## **2. Deference to Candidates.**

The statutory language as to the exact form in which the completed Form 6 is to be presented to a qualifying officer at the Supervisor of Elections office is, at best, ambiguous. Ambiguities in requirements are interpreted in favor of the candidate. Legislative intent behind the new requirement for non-incumbents to fully complete Form 6 is clear. The public has an interest in the financial status, obligations, and interests of *elected* officials after they are elected. Fla. Const. Art. II, § 8. A candidate might become an elected official. The existence of a complete and discoverable financial record of a public officer, or future public officers, is the obvious intent behind the Form 6 requirement. It is appropriate for this Court to rely on that intent in its decision to reinstate Childers' name as a qualified candidate for office. The intent of the statute was met when the full financial disclosure was electronically filed with the Commission on Ethics, and proof of filing was submitted to, and accepted by, the qualifying officers as shown on Exhibit "A."

It is not uncommon for revisions in statutory requirements to create confusion. That, obviously, occurred here.

“When the Florida Election Code is at issue, we primarily rely on the same rules of statutory reading and construction that we apply to other statutes.

*Legislative intent* is the polestar that guides our analysis.” *See Knowles v. Beverly Enters. Fla., Inc.*, 898 So.2d 1, 5 (Fla.2004) [LA Tab 10]. (emphasis supplied). In addition, the law requires judges to resolve doubts about qualification of a political candidate in favor of the candidate. *Ervin v. Collins*, 85 So.2d 852 (Fla. 1956) [LA Tab 8].

Allowing Childers to remain disqualified for the imminent August 2024 primary election would be a travesty of justice. This is especially true when the Defendant’s after-the-fact disqualification benefited the Defendant by allowing him to run unopposed. The Defendant cannot, through his senior staff, dual certify his opponent as qualified, wait until the qualification deadline expires, and then revoke his qualified status. Childers fulfilled the requirements and intent of the law when he submitted a full and complete Form 6 to the State and later presented proof of such filing to a qualified officer at the Supervisor of Elections office who accepted that proof. Even if this court were to determine that the “letter of the law” was not fully followed, the result of Childers’ filings was that his full and complete financial disclosure was filed and accepted by the State prior to the close



of qualifying. This shows substantial compliance in the face of ambiguities, and confusion by the Supervisor, as well as the Supervisor's attorney. See Exhibit "G" where the Supervisor is asking its attorney for clarity, and its attorney is asking legal counsel for the Department of State for clarity. Such requests for legal clarity evidence confusion, and confusion flows from ambiguity.

### **3. Substantial Compliance.**

Even if this Court finds that Childers did not follow the technical aspects of the statutes, substantial compliance with election law is sufficient for qualification purposes. In *Browning v. Young*, 993 So.2d 64 (Fla. 1st DCA 2008) [LA Tab 7], the Secretary of State refused to place Ms. Young on the ballot as a candidate for Florida House of Representatives based on the fact that her Form 6 filing omitted the name of the county in which the document was signed. The Court reasoned that, "Despite this defect in the verification, the form provided all of the financial information that is required by Fla. Stat. § 112.3144 [LA Tab 5]. There is no contention here that Ms. Young failed to report some of her financial interests or that she otherwise failed to make a full and complete public disclosure of her finances. For this reason we conclude that the financial disclosure form she filed is in compliance with the statutory requirements and that the error in omitting the county does not disqualify her from public office." *Browning v. Young*, at 67 [LA Tab 7].

Likewise, here, there is no allegation that Childers did not file a full and complete financial disclosure. The stated reason for his disqualification was based solely on the method by which he filed Form 6 with the State of Florida. Just as in *Browning*, Childers fully complied with the requirement to file a specific form prior to close of qualifying. Childers' filing contained his full and complete financial disclosure, thereby fulfilling the statutory requirement and intent. And the Supervisor dual certified that all required documents had been filed before qualifying Plaintiff as a candidate.

The *Browning* court goes on to quote *State ex rel. Siegenorf v. Stone*, 266 So.2d 345 (Fla. 1972) [LA Tab 13], which stands for the proposition that to be deemed qualified, a prospective candidate need not be in "total compliance" with the absolute language of statute such that it "strains the quality of justice."

In *Siegenorf*, the opposition candidate sought to disqualify her opponent based on an error in the form of the content of one of his filings. The court noted, "[Plaintiff] takes the position that 'anything less than total compliance with the absolute statutory language of Fla. Stat. § 105.031(4)(b) (F.S.A.) [LA Tab 4] renders Candidate Klein's oath of office legally defective as a matter of law so as to preclude his proper qualification and the respondent's subsequent certification of his candidacy.' We cannot agree.

“Literal and 'total compliance' with statutory language which reaches hypersensitive levels and which strains the quality of justice is not required to fairly and substantially meet the statutory requirements to qualify as a candidate for public office. The principal area of alleged deficiency in the oath filed here is its failure to state the full 'title of the office' as stated in (b) of said statute.” *State ex rel. Siegendorf v. Stone*, at 346-37 [LA Tab 13].

“To reject or challenge the candidacy on these grounds now (when the period for qualifying has closed) *comes too late*. It would be a denial of due process and unfair treatment of the candidate who has *justifiably acted* upon the Respondent Secretary of State's acceptance and certification, to remove him from the ballot. It is better in such factual situations to let the people decide the ultimate qualifications of candidates unless they appear clearly contrary to law.” *Id.* at 347. This case is on all fours with the situation now before this Court.

Childers substantially complied with statute by fully completing and submitting Form 6 with the State of Florida prior to close of qualifying, as required. Childers justifiably relied on the acceptance of his Form 6 and certification, by two qualifying officers within the Supervisor of Elections office. Raising objections to his qualifications six days later – two days after the qualification deadline, “comes too late.” See *Siegendorf* at 347 [LA Tab 13]. As a result of his disqualification, Childers has been subject to unfair treatment and

denial of due process. Every day that passes without a remedy subjects Childers – and the public at large<sup>5</sup> to further injury.

#### **4. No Constitutional or Statutory Basis for Disqualification.**

Once a candidate has obtained access to the ballot through qualification, the only way to remove that candidate is to identify some constitutional or statutory basis for disqualification. *Cf. Vieira v. Slaughter*, 318 So. 2d 490, 491 (Fla. 1st DCA 1975) [LA Tab 14] (citing *Ervin v. Collins*, 85 So. 2d 852 (Fla. 1956)) [LA Tab 8] (“The right to be a candidate for public office is a valuable right, and no one should be denied this right unless the Constitution or applicable valid law expressly declares him ineligible.”). Although ballots have not been printed, Childers had “access” to the ballot when he was deemed “qualified” on June 12, 2024. He would be on that ballot next week but for the “too late” decision by the incumbent to reverse Childers’ qualifications – allowing the Defendant to run unopposed.

#### **5. Public Harm.**

Finally, qualifying and later disqualifying Childers as candidate for office results in harm not only on Childers, but to the electorate. Public policy of the State of Florida is to both encourage and protect participation in the election

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<sup>5</sup> The public is being denied a right to options, i.e., more than one candidate, which is tantamount to allowing the current Supervisor of Elections to deprive them of their right to vote for the candidate they deem most qualified.

process. The *Siegenderf* court addressed this important consideration when it noted,

“The basic principle of our constitutional and democratic system is set forth as the very first words of our Florida Constitution:

'Declaration of Rights

'Section 1. Political power.--All political power is inherent in the people.'

After reciting these words in *State ex rel. Ayres v. Gray et al.*, 69 So.2d 187, at page 193, (Fla.1953) [LA Tab 12], we stated:

'The tendency has been, and still is, to extend further the privilege of the people to participate in their government and to elect officers originally appointed, rather than to curtail such participation by the people.'

Summarily to remove Mr. Klein from the people's consideration, and his name from the election ballot, would be irremediable.

Our Fourth District in *McClung v. McCauley*, 238 So.2d 667, 670 (Fla. App. 4th 1970) [LA Tab 11] concluded its opinion in such a matter by commenting in like manner:

'It would afford the electorate the largest opportunity to select, at election, the candidate of their choice.'..."

*State ex rel. Siegenderf v. Stone*, 266 So.2d 345 at 347 (Fla. 1972) [LA Tab 13].

Childers' disqualification has worked to deny the electorate the opportunity to select a candidate of their choice. Absent a mandatory injunction reinstating Childers to the ballot, this injury is irreparable.

## CONCLUSION

This case will be decided based on largely uncontroverted facts, and well-established law. The uncontroverted facts will show that not one, but two, qualifying officers of the Supervisor of Elections reviewed and approved the documents Childers filed, found them sufficient and complete, and qualified him as a candidate for the office of Supervisor of Elections. See Exhibit “A.” In addition, even if Childers failed to follow the strict requirements of the statute, substantial compliance with election law has been deemed to be sufficient for qualification purposes. Ambiguities in the statutes should be construed in favor of the candidates.

The Supervisor of Elections listed Bruce Childers on its website as a candidate for the position now held by Defendant Robert Bender, Supervisor of Elections, for *six days*. It did not reverse that designation until four days after the qualifying deadline expired. Neither the Supervisor, nor his employees or officers, contacted the Petitioner to say anything else was required. They were required to at least make attempts to do so, and document those attempts. Had they done so, the additional pages would have been immediately provided. And the Supervisor’s files showed that the full form had been filed with the Commission on Ethics, where it could have been promptly obtained by the Supervisor.

Based on relevant legal authority, the disqualification of Childers was unfair, unjust, and contrary to public policy. Because of the disqualification, Childers has been denied due process, and the electorate has been deprived of any meaningful vote to select among competing candidates for this important position. A mandatory injunction is justified because it is the only available remedy adequate to rectify the injuries created by the wrongful disqualification of Childers.

Respectfully submitted,

*/s/ Edward P. Fleming*

Edward P. Fleming, Esquire

Florida Bar No. 615927

Aaron T. McCurdy, Esquire

Florida Bar No. 106499

**MCDONALD FLEMING, LLP**

719 S. Palafox Street

Pensacola, FL 32502

(850) 477-0660

(850) 477-4510 Fax

[flemingservice@pensacolalaw.com](mailto:flemingservice@pensacolalaw.com)

[cat@pensacolalaw.com](mailto:cat@pensacolalaw.com)

*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was electronically filed with this Clerk of Court on this 28th day of June, 2024 using the Florida E-Portal system which will send notification of such filing to the following:

George T. Levesque, Esquire  
Florida Bar No. 55551  
**GrayROBINSON, P.A.**  
301 S. Bronough Street, Suite 600  
Tallahassee, Florida 32301  
(850) 577-9090  
(850) 577-3311 Fax  
[George.levesque@gray-robinson.com](mailto:George.levesque@gray-robinson.com)  
[becky.emerson@gray-robinson.com](mailto:becky.emerson@gray-robinson.com)  
*Counsel for Defendant*

*/s/ Edward P. Fleming* \_\_\_\_\_  
Edward P. Fleming, Esquire  
McDONALD FLEMING, LLP



# Supervisor's Handbook on Candidate Qualifying



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

(2/21/2024)

Exhibit D

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## Chapter 1: Background

This handbook is for use by supervisors of elections and other qualifying officers, and explains the process for them to qualify candidates.

**Attention:** This handbook serves only as a reference guide. It is not a substitute for governing laws and rules. To the extent that this handbook covers material beyond that contained in law or rule, applicable provisions of the Florida Election Code ([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.

If further assistance is necessary, supervisors may request an advisory opinion from the Division of Elections (Division) under Section [106.23\(2\)](#), Florida Statutes.

Please direct any procedural questions to the Bureau of Election Records at **850.245.6280**. Any legal questions about your role as a qualifying officer may be directed to the General Counsel's Office at **850.245.6536**.

This publication is available at [soe.dos.state.fl.us](http://soe.dos.state.fl.us).

All other applicable forms and publications are available on the Division of Elections' website at <https://dos.fl.gov/elections/forms-publications/publicationsreports/>.

### Other Resources and Websites

**Florida Attorney General**  
[myfloridalegal.com/opinions](http://myfloridalegal.com/opinions)

**Florida Commission on Ethics**  
[www.ethics.state.fl.us](http://www.ethics.state.fl.us)

**Florida Elections Commission**  
[www.fec.state.fl.us](http://www.fec.state.fl.us)

## Chapter 2: Responsibilities of a Qualifying officer

### What is the scope of my responsibility as a qualifying officer?

The qualifying officer's duties are ministerial in nature. This means that the qualifying officer may not determine whether the contents of the qualifying papers are true or accurate.

Any question as to the truth or accuracy of matters stated in a candidate's qualifying papers becomes a judicial question if and when an appropriate challenge is made in the courts.

In determining whether a candidate is qualified, the qualifying officer shall review the qualifying papers to determine whether all items required 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 Section [92.525\(1\)\(a\)](#), Florida Statutes.

*(See Section [99.061\(7\)\(c\)](#), Fla. Stat.;  
State ex rel. Shevin v. Stone, 279 So.2d 17 (Fla. 1972))*

A qualifying officer **cannot**:

- Refuse to qualify a candidate even when the officer knows that the person has not complied with the requirements of the law; or
- Remove a candidate's name from the ballot if the qualifying officer becomes aware, after the close of qualifying, that the candidate has not complied with the "resign-to-run" law.

Once a candidate is qualified to be on the ballot, their name cannot be removed from the ballot without a court order.

### As a qualifying officer, am I responsible for enforcing the "resign-to-run" law?

No. It is not the responsibility of the qualifying officer to ensure compliance with the "resign-to-run" law.

### As a qualifying officer, am I responsible for enforcing eligibility criteria?

No. It is not the responsibility of the qualifying officer to ensure compliance with age, residency, party or non-party affiliation, or any other eligibility criteria.

## Chapter 3: Qualifying Documents

### General Information

In order to qualify a candidate:

- All of the required documents must have been timely received;
- Each of the required documents must be “complete on its face;”
- Each of the required documents that must be verified must have been “properly verified” pursuant to Section [92.525\(1\)\(a\)](#), Florida Statutes, *i.e.*, by an authorized officer who affixed their official seal and signature.

For example, if a required document is missing an entry, then it is not “complete on its face.” For example, if [DS-DE 301A](#) is missing the signature of the notary, then it is not “complete on its face” or “properly verified.” A qualifying officer does not and should not determine whether the contents of any of the documents are true or accurate; it is essentially assumed that the contents are true.

### When can a qualifying officer begin accepting qualifying documents?

A qualifying officer may accept and hold qualifying papers beginning 14 days prior to the first day of qualifying period.

*(See Section [99.061\(8\)](#), Fla. Stat.)*

Qualifying documents can be postmarked prior to these dates; however, they cannot be used for qualifying purposes if **received** prior to the above referenced dates.

Upon receiving the documents, qualifying officers must review them for completeness and immediately notify the candidate of any problems or discrepancies. If there are no problems, put the documents aside and on the first day of qualifying, process and update the candidate as “qualified.”

### If I receive documents by mail after the close of qualifying that are postmarked prior to the last day of qualifying, do I qualify the candidate if all the paperwork is correct?

No. In order for a candidate to be qualified, all qualifying documents must be **received** by the qualifying officer by the end of the qualifying period.

*(See Section [99.061\(7\)\(a\)](#), Fla. Stat.)*

## What documents must a candidate submit in order to be properly qualified?

See Rule [1S-2.0001](#), F.A.C., for a listing of applicable qualifying forms.

Current [forms](#) are available on the Division of Elections' website.

[CE Form 1](#) and [CE Form 6](#) are adopted by the Florida Commission on Ethics, not the Division of Elections. The forms and requirements for filing these forms can be found at the Commission's website: <https://ethics.state.fl.us/>.

**Note:** Candidates should not be using older versions of forms. Check to be sure that they have used the most current version of a form. Use of old forms may delay qualifying or prevent a person from qualifying.

## Partisan Office

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 SOE, a copy is not required to be filed during the qualifying period.)
2. As applies:
  - [DS-DE 301A](#), Candidate Oath – State and Local Partisan Office - Party Affiliation
  - [DS-DE 301B](#), Candidate Oath – State and Local Partisan Office – No Party Affiliation
  - [DS-DE 301C](#), Candidate Oath – State and Local Partisan Office – Write-In Candidate
3. Financial Disclosure (one of the following, as applicable):
  - [CE Form 6](#), Full and Public Disclosure of Financial Interests for the year 2023. Visit the [Florida Commission on Ethics](#) (COE) for information on the current Form 6. The Full and Public Disclosure is required to be filed electronically. A copy of the electronically filed Form 6 must be provided to the filing officer during qualifying.
  - [CE Form 1](#), Statement of Financial Interests for the previous year. Visit the [Florida Commission on Ethics](#) (COE) for information on the current Form 1. As of January 1, 2024, the Statement of Financial Interests is required to be filed electronically. A copy of the electronically filed Form 1 must be provided to the filing officer during qualifying.
4. Qualifying Fee (except a person certified to qualify by the petition method or seeking to qualify as a write-in candidate.)

### Non-Partisan Office (Other than School Board and Judicial)

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 SOE, a copy is not required to be filed during the qualifying period.)
2. [Form DS-DE 302NP](#), Candidate Oath – Nonpartisan Office
3. Financial Disclosure (one of the following, as applicable):
  - [CE Form 6](#), Full and Public Disclosure of Financial Interests for the year 2023. Visit the [Florida Commission on Ethics](#) (COE) for information on the current form. The 2023 Full and Public Disclosure is required to be filed electronically. A copy of the electronically filed Form 6 must be provided to the filing officer during qualifying.
  - [CE Form 1](#), Statement of Financial Interests for the previous year. Visit the [Florida Commission on Ethics](#) (COE) for information on the current Form 1. As of January 1, 2024, the Statement of Financial Interests is required to be filed electronically. A copy of the electronically filed Form 1 must be provided to the filing officer during qualifying.
4. Qualifying Fee (except a person certified to qualify by the petition method or seeking to qualify as a write-in candidate.)

### School Board

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 SOE, a copy is not required to be filed during the qualifying period.)
2. [Form DSDE 304SB](#), Candidate Oath – School Board Nonpartisan Office
3. Financial Disclosure (one of the following, as applicable):
  - [CE Form 6](#), Full and Public Disclosure of Financial Interests for the year 2023. Visit the [Florida Commission on Ethics](#) (COE) for information on the current form. The 2023 Full and Public Disclosure is required to be filed electronically. A copy of the electronically filed Form 6 must be provided to the filing officer during qualifying.
  - [CE Form 1](#), Statement of Financial Interests for the previous year. Visit the [Florida Commission on Ethics](#) (COE) for information on the current Form 1. As of January 1, 2024, the Statement of Financial Interests is required to be filed electronically. A copy of the electronically filed Form 1 must be provided to the filing officer during qualifying.
4. Qualifying Fee (except a person certified to qualify by the petition method or seeking

to qualify as a write-in candidate.)

### **Judicial Office**

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 SOE, a copy is not required to be filed during the qualifying period.)
2. [Form DS-DE 303JU](#), Candidate Oath – Judicial Office
3. [CE Form 6](#), Full and Public Disclosure of Financial Interests for the year 2023. Visit the [Florida Commission on Ethics](#) (COE) for information on the current form. The 2023 Full and Public Disclosure is required to be filed electronically. A copy of the electronically filed Form 6 must be provided to the filing officer during qualifying.
4. Qualifying Fee (except a person certified to qualify by the petition method or seeking to qualify as a write-in candidate.)

### **Are faxed or emailed copies of the qualifying documents acceptable?**

Not for the Department of State. All qualifying items required to be filed with the Department of State shall be filed in hardcopy form with the Division of Election at its official physical location and not via email or fax. Other qualifying officers must designate one or more specific official locations that will serve as a qualifying office and publish the address of each office on the qualifying officer's website.

(See [Florida Administrative Code, Rule 1S-2.0001\(1\)](#))

### **Is the Statement of Candidate required to be filed in order to be properly qualified?**

No. Although not required for qualifying, each candidate must file a Statement of Candidate ([DS-DE 84](#)) with the qualifying officer within 10 days after filing the Appointment of Campaign Treasurer and Designation of Campaign Depository ([DS-DE 9](#)). Willful failure to file this form is a violation of [Chapter 106](#), Florida Statutes.

### **Is the Statement of Judicial Candidate required to be filed in order for a judicial candidate to be properly qualified?**

No. Although not required for qualifying, each judicial candidate must file a Statement of Judicial Candidate ([DS-DE 83](#)) with the qualifying officer within 10 days after filing the



Appointment of Campaign Treasurer and Designation of Campaign Depository ([DS-DE 9](#)). Willful failure to file this form is a violation of [Chapter 105](#), Florida Statutes.

**What do I do if a candidate does not submit all of the required documents or the documents are incomplete?**

The qualifying officer shall make a reasonable effort to notify the candidate of the missing or incomplete items and to inform the candidate that all required items must be received by the close of qualifying.

*(See Section [99.061\(7\)\(b\)](#), Fla. Stat.)*

Candidates should be providing a telephone number and email address on the applicable Candidate Oath where they can be reached during the day and after normal working hours. The filing officer should make every effort to contact the candidate if there is a problem with the paperwork.

Document all of your efforts to contact the candidate and any conversations with the candidate.

If the complete or correct documents are not submitted prior to the end of qualifying, the candidate should not be qualified.

**If a candidate is standing in line to qualify at noon, but the papers have not been accepted, do I still accept the paperwork after the end of qualifying?**

Yes. If the candidate is in line prior to the end of qualifying, accept the paperwork. Note in the file that although the documents were time-stamped after the end of qualifying, the candidate was waiting to have the documents processed prior to the close of qualifying.

**Best Practice:** Have someone announce a countdown to the noon closing time for qualifying. At noon, announce that qualifying is closed and do not let anyone else come into the line after the announcement.

**If a candidate comes in right before the end of qualifying and has not opened a campaign account and insists on paying the qualifying fee with something other than a campaign check, do I accept the qualifying papers?**

Yes. A qualifying officer must put on file the documents that are submitted. However, you should not qualify the candidate. The qualifying fee must be paid with a check drawn on the candidate's campaign account, unless the candidate is a special district candidate.

(See Section [99.061\(7\)\(a\)](#), Fla. Stat.)

## Chapter 4: Candidate/Party Oath

### May a candidate use a nickname on the ballot?

Yes, if the nickname affidavit portion of the Oath is completed and properly verified. Any nickname designated by a candidate may not be used to mislead voters.

(See section [99.0215](#), Fla.Stat.)

### May a candidate use an educational or professional title or degree on the ballot?

No. A candidate may not use descriptive information such as Dr., Reverend, Colonel, Esquire, M.D., etc., *unless* the candidate has the same name as, or a name similar to, one or more candidates for the same office.

(See section [99.0215\(3\)](#), Fla.Stat.)

### On the Candidate Oath, may a candidate just indicate a first or last name?

No. The name must include the candidate's legal given name or names, a shortened form of the candidate's legal given name or names, an initial or initials of the candidate's legal given name or names, or a bona fide nickname customarily related to the candidate and by which the candidate is commonly known (if the affidavit is also complete and verified), immediately followed by the candidate's legal surname. If applicable, a candidate may place one of the following designations after the legal surname: "Sr.," "Jr.," or a numerical designation such as "II."

(See Section [99.0215](#), Fla.Stat.)

### Can a married woman use her maiden name on the ballot?

Yes. In Florida, a woman does not lose her birth given name upon marriage.

(See *Levey v. Dijols*, 990 So.2d 688 (Fla. 4<sup>th</sup> DCA 2008))

**If a candidate misspells their name on the Oath or changes their mind about how the name should appear on the ballot after qualifying closes, can the candidate submit something to change the name on the ballot?**

No. A candidate's name as it is to appear on the ballot may not be changed after the end of qualifying.

*(See Section [99.061\(7\)\(b\)](#), Fla. Stat.)*

## Chapter 5: DS-DE 9 - Appointment of Campaign Treasurer and Designation of Campaign Depository

**If box 7 of the Form [DS-DE 9](#) does not include the district, circuit, or group number, is it acceptable for qualifying?**

No. If the candidate is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate must indicate for which group or district they are running.

Examples:

- County Court Judge, **Group 3**
- County Commissioner, **District 2**

*(See Section [106.021\(1\)\(a\)](#), Fla. Stat.)*

## Chapter 6: Financial Disclosure Forms

### **Can I accept a copy of an incumbent's financial disclosure documents from two years ago, or older?**

No. Since qualifying occurs prior to the deadline for office holders to file their financial disclosure documents for the previous year, a candidate must file the financial disclosure statement that covers the candidate's taxable year immediately preceding the qualifying date.

For example, a candidate must file the 2023 financial disclosure documents for the 2024 qualifying period.

(See [Appendix C: Commission on Ethics Opinion 82-72](#))

### **Is a copy of the [CE Form 6](#) Financial Disclosure acceptable?**

Candidates must file their 2023 CE Form 6 Full and Public Disclosure electronically with the Florida Commission on Ethics. A copy of the electronically filed Form 6 or receipt of electronic filing can be provided during qualifying. Visit the [Florida Commission on Ethics](#) (COE) for information on the current Form 6.

### **Is a copy of the [CE Form 1](#) Statement of Financial Interests acceptable?**

As of January 1, 2024, the Statement of Financial Interests Form 1 is required to be filed electronically. A copy of the electronically filed Form 1 must be provided to the filing officer during qualifying.

### **If a candidate has a question about how to fill out the financial disclosure forms, should my staff or I try to assist the candidate?**

No. Questions regarding how to complete [CE Form 6](#) or [CE Form 1](#) financial disclosure forms should be directed to the Florida Commission on Ethics at 850.488.7864 or you can direct the candidate to the Commission's website: <https://ethics.state.fl.us/Index.aspx>.

## Chapter 7: Qualifying Fees/Checks

### May I accept cash, a money order, cashier's check, or a personal check from a candidate to pay the qualifying fee?

No. The qualifying fee must be paid by a check drawn on the campaign account. As qualifying officer, you can't determine whether the check presented was in fact drawn upon the campaign account, only that it appears to have been so drawn by looking at the face of it.

**Exception:** A special district candidate may pay the \$25 qualifying fee using any of the above methods.

### May I accept a cashier's check if it is drawn on the campaign account to pay the qualifying fee?

No. The candidate must pay the qualifying fee using a regular check drawn on the campaign account.

### If the amount of the qualifying check is less than the amount of the qualifying fee, may I accept a second check that equals the difference?

No. The qualifying fee must be paid with one check that is not less than the fee required. Have the candidate submit one new check for the total amount.

### If the amount of the qualifying check is more than the qualifying fee, may I accept the check?

Yes. The qualifying fee has to be **not less than** the fee required. Therefore, a check in an amount that is more than the qualifying fee is acceptable.

### If the qualifying check has different amounts in the numeric and written portions, may I accept the check?

Under Florida's Uniform Commercial Code, the amount in the written portion controls the check's value. Therefore, if the amount in the written portion is not less than the qualifying fee, you may accept the check even though the written and the numeric amounts differ.

(See Section [673.1141](#), Fla. Stat.)

**Best Practice:** If there is time, have the candidate provide a new check.

**If the qualifying check is signed by the candidate, but the candidate has not designated themselves as a treasurer or deputy treasurer, may I accept the check?**

No. A campaign check must contain the signature of a treasurer or deputy treasurer.

*(See Section [106.11\(1\)\(b\)4](#), Fla. Stat.)*

**If the qualifying check is not dated, may I accept the check?**

Yes. Under Florida's Uniform Commercial Code, if an instrument is undated, its date is the date of its issue. The term "issue" means the first delivery of an instrument by the maker for the purpose of giving rights on the instrument to any person. Therefore, for purposes of qualifying, an undated check is a negotiable instrument with its date being the date it is delivered to the qualifying officer.

*(See Section [673.1131](#), Fla. Stat.)*

**Best Practice:** Even though the check is acceptable, if there is time, it is best to have the candidate provide a new check.

**If the qualifying check is a starter or other check and the candidate has not typed or handwritten "Campaign Account" (or words to that effect) on the check, may I accept the check?**

Yes. You have no authority to determine whether the account is a campaign account.

*(See Section [99.061\(7\)\(c\)](#), Fla. Stat.)*

**Best Practice:** If the check is hand delivered by the candidate or treasurer, ask the person if the check is a campaign check. If the person indicates that it is a campaign check, have the person write "campaign account" on the check.

If the candidate or treasurer is not on hand to verify that it is a campaign check, call and request a written statement from the candidate or treasurer indicating that the qualifying check is drawn on the campaign account. The Division of Elections accepts this information by fax or email as long as it contains a signature from the candidate or treasurer.

**The qualifying fee is based upon the annual salary of the office as of July 1, immediately preceding the first day of qualifying. If there is a salary change in the interval before qualifying, does this change the qualifying fee?**

No. Regardless of whether the salary is increased or decreased, the qualifying fee is based upon what it was as of July 1.

**Exception:** If a salary change is made retroactive, and is therefore, in effect as of July 1,

the salary would be based upon the new amount.

**What are my responsibilities as a qualifying officer if the qualifying check is returned by the bank?**

If a candidate's check is returned by the bank for any reason, the qualifying 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.

*(See Section [105.031\(5\)\(a\)1](#), Fla. Stat.; Wright v. City of Miami Gardens, 200 So.3d 765 (Fla. 2016))*

**If the candidate withdraws after submitting complete qualifying papers, do I return their qualifying fee?**

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 (the Division's fax: 850-245-6260).

*(See Section [99.092\(1\)](#), Fla. Stat.; Rule [1S-2.0001](#), F.A.C.)*

**If the candidate submits the qualifying fee but for other reasons fails to qualify, do I return the qualifying fee to the candidate?**

Yes. Return the check to the candidate along with a letter explaining why the candidate did not qualify.

**If a candidate pays the qualifying fee with a check drawn on a campaign account that was opened prior to filing the [DS-DE 9](#), does this mean that the check is not a "properly executed campaign check" as required by Chapter [99](#) and [105](#), Florida Statutes?**

No. It is a violation of Florida Statute, but it does not disqualify the candidate.

*(See Section [106.021](#), Fla. Stat.)*

**If a special district candidate has opened a campaign depository and is collecting and spending money, is the special district candidate required to pay the qualifying fee with a check drawn on the campaign account?**

No. The filing fee for a special district candidate is not required to be drawn upon the



candidate's campaign account.

(See Section [99.061\(7\)\(a\)](#), Fla. Stat.)

## Chapter 8: Reporting Qualified Candidates to the Division of Elections

### How do I report the names of the candidates who qualified to the Division?

“The Supervisor of Elections shall, immediately after the last day for qualifying, submit to the Department of State a list containing the names, party affiliations, and addresses of all candidates and the office for which they qualified.”

(See Section [99.092\(2\)](#), Fla. Stat.)

This information is reported using the Electronic DS-DE 80 system accessible through the SOE Administrative Services Portal. Once in the portal, click on the **Local Candidates** menu item under Application Links.



Please contact your County Security Manager for any questions on how to access the portal.

## Chapter 9: Distribution of Qualifying Fees

### Where do I distribute the fees that I collect from candidates?

#### County Judge and School Board Candidates:

- 4% qualifying fees (1% election assessment and 3% filing fee), forward to the Florida Elections Commission.

*(See Section [105.031\(3\)](#), Fla. Stat.)*

#### Partisan Candidates:

- 1% election assessment, forward to the Florida Elections Commission.
- 5% (3% filing fee and 2% party assessment), forward to the state executive committee of the political party of the candidate.

*(See Section [99.061\(2\)](#), Fla. Stat.)*

#### NPA Candidates Filing for a Partisan Office:

- 1% election assessment, forward to the Florida Elections Commission.
- 3% filing fee, deposit in the general revenue fund of the county.

*(See Section [99.0955\(2\)](#), Fla. Stat.)*

#### Special District Candidates:

- \$25 filing fee, deposit in the general revenue fund of the county.

*(See Section [189.04\(1\)\(c\)](#), Fla. Stat.;*

*[Appendix D: DOS Memo RE: Filing Fee for Community Development District](#))*

### What address do I use when submitting fees to the Florida Elections Commission?

Florida Elections Commission  
107 West Gaines Street  
The Collins Building, Suite 224  
Tallahassee, Florida 32399-1050

**Are there forms to use for transmitting the various types of fees to the Florida Elections Commission?**

Forms are available on the Florida Elections Commission's website: <https://www.fec.state.fl.us>.

There are three types of county fee remittance [Florida Elections Commission Forms](#):

- [County Candidate One Percent Remittance Fee Form](#)
- [County Judicial Candidate Fee Remittance Form](#)
- [School Board Candidate Remittance Fee Form](#)

**If I have questions regarding the forms or fees that are forwarded to the Florida Elections Commission, whom should I call?**

Business Manager  
Florida Elections Commission  
850.922.4539  
[fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

# Appendices

## Appendix A: Legal References and Rules Cited

### Florida Statutes

- [34.021](#) Qualifications of county court judges.
- [92.50](#) Oaths, affidavits, and acknowledgments; who may take or administer; requirements.
- [92.51](#) Oaths, affidavits, and acknowledgments; taken or administered by commissioned officer of United States Armed Forces.
- [92.525](#) Verification of documents; perjury by false written declaration, penalty.
- [99.012](#) Restrictions on individuals qualifying for public office.
- [99.021](#) Form of candidate oath.
- [99.061](#) Method of qualifying for nomination or election to federal, state, county, or district office.
- [99.092](#) Qualifying fee of candidate; notification of Department of State.
- [99.0955](#) Candidates with no party affiliation; name on general election ballot.
- [99.096](#) Minor political party candidates; names on ballot.
- [100.041](#) Officers chosen at general election.
- [105.031](#) Qualification; filing fee; candidate's oath; items required to be filed.
- [105.035](#) Petition process of qualifying for certain judicial offices and the office of school board member.
- [106.021](#) Campaign treasurers; deputies; primary and secondary depositories.
- [106.11](#) Expenses of and expenditures by candidates and political committees.
- [106.141](#) Disposition of surplus funds by candidates.
- [106.23](#) Powers of the Division of Elections.
- [112.3144](#) Full and public disclosure of financial interests.
- [189.04](#) Elections; general requirements and procedures.
- [673.1131](#) Date of instrument.
- [673.1141](#) Contradictory terms of instrument.

### Florida Election Code

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

### Florida Case Law

- *Advisory Opinion to the Governor*, 192 So.2d 757 (Fla. 1966)
- *Browning v. Young*, 993 So.2d 64 (Fla. 1<sup>st</sup> DCA 2008)
- *Carlton v. Phalan*, 100 Fla. 1164, 131 So. 117 (Fla. 1930)
- *Davis ex rel. Taylor v. Crawford*, 116 So. 41 (Fla. 1928)
- *Levey v. Dijols*, 990 So.2d 688 (Fla. 4<sup>th</sup> DCA 2008)
- *Newman v. State*, 602 So.2d 1351 (Fla. 3d DCA 1992)
- *State ex rel. Fair v. Adams*, 139 So.2d 879 (Fla. 1962)
- *State ex rel. Knott v. Haskell*, 72 So. 651 (Fla. 1916)
- *State ex rel. Shevin v. Stone*, 279 So.2d 17 (Fla. 1972)
- *Wright v. City of Miami Gardens*, 200 So.3d 765 (Fla. 2016)

### Constitutions

- [United States Constitution](#)
- [Constitution of the State of Florida; Art. V, § 8](#)

### 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 301A](#) State and Local Partisan Office – With Party Affiliation
- [DS-DE 301B](#) State and Local Partisan Office - No Party Affiliation
- [DS-DE 301C](#) State and Local Partisan Office – Write-In Candidate
- [DS-DE 302NP](#) Candidate Oath – Nonpartisan Office
- [DS-DE 303JU](#) Candidate Oath – Judicial Office
- [DS-DE 304SB](#) Candidate Oath – School Board Nonpartisan Office
- [DS-DE 83](#) Statement of Candidate for Judicial Office
- [DS-DE 84](#) Statement of Candidate
- [Form 1](#) Statement of Financial Interests for the calendar year 2021
- [Form 6](#) Full and Public Disclosure of Financial Interests for the year 2021
- [County Candidate One Percent Remittance Fee Form](#)
- [County Judicial Candidate Fee Remittance Form](#)
- [School Board Candidate Remittance Fee Form](#)


### Division of Elections

- [Advisory Opinions](#)
  - DE 80-27 Residence Requirement for a County Commission Candidate
  - DE 92-10 Preregistration and Subsequent Qualification for Office
  - DE 93-05 Residency
  - DE 94-04 When Qualifications for Selected Offices Must Be Met; Residency
  - DE 09-01 Qualifying - City Council Candidate; Mistaken Group Number Designation §99.061, Fla. Stat.
- DE Reference Guides
  - DE 0008 (01/2024) Guidelines for Determining When Residency Qualifications for Elected Office Must be Met
  - DE 0016 (08/2023) Resign-to-Run Law
- Supervisor of Elections' (SOE) Portal – Please contact your County Security Manager for link.
- Division of Elections – Forms & Publications: <https://dos.fl.gov/elections/forms-publications/>

### The Federal Hatch Act

- [Hatch Act Overview \(osc.gov\)](#)
- [5 U.S.C. §§ 1501- 1508](#)

## Appendix B: DE Reference Guide 0016 Resign-to-Run Law



### Resign-to-Run Law

**DE Reference Guide 0016 (Updated 08/17/2023)**

*These guidelines are for reference only. They are not to be construed as legal advice or representation. For any particular set of facts or circumstances, refer to the applicable state, federal law, and case law, and/or consult a private attorney before drawing any legal conclusions or relying upon this information.*

**RESIGN-TO-RUN LAW – GENERAL OVERVIEW**

- **Governing law<sup>1</sup>**
  - An “officer” may not qualify as a candidate for another state, district, county, or municipal public office if the terms or any part of the terms would overlap with each other if the person were to be elected and did not resign from the office the person presently holds.
  - An officer who qualifies for federal public office must resign from his or her presently-held office if the terms, or any part, thereof, would overlap with each other. (See below “What is “qualify” and “Exceptions to the resign-to-run law”)
- **Who is an “officer”?**

An “officer” is any elected or appointed person who has the authority to exercise the sovereign powers pertaining to an office recognized under the State Constitution or state laws. 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. (s. 99.012(1), F.S.)<sup>2</sup> “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.
- **What is “qualify”?<sup>3</sup>**

“Qualify” means to fulfill the requirements set forth in s. 99.061(7)(a) or s. 105.031(5)(a). Candidates for President and Vice President are not required to fulfill such requirements and therefore do not “qualify” for purposes of the resign-to-run law.
- **Exceptions to the resign-to-run law<sup>4</sup>**
  - 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 presently held is scheduled to expire and be filled by election in the same primary and general election period as the federal office the officer is seeking.
  - Persons running for President and Vice President of the United States
- **Resignation process<sup>5</sup>**
  - In writing at least 10 days prior to the first day of qualifying for the office the officer seeks.
    - For elected district, county, or municipal officers, submit:
      - To the officer before whom he or she qualified for the office he or she holds,

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<sup>1</sup> s. 99.012, F.S. (2023)  
<sup>2</sup> See also *State ex rel. Holloway v. Sheats*, 83 So. 508, 509 (Fla. 1919). And see *State ex rel. Clyatt v. Hocker*, 22 So. 721 (Fla. 1897)(an “officer” is someone who exercises sovereign power, in part or wholly, either in making, executing or administering the laws and who derives his or her position from a duly and legally authorized election or appointment, whose duties are continuous in nature and defined by law, not contract.)  
<sup>3</sup> s. 99.012(1), F.S.  
<sup>4</sup> ss. 99.012(7), F.S.  
<sup>5</sup> ss. 99.012(3) - (5), F.S.

Florida Department of StatePage 1 of 4

- Copy to the Governor and the Department of State.
- *For appointed district, county, or municipal officers, submit:*
  - To the officer or authority which appointed him or her to the office he or she holds
  - Copy to the Governor and the Department of State.
- *For all other officers, submit:*
  - To the Governor
  - Copy to the Department of State.<sup>6</sup>

Contact Information	
Address for Governor's office	Address for Department of State
Governor Ron DeSantis The Capitol 400 S. Monroe St. Tallahassee, FL 32399-0001 Email: Ron.DeSantis@eog.myflorida.com Fax: (850) 921-0733	Donna Brown Chief, Bureau of Election Records Department of State R.A. Gray Building, Room 316, 500 S. Bronough Street Tallahassee, Florida 32399-0250 Email: <a href="mailto:ElecRecords@dos.myflorida.com">ElecRecords@dos.myflorida.com</a> Fax: 850-245-6259 or -6260

- **What is the effective date of the resignation?<sup>7</sup>**  
The resignation must take effect 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.
- **Is the resignation irrevocable?<sup>8</sup>**  
Yes. Once submitted, the resignation is irrevocable.
- **What is an automatic resignation?<sup>9</sup>**  
An automatic irrevocable resignation occurs when an officer who qualifies for **federal** public office fails to submit a resignation pursuant to the resign-to-run law. The automatic resignation from the office he or she presently holds is effective immediately. The Department of State is then required to send a notice of the automatic resignation to the Governor. In the case of a district, county or municipal officer, a copy also is sent to the officer before the person qualified if officer held an elective office or the office or authority who appointed the officer.

**FREQUENTLY ASKED QUESTIONS – RESIGN-TO-RUN LAW:**

- **If someone is a school board member and will not seek re-election at the next general election but intends to qualify to run for state representative, will the person have to submit a resignation under the resign-to-run law?**
  - Yes. Section [100.041](#), F.S., reflects that the two-year term of office for a state representative begins upon election and the four-year term of office for a school board member begins on the second Tuesday following the general election. Therefore, if elected as a state representative, the term as a school board member, would not expire until two weeks after taking office as a state representative. This two-week overlap requires

<sup>6</sup> ss. [99.012\(3\)\(e\)](#) and [\(4\)\(e\)](#), F.S.

<sup>7</sup> s. [99.012\(3\)\(d\)](#) and [\(4\)\(d\)](#), F.S.

<sup>8</sup> s. [99.012\(3\)\(b\)](#) and [\(4\)\(b\)](#), F.S.

<sup>9</sup> s. [99.012\(4\)\(f\)](#), F.S.



the school board member to submit a resignation under the resign-to-run law at least 10 days prior to qualifying as a candidate as a state representative.

- **What can an officer do if he or she missed the deadline for submitting the resignation 10 days prior to the beginning of the qualifying period for a state, county, district, or municipal office?**
  - If the officer still wishes to run for office, the officer may submit a resignation to take effect immediately or to take effect on a date prior to qualifying for office. In this situation, the officer qualifies as a non-officeholder and the resign-to-run law does not apply. (s. [99.012\(3\)\(g\)](#), F.S.) Note: If the officer is a candidate for **federal** office, the failure to satisfy the 10-day deadline operates as an automatic, immediate and irrevocable resignation from office. (s. [99.012\(4\)\(f\)1.](#), F.S.)
- **Does the resign-to-run law apply to subordinate officers, deputy sheriffs, or police officers?**
  - Generally, no, but the law will apply in a limited situation. A subordinate officer, deputy sheriff, or police officer is exempt from the resign-to-run law unless the person is seeking to qualify for a public office which is currently held by "an officer who has authority to appoint, employ, promote or otherwise supervise that person and who has qualified as a candidate for reelection to that office." If the subordinate officer, deputy sheriff, or police officer must resign, the resignation must be effective upon qualifying for the office, not the later times specified above for an officer.
  - So, a deputy sheriff wishing to run for sheriff against an incumbent sheriff would have to resign, but if the incumbent sheriff is not seeking reelection, the deputy sheriff would not have to resign. Also, if a deputy sheriff wishes to run for a non-sheriff office (for example, state representative or city council), he or she would not have to resign under the resign-to-run law.
  - If a subordinate officer, deputy sheriff, or police officer must resign under this provision, he or she may not take an unpaid leave of absence instead of resigning.
  - Subordinate officers would include, among others: assistant public defenders, assistant state attorneys, and deputy supervisors of elections. (s. [99.012\(4\)](#), F.S; visit the Division of Elections' [Advisory Opinions webpage](#) for relevant resign to run opinions DE 08-04, 07-08, 99-01, 17-02, 17-03, 17-04, 18-07, 18-08 )
- **Does a city's Chief of Police have to resign to run for another public office?**
  - It depends. The exemption mentioned in the answer to the question immediately above applies to a police officer. A chief of police is a police officer; therefore, the chief of police need only resign to run for public office if the chief is seeking to qualify for a public office which is currently held by "an officer who has authority to appoint, employ, promote or otherwise supervise that person and who has qualified as a candidate for reelection to that office." For example, a city's chief of police would not have to resign to run for county sheriff unless the sheriff has the authority to appoint, employ, promote or otherwise supervise the chief of police and the incumbent sheriff has also qualified as a candidate for reelection. In the typical county-city relationship, the sheriff does not have the authority to appoint, employ, promote or otherwise supervise a city's chief of police. However, for example, if a city mayor has the authority to hire and fire the chief of police, the chief of police could not run for city mayor without resigning as chief of police if the incumbent mayor is seeking re-election. (s. [99.012\(5\)](#), F.S.)
- **What happens if an officer does not comply with the resign-to-run law?**
  - A filing officer performs a ministerial duty in reviewing qualifying documents such that if a candidate files an oath stating that he or she has resigned from office, the filing office cannot look beyond the contents of the oath to determine if it is accurate. (s. [99.061\(7\)\(c\)](#), F. S.)
  - It takes a court order to determine if a person did not comply with the resign-to-run law, and to deem the person not qualified as a candidate or be removed from the ballot. (s. [99.012\(6\)](#), F.S.)

- Notwithstanding the above, an officer who qualifies for **federal** public office who fails to submit a resignation pursuant to the resign-to-run law will result in an automatic irrevocable resignation, effective immediately, from the office he or she presently holds. (s. 99.012(4)(f)1. F.S.) The Department of State is required to notify

the Governor and the appropriate qualifying officer or appointing authority of the automatic resignation. (s. 99.012(4)(f)2., F.S.)

- **How are district officers treated under the resign-to-run law versus the dual office- holding constitutional provision?**

- The Attorney General has opined that district offices are not within the purview of the dual office-holding provisions of the Constitution. However, district offices, by express statutory provision, are subject to the provisions of the resign-to-run law. For example, an elected state or county officer can be appointed also to a district office. However, if the state or county officer later seeks reelection to the state or county office while occupying the district office, he or she would have to submit a resignation under the resign-to-run law from the district office before qualifying and running for reelection if the terms of office overlap, unless the district office consists of being a member on an appointed board or authority and the county or state officer receives no salary for being on the board or authority.

- **How does the resign-to-run law relate to the federal Hatch Act?**

- The state resign-to-run law is entirely separate from the federal Hatch Act. (5 U.S.C. §§ 1501- 1508)
- The federal Hatch Act applies to executive branch state and local employees who are principally employed in connection with programs financed in whole or in part by loans or grants made by the United States or a federal agency. The Act prohibits a state, county, or municipal employee from being a candidate for public office in a partisan election if the employee’s salary is completely funded with federal dollars. It is only when the covered employee’s entire salary is paid from federal funds that the employee would have to resign under the Hatch Act before becoming a candidate for partisan office. See 5 U.S.C. § 1502 (Hatch Act Modernization Act of 2012 (eff. 1.27.2013).
  - Governors, Lieutenant Governors, mayors, elected executive department heads, and elected officers are specifically exempt from the Hatch Act prohibition against being a candidate for public office.
  - A partisan election means one in which any candidate will be listed on the ballot as a party candidate.
- An employee’s conduct is also subject to state and local laws and the regulations of the employing agency. An employee should consult with his or her supervisor, personnel office, or the agency’s general counsel.

- **Who to contact for questions or requests for advisory opinions on Hatch Act or Resign-to-Run law:**

HATCH Act	Resign-to Run Law
Hatch Act Unit U.S. Office of Special Counsel 1730 M Street, N.W., Suite 218 Washington, D.C. 20036-4505 Tel: (800) 85-HATCH; (800) 854-2824;(202) 804-7002; Email: <a href="mailto:hatchact@osc.gov">hatchact@osc.gov</a> Website: <a href="https://osc.gov/Services/Pages/HatchAct-Federal.aspx">https://osc.gov/Services/Pages/HatchAct-Federal.aspx</a>	Office of General Counsel Florida Department of State R.A. Gray Building 500 S. Bronough Street Tallahassee, Florida 32399-0250 Telephone: (850) 245-6536 Email: <a href="mailto:DOS.GeneralCounsel@DOS.MyFlorida.com">DOS.GeneralCounsel@DOS.MyFlorida.com</a>

## Appendix C: CEO 82-72 Financial Disclosure

CEO 82-72 -- September 20, 1982

### FINANCIAL DISCLOSURE

#### DISCLOSURE PERIOD TO BE USED BY A MUNICIPAL CANDIDATE IN FILING FINANCIAL DISCLOSURE

To: *Mr. David M. Carr, Attorney for Tampa City Council*

#### SUMMARY:

A candidate for a 1983 city election who qualifies after January 1, 1983 is required to file Form 1, Part 1, Statement of Financial Interests, as reflecting his financial interests for the tax year ending December 31, 1982, rather than for the tax year ending December 31, 1981. The disclosure period for which a statement of financial interests is to be filed is defined in Section 112.312(8), Florida Statutes, to mean the taxable year immediately preceding the date on which the disclosure statement is required to be filed. As most individuals' taxable year is the calendar year, a candidate's statement of financial interests should be based on the most recently completed calendar year. Similarly, an incumbent who qualifies as a candidate for a 1983 city election after January 1, 1983 should file a new disclosure form reflecting his financial interests for the year ending December 31, 1982, rather than a copy of the disclosure form previously filed for the tax year ending December 31, 1981.

#### QUESTION 1:

Is a candidate for the 1983 City of Tampa election who qualifies after January 1, 1983 required to file Form 1, Part 1, Statement of Financial Interests, as reflecting his financial interests for the tax year ending December 31, 1982 or for the tax year ending December 31, 1981?

The financial disclosure law applicable to elected municipal officials and candidates for elective municipal office, Section 112.3145, Florida Statutes, is based upon the concept of a "disclosure period." That term is defined in Section 112.312(8), Florida Statutes, as follows:

'Disclosure period' means the taxable year for the person or business entity, whether based on a calendar or fiscal year, immediately preceding the date on which, or the last day of the period during which, the financial disclosure statement required by this part is required to be filed.

For the vast majority of individuals, the taxable year will be the calendar year ending on December 31. Section 441, U.S. Internal Revenue Code. Therefore, when a statement of financial interests is filed, the statement should include the most recently completed calendar year.

Accordingly, when a candidate files a statement of financial interests (Form 1, Part 1) as part of his qualifying papers after January 1, 1983, the statement should reflect the candidate's financial interests for the calendar year ending December 31, 1982 -- the most recently completed calendar year.

#### QUESTION 2:

May an incumbent who qualifies as a candidate for the 1983 City of Tampa election after

January 1, 1983 file a copy of the disclosure form previously filed for the tax year ending December 31, 1981, or must the incumbent file a new disclosure form reflecting his financial interests for the year ending December 31, 1982?

In our view, this question is substantially the same as the first question you have posed. Since the "disclosure period" for which the candidate will be filing will be the most recently completed calendar year, a new financial disclosure form reflecting financial interests for the tax year ending December 31, 1982 should be filed with the candidate's qualifying papers.


**Appendix D: Department of State Memo RE: Filing Fee for Community Development District**



*Department of State  
Memorandum*

*Office of the General Counsel*

**TO:** Kristi Bronson  
Chief, Bureau of Election Records

**FROM:**  Gary J. Holland  
Assistant General Counsel

**DATE:** April 22, 2010

**RE:** Filing Fee for Community Development District

You have inquired about the proper disposition of the \$25 filing fee for candidates seeking to be elected to the Board of Supervisors for a Community Development District (CDD).

Section 190.003(6), Florida Statutes (2009), defines Community Development District as "a local unit of special-purpose government which is created pursuant to [chapter 190] and limited to the performance of those specialized functions authorized by [chapter 190]. . . ." Candidates for a CCD board qualify under s. 99.061. § 190.006(3)(c), Fla. Stat. (2009). Thus, a CDD candidate qualifies as a special district candidate by either paying the \$25 election fee or qualify by the petition process. § 99.061(3), Florida Statutes (2009).

Section 189.405(1)(c), Florida Statutes (2009), provides that a special district candidate's \$25 filing fee is to be paid "to the general revenue fund of the qualifying officer to help defray the cost of the election." However, s. 189.405(6), Florida Statutes (2009), expressly states that the provisions of section 189.405 do not apply to CDDs. Chapter 190, Florida Statutes, entitled "Community Development Districts," contains specific differences in the election procedures for a CDD as opposed to other special district elections; therefore, it is understandable why s. 189.405, Florida Statutes does not apply to CDDs. However, chapter 190, Florida Statutes, contains no provision about where the CDD candidate's filing fee is to go. This appears to be an inadvertent omission.

Because the Florida statutes are silent on the issue and in the absence of other specific applicable directives, it is appropriate to apply the general qualifying fee disposition provisions for special districts to CDD candidates. Therefore, the CDD candidate qualifying fee should be treated like that of any other special district candidate, i.e., it is to be paid "to the general revenue fund of the qualifying officer to help defray the cost of the election."

**From:** Sonya Daniel <[sdaniel@escambiavotes.gov](mailto:sdaniel@escambiavotes.gov)>  
**Date:** June 27, 2024 at 1:41:03 PM CDT  
**To:** Bruce Childers <[brucebchilders@gmail.com](mailto:brucebchilders@gmail.com)>  
**Subject:** RE: [EXTERNAL] Public records request

Update on Public Records Request-

1. All documentation and notifications to the candidate regarding any deficiencies in filings to be qualified to run for elective office;  
**Responsive Documents:** Email dated June 20
2. The report submitted to the Department of State per F.S. 99.092(2);  
**Responsive Documents:** This is an upload into the online portal. A proof is provided to the county to document the upload. This document is attached.
3. The duties and responsibilities of both Sonya Daniel and Keelie Sekerka;  
**Responsive Documents:** The five Fox-Lawson job descriptions are attached that make up the duties of the two employees.
4. All text messages from Robert Bender's cell phone and also from a phone issued by the office for the period June 10, 2024, at 8:00 a.m. through June 20, 2024;  
Still In process
5. Any notices to any and all candidates for elective office who were contacted - or not - about deficiencies in their qualifying paperwork;  
Still In process
6. A phone log of incoming and outgoing calls on Robert Bender's personal cell phone and also from a phone that is issued by the office from June 12, 2024, through June 20, 2024;  
Still In process
7. A copy of the recorded meeting held June 18, 2024, in your office between the county attorney, Sonya Daniel, and Bruce Childers.  
Recording is not in our possession. I have been advised that legal has provided a copy of the recording.
8. Correspondence with any state agency regarding Bruce Childers' filings to run for elective office.  
**Responsive Documents:** Email sent to Bruce Childers on June 18.
10. Whether any calls, texts or emails were sent to Bruce Childers between June 12, 2024, and June 14, 2024.

Exhibit E

## No responsive documents

Thank you,  
Sonya

*Sonya M. Daniel, APR, CERA, MFCEP*

Chief Deputy Supervisor of Elections  
Escambia County Supervisor of Elections Office  
(850) 595-3900, ext. 4515  
[sdaniel@EscambiaVotes.gov](mailto:sdaniel@EscambiaVotes.gov)

*Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.*

**From:** Bruce Childers <[brucebchilders@gmail.com](mailto:brucebchilders@gmail.com)>  
**Sent:** Monday, June 24, 2024 6:44 PM  
**To:** Sonya Daniel <[sdaniel@escambiavotes.gov](mailto:sdaniel@escambiavotes.gov)>  
**Subject:** [EXTERNAL] Public records request

**WARNING! This email originated from an outside network. DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Please consider this a public records request for the following items, which all relate to Bruce Childers' filings to run for the office of Supervisor of Elections:

1. All documentation and notifications to the candidate regarding any deficiencies in filings to be qualified to run for elective office;
2. The report submitted to the Department of State per F.S. 99.092(2);
3. The duties and responsibilities of both Sonya Daniel and Keelie Sekerka;
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10. Whether any calls, texts or emails were sent to Bruce Childers between June 12, 2024, and June 14, 2024.

-Bruce Childers

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**Date:** June 27, 2024 at 1:41:03 PM CDT  
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Exhibit E



## No responsive documents

Thank you,  
Sonya

*Sonya M. Daniel, APR, CERA, MFCEP*

Chief Deputy Supervisor of Elections  
Escambia County Supervisor of Elections Office  
(850) 595-3900, ext. 4515  
[sdaniel@EscambiaVotes.gov](mailto:sdaniel@EscambiaVotes.gov)

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**Subject:** [EXTERNAL] Public records request

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10. Whether any calls, texts or emails were sent to Bruce Childers between June 12, 2024, and June 14, 2024.

-Bruce Childers

**From:** [Davis, Ashley E.](#)  
**To:** [Christi J. Hankins](#)  
**Cc:** [Caleb M. White](#); [Caleb M. White](#)  
**Subject:** [EXTERNAL]RE: Qualifying Non-Incumbent candidate  
**Date:** Tuesday, June 18, 2024 7:48:19 AM  
**Attachments:** [image002.png](#)

**WARNING!** This email originated from an outside network. **DO NOT CLICK** links or attachments unless you recognize the sender and know the content is safe.

Good morning, we require the complete copy. I hope this helps.

**ASHLEY E. DAVIS**  
Chief Deputy General Counsel  
**FLORIDA DEPARTMENT OF STATE**  
500 South Bronough Street, Suite 100  
Tallahassee, Florida 32399-0250  
(p): (850) 245-6531  
(f): (850) 245-6127

**From:** Christi J. Hankins <cjhankins@myescambia.com>  
**Sent:** Monday, June 17, 2024 5:23 PM  
**To:** Davis, Ashley E. <Ashley.Davis@dos.fl.gov>  
**Cc:** Caleb M. White <cmwhite@myescambia.com>; Caleb M. White <cmwhite@myescambia.com>  
**Subject:** RE: Qualifying Non-incumbent candidate

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

I apologize, I should have sent the related statute.

(4) Beginning January 1, 2022, an incumbent in an elective office or a candidate holding another position subject to an annual filing requirement may submit a copy of the full and public disclosure of financial interests filed with the commission, or a verification or receipt of the filing, with the officer before whom he or she qualifies. A candidate not subject to an annual filing requirement does not file with the commission, but may complete and print a full and public disclosure of financial interests to file with the officer before whom he or she qualifies.

Fla. Stat. Ann. § 112.3144 (West)

Christi Hankins  
Assistant County Attorney

Exhibit G



221 Palafox Place, Suite 430  
Pensacola Florida 32502  
(850) 595-4970

**From:** Christi J. Hankins  
**Sent:** Monday, June 17, 2024 3:37 PM  
**To:** Davis, Ashley E. <[ashley.davis@dos.myflorida.com](mailto:ashley.davis@dos.myflorida.com)>  
**Cc:** Caleb M. White <[cmwhite@myescambia.com](mailto:cmwhite@myescambia.com)>  
**Subject:** Qualifying Non-incumbent candidate

Hello,

The following can be found on the FAQ page for the Commission on Ethic's website. I am seeing this consistently on the website and in the 2024 State Qualifying Handbook.

**Candidates who do not currently hold a Form 6 or Form 1 office or a position with a disclosure requirement:**

- **IMPORTANT FIRST STEP!** Add [chc@FDMSinfo@mail.disclosure.floridathes.gov](mailto:chc@FDMSinfo@mail.disclosure.floridathes.gov) to their e-mail "safelist." Visit [disclosure.floridathes.gov](http://disclosure.floridathes.gov).
- Click "I am a candidate."
- Click "request registration e-mail."
- Candidate will receive an e-mail from [chc@FDMSinfo@mail.disclosure.floridathes.gov](mailto:chc@FDMSinfo@mail.disclosure.floridathes.gov).
- If they don't receive the e-mail, they should check their SPAM or Junk folder.
- Register account information.
- Log In and complete the verification process.
- Complete the disclosure in the e-filing system.
- Print the completed disclosure.
- File the disclosure with the Qualifying Officer.

The language used in the 2024 State Qualifying Handbook at Page 8 states: "The 2023 Full and Public Disclosure is required to be filed electronically. A copy of the electronically filed Form 6 or receipt of electronic filing must be provided to the Division during qualifying."

Would the single first page Form 6 Full and Public Disclosure be sufficient to meet the requirements of a non-incumbent and non-officer candidate? The attached is the entirety of the form 6 received from the candidate during the qualifying period.

Sincerely,

Christi Hankins  
Assistant County Attorney  
221 Palafox Place, Suite 430



Pensacola Florida 32502  
(850) 595-4970

Florida has a very broad public records law. Under Florida law, both the content of emails, email addresses and IP addresses are public records. If you do not want the content of your email, your email address, or your IP address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in person.

# 2024 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. 12/5/2023)

Exhibit H

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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 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's website at [dos.myflorida.com/elections/forms-publications](https://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

### Statewide Offices

- Justice of the Supreme Court (only those whose terms expire January 2025)

### Multi-County State Offices

- State Attorney (1<sup>st</sup> - 19<sup>th</sup> Circuits)
- Public Defender (1<sup>st</sup> - 19<sup>th</sup> Circuits)
- State Senator (only odd numbered districts)
- State Representative (all districts)

### Judicial (Nonpartisan)

- Judge, District Court of Appeal (only those whose terms expire January 2025)
- Circuit Judges (only those whose terms expire January 2025)

### Multi-County Special District

- 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.)*

### What does “Qualify” Mean?

Each person seeking to qualify for nomination or election to a federal, state, or multicounty district office, or candidates for judicial office (other than the office of county court judge) 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.

*(Sections [99.061](#) and [105.031](#), 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.
- Persons seeking the office of President or Vice President of the United States.

### 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	Donna S. Brown, Chief Bureau of Election Records Department of State R.A. Gray Building, Room 316, 500 S. Bronough Street Tallahassee, Florida 32399-0250 Email: <a href="mailto:ElecRecords@dos.myflorida.com">ElecRecords@dos.myflorida.com</a> 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 Division 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 R.A. Gray Building.

**Attention:** The U.S. Postal Service does not deliver mail directly to the Division. 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.

*(Rule [1S-2.0001](#), F.A.C.)*

## 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** form should be reviewed carefully for proper notarization. Improper notarization may prevent a person from qualifying.
  - **Name on the Oath** – the candidate must include the candidate’s legal given name or names, a shortened form of the candidate’s legal given name or names, an initial or initials of the candidate’s legal given name or names, or a bona fide nickname customarily related to the candidate and by which the candidate is commonly known, immediately followed by the candidate’s legal surname.
  - **Nickname** – if a candidate wishes to designate a nickname to be printed on the ballot, the candidate must file the affidavit on the reverse side of the oath, which must be verified under oath or affirmation, attesting that the nickname complies with the requirements of Section [99.0215](#), Florida Statutes. (Sections [99.021](#) and [99.0215](#), F.S.).
  - **Statement of Outstanding Fines, Fees or Penalties** - each candidate, whether a party candidate, a candidate with no party affiliation, or a write-in candidate, shall, at the time of subscribing to the oath or affirmation, state in writing whether he or she owes any outstanding fines, fees, or penalties that cumulatively exceed \$250 for any violations of s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees under part III of chapter 112, any local ethics ordinance governing standards of conduct and disclosure requirements, or chapter 106. (Section [99.021\(1\)\(d\)](#) Fla. Stat.)
  - 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.
- [Form 6, Full and Public Disclosure of Financial Interests](#) for the year 2023. Visit the [Commission on Ethics](#) for information on the current Form 6. The 2023 Full and Public Disclosure is required to be filed electronically. A copy of the electronically filed Form 6 or receipt of electronic filing must be provided to the Division during 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, and cash are **not acceptable**);
- Made payable to the Florida Department of State, Florida Secretary of State, or Florida Division of Elections;
- 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 scanned and emailed to [ElecRecords@dos.myflorida.com](mailto:ElecRecords@dos.myflorida.com) or alternatively [faxed to 850.245.6260](tel:850.245.6260).

## 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. Notwithstanding the end of qualifying, the candidate shall 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 for questions about their qualifying paperwork.

## Qualifying Status Look-up

A person's qualifying status as a candidate can be found on the Division's online [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 (Eastern Time), Monday, April 22, 2024 – Noon (Eastern Time), Friday, April 26, 2024**

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** (Eastern Time), Friday, April 26, 2024:

1. [Form DS-DE 9](#), Appointment of Campaign Treasurer and Designation of Campaign Depository. (If the [DS-DE 9](#) was previously filed with the Division, a copy is not required to be filed during the qualifying period.)
2. Candidate Oath (*Choose the applicable oath to complete.*):  
[Form DS-DE 301A](#) State and Local Partisan Office – With Party Affiliation (Eff. 10/2023)  
[Form DS-DE 301B](#) State and Local Partisan Office – No Party Affiliation (Eff. 10/2023)  
[Form DS-DE 301C](#) State and Local Partisan Office – Write-In Candidate (Eff. 10/2023)
3. [Form 6](#), Full and Public Disclosure of Financial Interests for the year 2023. Visit the [Commission on Ethics](#) for information on the current Form 6. The 2023 Full and Public Disclosure is required to be filed electronically. A copy of the electronically filed Form 6 or receipt of electronic filing must be provided to the Division of Elections during 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: \$12,753.72** (6% of annual salary as of July 1, 2023); or
- **No Party Affiliation Candidates: \$8,502.48** (4% of annual salary as of July 1, 2023).

## 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 (Eastern Time), Monday, April 22, 2024 – Noon (Eastern Time), Friday, April 26, 2024**

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 (Eastern Time), Friday, April 26, 2024:

1. [Form DS-DE 9](#), Appointment of Campaign Treasurer and Designation of Campaign Depository. (If the [DS-DE 9](#) was previously filed with the Division, a copy is not required to be filed during the qualifying period.)
2. Candidate Oath (choose the oath as it applies):

[Form DS-DE 301A](#) State and Local Partisan Office – With Party Affiliation (Eff. 10/2023)

[Form DS-DE 301B](#) State and Local Partisan Office – No Party Affiliation (Eff. 10/2023)

[Form DS-DE 301C](#) State and Local Partisan Office – Write-In Candidate (Eff. 10/2023)

3. [Form 6](#), Full and Public Disclosure of Financial Interests for the year 2023. Visit the [Commission on Ethics](#) for information on the current Form 6. The 2023 Full and Public Disclosure is required to be filed electronically. A copy of the electronically filed Form 6 or receipt of electronic filing must be provided to the Division of Elections during 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: \$12,753.72** (6% of annual salary as of July 1, 2023); or
- **No Party Affiliation Candidates: \$8,502.48** (4% of annual salary as of July 1, 2023).

## 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 (Eastern Time), Monday, June 10, 2024 – Noon (Eastern Time), Friday, June 14, 2024**

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 (Eastern Time), Friday, June 14, 2024:

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

2. Candidate Oath (choose the oath as it applies):

[Form DS-DE 301A](#) State and Local Partisan Office – With Party Affiliation (Eff. 10/2023)

[Form DS-DE 301B](#) State and Local Partisan Office – No Party Affiliation (Eff. 10/2023)

[Form DS-DE 301C](#) State and Local Partisan Office – Write-In Candidate (Eff. 10/2023)

3. [Form 6](#), Full and Public Disclosure of Financial Interests for the year 2023. Visit the [Commission on Ethics](#) for information on the current Form 6. The 2023 Full and Public Disclosure is required to be filed electronically. A copy of the electronically filed Form 6 or receipt of electronic filing must be provided to the Division of Elections during 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, 2023); or
- **No Party Affiliation Candidates: \$1,187.88** (4% of annual salary as of July 1, 2023).

## 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 (Eastern Time), Monday, April 22, 2024 – Noon (Eastern Time), Friday, April 26, 2024**

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 (Eastern Time), Friday, April 26, 2024:

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 (Eff. 10/2023)
3. [Form 6](#), Full and Public Disclosure of Financial Interests for the year 2023. Visit the [Commission on Ethics](#) for information on the current Form 6. The 2023 Full and Public Disclosure is required to be filed electronically. A copy of the electronically filed Form 6 or receipt of electronic filing must be provided to the Division of Elections during 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. If contributions or expenditures are received after filing the above sworn statement, a statement to that effect must be filed, a campaign account opened at the depository previously designated, and campaign treasurer's reports filed. [Form DS-DE 97](#), Affidavit of Compliance, must still be filed as a final report within 90 days following the general election.

## 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 (Eastern Time), Monday, April 22, 2024 – Noon (Eastern Time), Friday, April 26, 2024**

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 (Eastern Time), Friday, April 26, 2024:

1. [Form DS-DE 9](#), Appointment of Campaign Treasurer and Designation of Campaign Depository. (If the [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 (Eff. 10/2023)
3. [Form 6](#), Full and Public Disclosure of Financial Interests for the year 2023. Visit the [Commission on Ethics](#) for information on the current Form 6. The 2023 Full and Public Disclosure is required to be filed electronically. A copy of the electronically filed Form 6 or receipt of electronic filing must be provided to the Division of Elections during 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 **\$7,646.52**. (4% of the annual salary as of July 1, 2023).

## Chapter 11: Multi-County Special District

### Qualifying Dates

**Noon (Eastern Time), Monday, June 10, 2024 – Noon (Eastern Time), Friday, June 14, 2024**

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 (Eastern Time), Friday, June 14, 2024:

1. [Form DS-DE 302NP](#) Candidate Oath – Nonpartisan Office (Eff. 10/2023)
2. [Form 1](#), Statement of Financial Interests for the year 2023. A public officer who has filed a financial disclosure statement for 2023 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 301A](#) State and Local Partisan Office – With Party Affiliation
- [DS-DE 301B](#) State and Local Partisan Office – No Party Affiliation
- [DS-DE 301C](#) State and Local Partisan Office – Write-In Candidate
- [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

- [Advisory Opinions](#)
- [Rules](#)
- [Qualifying Information](#)
- [Publications](#)



**For further assistance, Contact the Division of Elections  
Help Desk (850) 245-6280**