

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Transportation and Economic Development Appropriations
Committee

BILL: CS/SB 342

INTRODUCER: Transportation and Economic Development Appropriations Committee and Senator
Lynn

SUBJECT: Candidates for Public Office / Qualifying Fee

DATE: April 22, 2008 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Fox</u>	<u>Rubinas</u>	<u>EE</u>	Favorable
2.	<u>Belcher</u>	<u>Noble</u>	<u>TA</u>	Fav/CS
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill allows most candidates to qualify for office if the candidate obtains at least 50 percent of the necessary petition signatures and pays a pro rata share of the applicable qualifying fee.

The bill also allows a law enforcement officer to qualify for public office without resigning his or her law enforcement office.

This bill has no impact on state appropriations.

The bill substantially amends sections 99.012 and 99.095 of the Florida Statutes.

II. Present Situation:

Most candidates qualify for office in one of two ways:¹

- **Fee:** Candidates seeking office pay a *qualifying fee* equal to 6 percent or 4 percent of the annual salary of the office sought, depending on whether the race and the candidate are partisan. The qualifying fee is comprised of:
 - Filing Fee: 3 percent of the annual salary of the office sought.
 - Election Assessment: 1 percent of the annual salary of the office sought.

¹ Write-in candidates whose names do not appear on the ballot are not required to pay a qualifying fee or obtain petition signatures. *Section 99.092(1), F.S.*

- Party Assessment: 2 percent of the annual salary of the office sought.²
- **Petition Method**: Candidates seeking office collect 1 percent of the total number of registered voters in the geographic area of the office sought (as of the last general election).³ Candidates qualifying by this method submit petition signatures to the supervisors of elections in advance of the qualifying period for validation and certification. A candidate must obtain 100 percent of the necessary certified signatures to qualify, or must pay the entire qualifying fee as described above.

Currently a law enforcement officer must resign his or her law enforcement office upon qualifying as a candidate for public office.⁴

III. **Effect of Proposed Changes:**

The bill allows candidates in partisan races who obtain at least 50 percent of the necessary petition signatures to qualify by paying a pro rata share of the applicable qualifying fee. For example, a candidate who obtains 75 percent of the necessary petition signatures could qualify for office by paying 25 percent of the qualifying fee for the office sought.

The bill also allows a law enforcement officer to qualify for public office without resigning his or her law enforcement office.

The bill has an effective date of January 1, 2009.

IV. **Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

² Only assessed for partisan candidates in partisan races.

³ Sections 99.092(1), 99.095(1), F.S.

⁴ Section 99.012(4), F.S.

B. Private Sector Impact:

1. Revenues

a. Recurring

Political Parties: There will likely be a slight decrease in the amount of revenue to the state executive committees of political parties, especially the major political parties that receive a rebate of the bulk of candidate *qualifying fees* paid to the Department of State.⁵ *Overall, the impact is expected to be minimal.* The precise impact, however, is indeterminate and will vary with the number and type of offices sought during an election cycle, the number and partisan affiliation of candidates, as well as the number of candidates seeking to qualify by the new hybrid petition method.

b. Non-Recurring

None.

2. Expenditures

a. Recurring

None.

b. Non-Recurring

Candidates: The bill will reduce the cost of qualifying for candidates obtaining more than 50 percent of the required petition signatures but fall short of the number needed to qualify. The precise impact is indeterminate and will vary with the number and type of offices sought during an election cycle, as well as the number of candidates seeking to qualify by the new hybrid petition method.

C. Government Sector Impact:

1. Revenues

a. Recurring

There will likely be a slight decrease to the General Revenue fund and the Election Commission Trust Fund, both of which receive a portion of candidate

⁵ All political parties receive 100% of the political party assessment, equal to 2 percent of the offices sought by its partisan candidates. *Section 99.103, F.S.* In addition, the major political parties also receive a rebate of 85 percent of the 3 percent filing fee paid by its candidates, with the remaining 15 percent going to the state's general revenue fund. There is no rebate of filing fees to the minor political parties.

qualifying fees.⁶ *Overall, the impact is expected to be minimal.* The precise impact, however, is indeterminate and will vary with the number and type of offices sought during an election cycle, the number and partisan affiliation of candidates, as well as the number of candidates seeking to qualify by the new hybrid petition method.

b. Non-Recurring

None.

2. Expenditures

a. Recurring

None.

b. Non-Recurring

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

On April 22, 2008, the Committee on Transportation and Economic Development Appropriations adopted a committee substitute with the following differences:

- Amends s. 99.012 , F.S., to authorize a law enforcement officer to qualify for public office without resigning his or her law enforcement office;
- Effective date of the bill is changed from July 1, 2008, to January 1, 2009.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁶ Fifteen percent of the filing fees of major party candidates and 100 percent of the filing fees for minor party and "no party affiliation" candidates are deposited in the General Revenue fund. The 1 percent election assessment component of the qualifying fee is deposited in the Election Commission Trust Fund.