

## **SECTION 3**

- a. Candidate Handbook (Polk County Supervisor of Elections)
- b. Candidate and Campaign Treasurer Handbook (Fla. Dept. of State Division of Elections)
- c. Frequently asked questions regarding Florida's "RESIGN-TO-RUN" law
- d. Candidate Petition Handbook and Candidate Petition Form
- e. Form DS-DE125 Poll Watchers

# *Candidate Handbook*

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**SUPERVISOR OF  
ELECTIONS**

POLK COUNTY, FLORIDA

**Lori Edwards**

**PolkElections.gov**

Dear Candidate:

**PLEASE NOTE: The 2023 legislative Session is March 07, 2023 – May 05, 2023.  
The information in this Candidate Handbook is subject to change.**

Congratulations on becoming involved in public service as a candidate for office in Polk County. This candidate handbook is printed with the intention of familiarizing Polk County Candidates for county and special district offices with their duties and responsibilities as provided by Florida law.

We hope the information contained in this publication is useful as a quick reference guide. It serves as a supplement to Florida Statutes Chapters 97 – 106 (the Election Code).

It is important for you and all persons involved in your campaign to become familiar with this handbook and the laws that govern Florida elections. As a candidate, you are responsible for all aspects of your campaign – from filing timely treasurer's reports, to ensuring proper political disclaimers appear on your advertisements, to filing the necessary forms to complete qualifying. Investing the necessary time and attention to compliance with the Florida Election Code can help you avoid making errors that could result in monetary fines and negative publicity.

Please review this handbook as well as the Florida Election Code in its entirety for a more comprehensive understanding of the laws.

Please call us if you have any questions regarding election laws or the information in this book.

Lori Edwards,  
Supervisor of Elections  
Polk County, Florida

## **INTERPRETATION OF FLORIDA LAW**

It is the candidate's responsibility to read the election code and observe all requirements therein. If there are campaign questions, please refer to <https://files.floridados.gov/media/706024/election-code-2022-w-updated-index-20220822.pdf> If the candidate is unable to find the answer in the Florida Statutes, contact the qualifying officer.

**IT IS NOT THE RESPONSIBILITY OF THIS OFFICE TO INTERPRET FLORIDA LAW.**

For any interpretation or legal opinion, please contact the Division of Elections.

Division of Elections  
Room 316, RA Gray Building  
500 South Bronough Street  
Tallahassee, FL 32399-0250  
850-245-6200

**MATERIAL IS SUBJECT TO CHANGE BY THE FLORIDA LEGISLATURE.**

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## 2024 ELECTION DATES

PRESIDENTIAL PREFERENCE PRIMARY.....March 19, 2024  
PRIMARY ELECTION.....August 20, 2024  
GENERAL ELECTION.....November 5, 2024

## QUALIFYING DATES

### JUDICIAL, STATE ATTORNEY, PUBLIC DEFENDER

**Noon, April 22, 2024 - Noon, April 26, 2024**

**\*\*Note: Qualifying papers will be accepted 14 days prior to qualifying, pursuant to Section 99.061, F.S.**

### FEDERAL, STATE, MULTI COUNTY, COUNTY, DISTRICT, & NONPARTISAN

**Noon, June 10, 2024 - Noon, June 14, 2024**

**\*\*Note: Qualifying papers will be accepted beginning 14 days prior to qualifying, pursuant to Section 99.061, F.S.\*\***

**IF A CANDIDATE IS RUNNING FOR:**

**PRESIDENT / VICE PRESIDENT (4 year term)**

**UNITED STATES SENATOR (6 year term)**

**UNITED STATES REPRESENTATIVE (2 year term)**

**GOVERNOR & LT. GOVERNOR (4 year term)**

**STATE SENATOR (4 year term)**

**STATE REPRESENTATIVE (2 year term)**

**STATE ATTORNEY (4 year term)**

**PUBLIC DEFENDER (4 year term)**

**CIRCUIT JUDGE (6 year term)**

**THE QUALIFYING OFFICE WOULD BE:**

**DIVISION OF ELECTIONS  
ROOM 316, THE R.A. GRAY BLDG.  
500 S. BRONOUGH ST.  
TALLAHASSEE, FL 32399-0250  
PHONE: (850) 245-6200**

**WEB SITE: <https://dos.myflorida.com/contact-us/>**

**FOR ADDITIONAL INFORMATION ON  
FEDERAL OFFICES:**

**FEDERAL ELECTION COMMISSION  
1050 FIRST STREET NE  
WASHINGTON, DC 20463  
1-800-424-9530  
WEB SITE: [www.fec.gov](http://www.fec.gov)**



**IF THE CANDIDATE IS RUNNING FOR:**

**CLERK OF THE CIRCUIT COURT (4 year term)**

**COUNTY COMMISSIONER (4 year term)**

**COUNTY JUDGE (6 year term)**

**PROPERTY APPRAISER (4 year term)**

**SCHOOL BOARD MEMBER (4 year term)**

**SHERIFF (4 year term)**

**SPECIAL DISTRICTS (4 year term)**

**SUPERVISOR OF ELECTIONS (4 year term)**

**TAX COLLECTOR (4 year term)**

**THE QUALIFYING OFFICE WOULD BE:**

**SUPERVISOR OF ELECTIONS  
70 FLORIDA CITRUS BLVD.  
WINTER HAVEN, FL 33880  
(863) 534-5888**

**WEB SITE: <http://www.polkelections.gov>**

## QUALIFYING FEES

### QUALIFYING FEE MUST BE PAID FROM A CHECK DRAWN ON THE CAMPAIGN ACCOUNT.

TO BE A CANDIDATE FOR A POLK COUNTY OFFICE, YOU MUST:

1. BE A REGISTERED VOTER IN POLK COUNTY.
2. IF YOU ARE RUNNING FOR SCHOOL BOARD, YOU MUST LIVE WITHIN THE DISTRICT DESIGNATED AT THE TIME OF QUALIFYING.
3. IF YOU ARE RUNNING FOR COUNTY COMMISSION, YOU MUST LIVE WITHIN THE DISTRICT, DESIGNATED AT THE TIME OF QUALIFYING, PURSUANT TO THE COUNTY CHARTER.

THE QUALIFYING FEE FOR PARTISAN CANDIDATES IS 6% OF THE ANNUAL SALARY OF THE OFFICE THE CANDIDATE IS SEEKING.

THE QUALIFYING FEE FOR NON-PARTISAN CANDIDATES IS 4% OF THE ANNUAL SALARY OF THE OFFICE THE CANDIDATE IS SEEKING.

A BREAKDOWN OF THE FEES:

	<u>PARTISAN</u>	<u>NON-PARTISAN</u>
FILING FEE:	3%	3%
ELECTION ASSESSMENT:	1%	1%
PARTY ASSESSMENT:	<u>2%</u>	<u>NO FEE</u>
TOTAL:	6%	4%

### **SPECIAL DISTRICTS:**

Each person seeking to qualify for election to a special single county district office shall qualify by paying a filing fee of \$25 or qualify by the petition process pursuant to s.99.095, which the candidate obtains 25 signatures in the district.

A candidate who does not collect contributions and whose only expense is the filing fee or signature verification fee, is not required to appoint a campaign treasurer or designate a primary campaign depository.

**COUNTY OFFICES**

	<u>QUALIFICATIONS</u>	<u>QUALIFYING FEE</u>	<u>TERM</u>	<u>QUALIFYING OFFICE</u>
CLERK OF THE CIRCUIT COURT AND COMPTROLLER (PARTISAN)	ELECTOR; RESIDENT OF COUNTY	6% OF ANNUAL SALARY	4 YR	SUPERVISOR OF ELECTIONS
COUNTY COMMISSION (PARTISAN)	ELECTOR; RESIDENT OF THE DISTRICT	6% OF ANNUAL SALARY	4 YR	SUPERVISOR OF ELECTIONS
COUNTY COURT JUDGE (NONPARTISAN)	ELECTOR; RESIDENT OF CIRCUIT; MEMBER OF FL BAR 5 PRECEDING YRS	4% OF ANNUAL SALARY	6 YR	SUPERVISOR OF ELECTIONS
PROPERTY APPRAISER (PARTISAN)	ELECTOR; RESIDENT OF THE COUNTY	6% OF ANNUAL SALARY	4 YR	SUPERVISOR OF ELECTIONS
SCHOOL BOARD (NONPARTISAN)	ELECTOR; RESIDENT OF THE DISTRICT	4% OF ANNUAL SALARY	4 YR	SUPERVISOR OF ELECTIONS
SHERIFF (PARTISAN)	ELECTOR; RESIDENT OF THE COUNTY	6% OF ANNUAL SALARY	4 YR	SUPERVISOR OF ELECTIONS
SUPERVISOR OF ELECTIONS (PARTISAN)	ELECTOR; RESIDENT OF THE COUNTY	6% OF ANNUAL SALARY	4 YR	SUPERVISOR OF ELECTIONS

**COUNTY OFFICES**

<u>OFFICE</u>	<u>QUALIFICATIONS</u>	<u>QUALIFYING FEE</u>	<u>TERM</u>	<u>QUALIFYING OFFICER</u>
TAX COLLECTOR (PARTISAN)	ELECTOR; RESIDENT OF THE COUNTY	6% OF ANNUAL SALARY	4 YR	SUPERVISOR OF ELECTIONS
COMMUNITY DEVELOPMENT DISTRICTS (CDD)	ELECTOR; RESIDENT OF THE DISTRICT	\$25.00	4 YR	SUPERVISOR OF ELECTIONS
LAKELAND DOWNTOWN DEVELOPMENT DISTRICT	HAVE PLACE OF BUSINESS OR EMPLOYED; OWN PROPERTY	NO FILING FEE	4YR	SUPERVISOR OF ELECTIONS
SOIL & WATER CONSERVATION DISTRICT	ELECTOR; RESIDENT OF THE COUNTY	\$25.00	4 YR	SUPERVISOR OF ELECTIONS
WINTER HAVEN LAKES MANAGEMENT DISTRICT	ELECTOR; RESIDENT OF THE DISTRICT	\$25.00	4 YR	SUPERVISOR OF ELECTIONS

## CANDIDATE PETITION PROCESS

### FLORIDA STATUTE 99.095 AND RULE 1S-2.045 PROVIDES FOR QUALIFYING BY PETITIONING PROCESS.

<https://www.flrules.org/gateway/RuleNo.asp?id=1S-2.045>

A person seeking to qualify for any office may qualify by means of the petitioning process. Any person qualifying by this method shall not be required to pay the qualifying fee or party assessment. You may start your petition process after you have filed your appointment of treasurer and designation of campaign depository with your filing officer. Petition format shall be used by candidates to reproduce petitions for circulation. You will find this format in your candidate packet, or click on:

<https://dos.myflorida.com/media/693291/dsde104.pdf>

<https://dos.myflorida.com/media/706828/2024-candidate-petition-handbook-061423.pdf>

**Deadline for turning in petitions for multi-county, county, district candidates is prior to Noon, May 13, 2024.**

**Deadline for turning in petitions for federal, judicial, state attorney, public defender is prior to Noon, March 25, 2024.**

A candidate shall obtain signatures equal to 1% of the total number of registered voters as of the 2020 general election. **Reapportionment: See page 4 of Petition Handbook.**

Only signatures of voters registered in the county/district represented by the office sought are valid. You will need the following valid signatures:

#### **REGISTERED VOTERS 2022**

463,894

#### **SIGNATURES NEEDED FOR COUNTYWIDE OFFICE**

4639

We recommend submitting more than the required number of petitions because of possible invalid petitions. No petitions are accepted after the due date. Refer to the instructions relating to the rule on candidate petitions attached to petition copy in candidate packet.

Pursuant to Florida Statutes, a cost of \$.10 for each petition will be charged to verify the signatures. If you file an undue burden oath that you cannot pay the fee to cover signature verification, the fee will be waived.

**\*\*SPECIAL DISTRICTS\*\*** Special districts candidates may qualify by obtaining at least 25 signatures of voters in the geographical area represented by the office sought.

## WHAT MUST I FILE WHEN I QUALIFY?

1. **CANDIDATE OATH:** *Forms for the Candidate Oath vary according to partisan, nonpartisan, write-in and judicial offices.* Please print name as you wish to appear on the ballot – name may not be changed after the end of qualifying.

Forms: <https://dos.myflorida.com/elections/forms-publications/forms/county-candidate-forms/>

2. **DISCLOSURE OF FINANCIAL INTERESTS:** Full and Public Disclosure of Financial Interest (Form 6) or Statement of Financial Interest (Form 1), depending on the office you filed for.

Forms: <http://www.ethics.state.fl.us/FinancialDisclosure/DownloadAForm.aspx>

3. **QUALIFYING FEE:** Must be a check drawn on the campaign account and signed by the treasurer or deputy treasurer. (If you filed by the petition process, you will file a copy of the petition certification.

4. **APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY:**

If you have not already filed this form.

Page for Form DS-DE 9: <https://dos.myflorida.com/elections/forms-publications/forms/>

5. **STATEMENT OF CANDIDATE:** Form stating that you have been provided access to read and understand the requirements of Chapter 106. (Must be filed within 10 days of filing Appointment of Campaign Treasurer and Designation of Depository.)

Forms: <https://files.floridados.gov/media/693280/dsde84.pdf>

**IMPORTANT:** Qualifying papers will not be accepted after 12:00 Noon on the last day of qualifying. Also, pursuant to 99.061 (7), Florida Statutes, all items required for qualifying must be received in **CORRECT AND COMPLETE ORDER** by the end of qualifying or you **WILL NOT** be deemed a qualified candidate.

## DEFINITION OF A CANDIDATE

### WHAT IS A CANDIDATE?

A candidate is any person to whom any one or more of the following apply:

- (a) Any person who seeks to qualify for nomination or election by means of the petitioning process.
- (b) Any person who seeks to qualify for election as a write-in candidate.
- (c) Any person who receives contributions or makes expenditures, or gives his or her consent for any other person to receive contributions or make expenditures, with a view to bringing about his or her nomination or election to, or retention in, public office.
- (d) Any person who appoints a treasurer and designates a primary depository.
- (e) Any person who files qualification papers and subscribes to a candidate's oath as required by law.

However, this definition does not include any candidate for a political party executive committee.

Each candidate is personally responsible for compliance with Chapter 106 requirements to appoint a campaign treasurer and designate a campaign depository; maintain records of contributions and expenditures; file certified statements of contributions and expenditures with the filing officer. Non-compliance will result in a fine for each late day.

If you are a candidate for a State or State District Office, you will obtain your forms and information from the Division of Elections.

Forms: <https://dos.myflorida.com/elections/forms-publications/forms/>

## QUESTIONS FREQUENTLY ASKED BY CANDIDATES

### WHEN MAY I ANNOUNCE MY CANDIDACY AND BECOME AN OFFICIAL CANDIDATE?

Before you accept contributions or make any expenditures, you must file an Appointment of Campaign Treasurer and Designation of Campaign Depository form DS-DE- 9 with your qualifying officer.

(F.S. 106.021). **Do not open the bank account or obtain any signatures on petitions until this form is filed with the filing officer.**

The form shows this information:

1. Your name, address, telephone number and email address;
2. Your political party, if you are a partisan candidate;
3. Office sought, including district and group number;
4. Candidate signature.
5. Name, address, phone number and email address of your campaign treasurer;
6. A signature of campaign treasurer, showing acceptance of appointment (You may be your own treasurer);
7. Name and address of your depository.

No person may qualify as a candidate for more than one public office....., if the terms or any part thereof run concurrently with each other. F.S. 99.012(2).

You are **required** within 10 days of **filing** the Appointment of Campaign Treasurer and Designation Of Campaign Depository, to file a **Statement of Candidate** with your qualifying officer, **stating that you have been provided access to read and understand the requirements of Chapter 106, Florida Statutes.**

### WHAT IF I CHANGE MY MIND, AND WANT TO RUN FOR ANOTHER OFFICE?

1. You file a new Appointment of Campaign Treasurer and Designation of Campaign Depository, designating the new office, with your qualifying officer.
2. You notify all your contributors within 15 days of this change, offering to return their contributions pro rata if they return the request form to you within 30 days of notification. (F.S. (106.021 (1)(a))
3. Any contributions not requested to be returned within that period may be used by you for your new designated office pursuant to Florida Statute (106.021 (1)(a).

### WILL I GET THE QUALIFYING FEE BACK IF I DECIDE NOT TO RUN FOR OFFICE?

F.S. 99.092 (1) provides that your qualifying fee will be returned only if you withdraw your candidacy **BEFORE** qualifying ends.



## QUESTIONS CONTINUED

### WHAT IS A CONTRIBUTION?

Florida Statutes 106.011(5) defines a contribution as:

(a) A gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in-kind, having an attributable monetary value in any form, **made for the purpose of influencing the results of an election or making an electioneering communication.**

Notwithstanding the foregoing meanings of "contribution", the word shall not be construed to include services, including, but not limited to, legal and accounting services, provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee. This definition shall not be construed to include editorial endorsements.

### WHAT IS THE LIMITED AMOUNT A PERSON MAY CONTRIBUTE TO MY CAMPAIGN ACCOUNT?

F.S. 106.08 (1)(a) Except for political parties or affiliated party committees, no person or political committee may, in any election, make contributions in excess of the following amounts:

2. To a candidate for retention as a judge of a district court of appeal; a candidate for legislative office; a candidate for multicounty office; a candidate for countywide office or in any election conducted on less than a countywide basis; or a candidate for county court judge or circuit judge, \$1,000.

F.S. 106.09 (1) A person may not make an aggregate **cash** contribution or contribution by means of a cashier's check to the same candidate or committee in excess of \$50 per election. (This includes money from the candidate to the campaign.)

Federal law prohibits contributions from foreign nationals to any federal, state, or local candidate, unless the foreign national possesses a green card. Further information can be accessed by contacting the Federal Election Commission at 1-800-424-9530 or on their website at [www.fec.gov](http://www.fec.gov).

### **THERE IS NO LIMIT TO THE AMOUNT YOU MAY CONTRIBUTE TO YOUR OWN CAMPAIGN.**

(Cannot give cash contribution in excess of \$50 per election.)

### WHOSE NAME IS ADDED TO REPORT FROM CONTRIBUTIONS ON A JOINT BANK ACCOUNT?

When a candidate receives a contribution on a check from a joint bank account, signed by only one of the joint owners, the person signing the check is considered the contributor. (DE Opinion 93-10)

## QUESTIONS CONTINUED

### WHAT IS AN IN-KIND CONTRIBUTION?

An in-kind contribution is something that a person has and wants to give or lend a candidate for a campaign. The limits are the same as the limits for monetary contributions, and if someone gives you money and in-kind contributions, the combined total cannot exceed the \$1,000 limit. "Any person who makes an in-kind contribution shall, at the time of making such contribution, place a fair market value on the in-kind contribution." (Florida Statutes 106.055)

### WHAT IF I RECEIVE AN ANONYMOUS CONTRIBUTION?

In an opinion from the Division of Elections (DE 89-02), recommends that the contribution be reported on the campaign treasurer's report as an anonymous contribution, and send a cover letter explaining that the contribution is anonymous and you have made an effort to locate whoever sent the contribution, and is impossible to return. A copy of this letter will be sent to the Division of Elections for the Florida Elections Commission file. The opinion also recommends that the candidate not spend the contribution, and donate it at the end of the campaign to an appropriate entity. (106.07(4)(a) and 106.08(2) Florida Statutes)

### WHAT IS THE LAST DAY I MAY RECEIVE CONTRIBUTIONS?

If a candidate is opposed on the ballot in any election, the last date he or she may accept a campaign contribution is midnight of the Thursday preceding each election. (Opinion DE 00-01) Any contribution received after that date and time may not be deposited and must be returned to the contributor. Use form DS DE 2 to report these contributions.

### WHAT IS AN EXPENDITURE?

An expenditure is gifts of money **or anything of value made for the purpose of influencing the results of an election.**

### IS THERE A LIMIT ON THE AMOUNT I MAY SPEND ON MY CAMPAIGN?

No. However, all candidate expenditures must be contributed and expended through the campaign account and reported.

### HOW DO I REPORT USING AN ADVERTISING AGENCY OR PUBLIC RELATIONS CONSULTANT?

The campaign pays the consultant and the consultant pays each vendor, however, those expenditures by the consultant have to be reported by the candidate per s.106.07(4)(a)(13), F.S.

**NO RAFFLES ARE ALLOWED TO BE HELD. F.S. 849.09 NO PASSING THE HAT, YOU MUST HAVE A NAME AND ADDRESS FOR EACH CONTRIBUTOR.**

## **CAMPAIGN FUND RAISERS**

A campaign fund raiser is any affair held to raise funds to be used in a campaign for public office. Campaign fund raisers may not be held until the person becomes a candidate. (106.025 F.S.)

### **CONTRIBUTIONS FROM FUND RAISERS:**

All monies and contributions received with respect to a campaign fund raiser are campaign contributions. All contributions are subject to the contribution limits contained in Section 106.08, F.S., and are to be accounted for and reported as any other contribution. (106.025 F.S.)

### **EXPENDITURES FOR FUND RAISERS:**

All expenditures with respect to a campaign fund raiser which are made or reimbursed by a check drawn on the campaign account of the candidate are campaign expenditures. All expenditures must be accounted for and are subject to the same restrictions as other campaign expenditures. (106.025 F.S.)

### **WHEN DO FUNDS HAVE TO BE DEPOSITED?**

All funds received shall be deposited prior to the end of the fifth business day following receipt. Sundays and legal holidays are excluded. (Section 106.05 F.S.)

**POLITICAL DISCLAIMERS**  
**106.143 Florida Statutes**

Political advertisements circulated prior to election; requirements.....

(1)(a) Any political advertisement that is paid for by a candidate, except a write-in candidate, and that is published, displayed, or circulated before, or on the day of, any election must prominently state:

1. "Political advertisement paid for and approved by           (name of candidate)          ,           (part party affiliation)          , for           (office sought)           " ; or
2. "Paid by           (name of candidate)          ,           (part party affiliation)          ,           (office sought)           ."

(b) Any political advertisement that is paid for by a write-in candidate and that is published, displayed, or circulated before, or on the day of, any election must prominently state:

1. "Political advertisement paid for and approved by           (name of candidate)          , write-in candidate, for           (office sought)           " ; or
2. "Paid by           (name of candidate)          , write-in candidate, for           (office sought)           ."

(c) Any other political advertisement published, displayed, or circulated before, or on the day of, any election must prominently:

1. Be marked "paid political advertisement" or with the abbreviation "pd.pol.adv."
2. State the name and address of the persons paying for the advertisement.
3. State whether the advertisement and the cost of production is paid for or provided in kind by or at the expense of the entity publishing, displaying, broadcasting, or circulating the political advertisement.

(d) Any political advertisement made pursuant to s.106.021(3)(d) must prominently state the name and address of the political committee or political party paying for the advertisement.

(2) Political advertisements made as in-kind contributions from a political party must prominently state: "Paid political advertisement paid for in-kind by           (name of political party)          . Approved by           (name of person, party affiliation, and office sought in the political advertisement)          ."

No political advertisement of a candidate who is not an incumbent of the office for which the candidate is running shall use the word "re-elect". Additionally, such advertisement must include the word "FOR" between the candidate's name and the office for which the candidate is running, in order that incumbency is not implied.

**This does not apply to bumper stickers, novelty items, and items designed to be worn.**

**See Statute for full Disclaimer Explanation.**

**POLITICAL SIGNS**



COUNTY SIGN ORDINANCE - CONTACT COUNTY CODE ENFORCEMENT BOARD.  
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA,  
LAND DEVELOPMENT CODE AMENDMENT LDC 15T-09, AMENDING ORDINANCE NO. 00-09,  
AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING CHAPTER 2, SEC-  
TION 207, TEMPORARY USES; CHAPTER 7, SECTION 760, SIGNS; CHAPTER 9, SECTION 930,  
VARIANCES AND SPECIAL EXCEPTIONS; CHAPTER 10, DEFINITIONS, TO ENSURE EMERGING  
LEGAL STANDARDS ARE MET FOR THE REGULATION OF SIGNS; RECOGNIZE EXISTING  
RIGHTS AND INCLUDED APPROPRIATE PROVISIONS TO BRING NON-CONFORMING SIGNS  
INTO COMPLIANCE OVER TIME; ENSURE REGULATIONS ARE CLEAR, CONCISE AND EASILY  
UNDERSTOOD BY ALL AFFECTED PARTIES; PROVIDING AN EFFECTIVE DATE.

**106.1435 F.S. Usage and removal of political campaign advertisements—**

(1) Each candidate, whether for a federal, state, county, or district office, shall make a good faith effort to remove all of his or her political campaign advertisements within 30 days after

(a) Withdrawal of his or her candidacy; (b) Having been eliminated as a candidate; or  
(c) Being elected to office. However, a candidate is not expected to remove those political campaign advertisements which are in the form provided in chapter 479. The provisions herein do not apply to political advertisements placed on motor vehicles or to campaign messages designed to be worn by persons.

(2) If political campaign advertisements are not removed within the specified period, the political subdivision or governmental entity has the authority to remove such advertisements and may charge the candidate the actual cost for such removal. Funds collected for removing such advertisements shall be deposited to the general revenue of the political subdivision.

See 106.1435 to review the full section.

**BE SURE AND CONTACT EACH CITY REGARDING POLITICAL SIGN PLACEMENT. SOME CITIES HAVE VERY STRICT SIGN CODES, AND A DEPOSIT IS SOMETIMES REQUIRED.**

## 2024 CAMPAIGN TREASURER'S REPORT SCHEDULE

# 2024 Calendar of Reporting Dates

Candidates, Political Committees, Electioneering Communication Organizations  
registered with the Polk County Supervisor of Elections.

### Report Schedule

<u>Report Code</u>	<u>Cover Period</u>	<u>Due Date</u>
2023 M12	12/01/23 – 12/31/23	01/10/24
2024 M1	01/01/24 – 01/31/24	02/10/24
2024 M2	02/01/24 – 02/28/24	03/11/24
2024 M3	03/01/24 – 03/31/24	04/10/24
2024 M4	04/01/24 – 04/30/24	05/10/24
2024 M5	05/01/24 – 05/31/24	06/10/24

2024 P1	06/01/24 – 06/14/24	06/21/24
2024 P2	06/15/24 – 06/28/24	07/05/24
2024 P3	06/29/24 – 07/12/24	07/19/24
2024 P4	07/13/24 – 07/19/24	07/26/24
2024 P5	07/20/24 – 07/26/24	08/02/24
2024 P6	07/27/24 – 08/02/24	08/09/24
2024 P7	08/03/24 – 08/15/24	08/16/24

2024 G1	08/16/24 – 08/23/24	08/30/24
2024 G2	08/24/24 – 09/06/24	09/13/24
2024 G3	09/07/24 – 09/20/24	09/27/24
2024 G4	09/21/24 – 10/04/24	10/11/24
2024 G5	10/05/24 – 10/11/24	10/18/24
2024 G6	10/12/24 – 10/18/24	10/25/24
2024 G7	10/19/24 – 10/31/24	11/01/24

### Termination Reports

<u>Cover Period</u>	<u>Report Code</u>	<u>Due Date</u>
After April Qualifying	TR	07/25/24
After June Qualifying	TR	09/12/24
Primary Election	TR	11/18/24
General Election	TR	02/03/25



## **CAMPAIGN REPORTS – FILING DEADLINE (106.07 F.S.)**

Reports are to be filed no later than 5:00 p.m. of the day designated.

Any candidate who does not file a report on the designated due date shall be subject to a fine. The candidate shall be notified by telephone (if possible) or by mail. The fine shall be \$50 per day for the first three (3) days late, thereafter, \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. **However**, for the reports immediately preceding each Primary and General Election, the fine shall be \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater.

Within 20 days after receipt of notice of payment due, you may pay the fine to the Supervisor of Elections, or appeal the fine to the Florida Elections Commission, and notify the Supervisor of Elections in writing.

**Fines are paid from personal funds of the candidate and not from the candidate's campaign fund.**

## **INCOMPLETE REPORTS**

All reports are accepted on a conditional basis. If a report is incomplete, the treasurer will be sent a certified letter. Upon receipt of the certified letter, you will be given seven (7) days to file an amended report.

Failure to file the required information after such notice shall constitute a violation of Chapter 106 and a complaint will be filed with the Florida Elections Commission.

## **WAIVER OF REPORT**

In any reporting period where there has been no activity in the account, you may file a waiver of report form instead of the regular campaign treasurer's report. The deadline for filing a waiver is the same as for filing a campaign report and is subject to the same penalties.

## Filing Reports

To ensure a more convenient process of campaign finance reporting, all local candidates (County Commission, Constitutional Officers, County Court Judge, School Board, Special Districts) and local committees are required to file their campaign treasurer's report using our online procedures.

Once a candidate or committee has filed their Designation of Campaign Depository and Campaign Treasurer, a password, user name and PIN number will be issued to the candidate or committee chairperson and their treasurer to be able to access the web site to allow entry to record campaign finance activity. No printed report is required to be filed.

A candidate or political committee will be allowed to preview the report. This will allow a chance to correct any mistakes before the report is submitted to the Supervisor of Elections. **Once the report is submitted**, if there are any corrections, an amended report will have to be made.

Nothing in this policy alters due dates or other campaign finance reporting requirements indicated in Florida law.



## BOOKKEEPING SUGGESTIONS FOR THE CANDIDATE & CAMPAIGN TREASURER

1. Keep a schedule of dates when campaign treasurer's reports are due.
2. Keep what period of time each report covers.
3. Keep a copy of each report filed for your records.
4. If a report is mailed to a filing officer, obtain a Certificate of Mailing from the Post Office and keep this certificate in a safe place.
5. Record all contributions when received. Make sure to include name, address, occupation, (if more than \$100), amount and date of each contribution. Keep contributions by: monetary, in-kind, and loans. (Maximum amount given in cash or cashier's check is \$50.00 per election.)
6. Record all expenditures when they occur. List name and address of each person to whom the expenditure was made along with the amount, date, receipt, and purpose.
7. Keep a petty cash ledger of all expenditures. These individual listings are not to be listed on the campaign treasurer's reports, only the amount the petty cash check is written for.
8. Monitor cash flow to know how much money is available at all times to avoid any possibility of authorizing expenditure when money is not available to pay for such expenditure. **A candidate should never authorize any expenditure to be paid from the campaign account unless there are sufficient funds on deposit to pay the full amount of the authorized expense.**
9. Maintain a listing of all funds currently in a secondary interest bearing account, certificates of deposit, or money-market account.
10. **If your campaign anticipates receiving \$25,000 or more in receipts annually, you should at least satisfy the Registration of Section 527, Internal Revenue Service. If you have any questions about the registration requirements, or to apply for an EIN please contact:**  
<https://sa.www4.irs.gov/modiein/individual/index.jsp>

THE DIVISION OF ELECTIONS SUGGESTS THAT WHEN COMPLETING A CAMPAIGN REPORT, AND AN OCCUPATION IS REQUIRED, YOU NEED TO BE MORE SPECIFIC IDENTIFYING THE NATURE OF THE BUSINESS RATHER THAN USING BUSINESS MAN, BUSINESS WOMAN, OR EXECUTIVE.

## CAMPAIGN DEPOSITORY AND SAMPLE CHECKS

INFORMATION MUST BE WRITTEN ON STARTER CHECKS PROVIDED BY THE BANK UNTIL PRINTED CHECKS ARRIVE.

### SUGGESTED CHECK SAMPLE:

JOHN SMITH CAMPAIGN ACCOUNT		001
COUNTY OFFICE NUMBER 1		
<u>JULY 00, 2016</u> <u>14-123</u>		
PAY TO THE ORDER OF <u>JOHN A. DOE PRINTING</u>		<u>\$1,000.00</u>
<u>ONE THOUSAND AND 00/100</u>		<u>DOLLARS</u>
HOMETOWN BANK Hometown, FL 02345 1234 Main Street Anytown, FL 33830		
		<u>I.M. SAMPLE</u>
For: <u>Printing</u>		
0163:0691:12 3603:00402 88 2 15		

ON YOUR DEPOSIT SLIP, MAKE SURE YOU LIST EVERY NAME AND THE AMOUNT (WHETHER YOU HAVE CASH OR A CHECK) AND KEEP A COPY FOR YOUR RECORDS.

## CLOSING OUT YOUR CAMPAIGN ACCOUNT

You have 90 days to dispose of funds in your campaign account and file a final report showing disposition of all remaining funds. Florida Statutes 106.141 explains what you may do with leftover funds in your account.

You must pay for items which were obligated, including loans, and pay for expenditures necessary to close your campaign and prepare final campaign reports.

You may be reimbursed by your campaign account of **any monies** contributed to your campaign account before you make any disbursements.

Any funds left over that are not obligated to be spent, may be returned pro rata to each contributor; donated to charity which meets the internal revenue code; give to your political party, or if you are elected to an office you may transfer monies to an office account. (If you open an office account, reports must be filed quarterly to the Supervisor of Elections office until the account is closed).

## COMMON MISTAKES MADE BY CANDIDATES AND CAMPAIGNS TREASURERS

1. Accepting contributions or getting petition signatures prior to filing Appointment of Campaign Treasurer and Designation of Campaign Depository form with the filing officer. **(Personal money deposited in the campaign account is a contribution to your campaign).**
2. Accepting anonymous contributions, such as passing the hat or selling tickets for fund-raisers without getting the required information from contributors.
3. Filing campaign treasurer's report late.
4. Allowing unauthorized individuals to sign campaign reports.
5. Showing a deficit in campaign contribution and expenditure reports.
6. Taking contributions in excess of legal limitations.
7. Failing to notify the filing officer of changes in treasurers, addresses or other required information.
8. Accepting contributions to cover outstanding expenses after the elections.  
(Candidate's personal monies given to campaign are included. Florida statutes state that you have monies on deposit before an expenditure is made.)
9. Failing to properly mark political disclaimers on political advertisements, campaign literature, and ads.
10. Candidate giving cash money to their campaign in excess of the \$50 cash limit.  
(Candidates cannot accept monies in cash over the \$50 per election.)

## **DATA FOR CAMPAIGNS AND CANDIDATES**

Information regarding voters is available to campaigns and candidates:

- Precinct registration
- Polling locations
- Vote by Mail ballot requests (oath of acquisition required)
- Petition information
- Mailing labels
- Precinct Maps

<https://www.polkelections.gov/Candidates/Voter-Data-Request-Form>

Voter Data:

Mailing Labels: \$5 processing fee plus \$7.64 per thousand.

Compact Disk: No charge for up to three requests per month. Duplication of previous requests and subsequent requests, \$5 processing fee plus \$0.55 per thousand records. File will be produced in Excel (.xlsx) or comma separated value (.csv) format.

Electronic Lists: No charge for up to three requests per month. Duplication of previous requests and subsequent requests, \$5 processing fee plus \$0.55 per thousand records. File will be produced in Excel (.xlsx) or comma separated value (.csv) format.

Requests incurring charges exceeding \$10.00 must be paid in advance. Cash or Checks made payable to the Polk County Supervisor of Elections are accepted.

Large color maps: \$8.00 each

Vote by Mail lists are available to candidates who have filed papers and are opposed in an upcoming election.

Rachel Harris, the principal contact for this information, may be reached via e-mail at [rachelharris@polkelections.com](mailto:rachelharris@polkelections.com) or by telephone at 863-534-5888. Monday through Friday, 8am-5pm excluding holidays.

**VOTE BY MAIL BALLOTS  
101.62, F.S.**

A voter may request a vote by mail ballot from the Supervisor of Elections in person, by mail, email, web or by telephone. One request shall be deemed sufficient to receive a vote by mail ballot for all elections through the next regularly scheduled general elections, unless the voter or the voter's designee indicates otherwise at the time of the request. A request for a vote by mail ballot to be mailed to a voter must be received no later than 5 pm on the 12th day before the election. The Supervisor of Elections shall mail vote by mail ballots to voters requesting ballots by such deadline no later than 10 days before the election. Vote by Mail Ballots cannot be forwarded.

A voter may designate in writing for an individual to pick up a ballot.

The designee shall provide to the Supervisor of Elections written authorization for someone to pick up a ballot for them and the voter must include their date of birth, last 4 digits of their social security number or Florida Driver License or Florida ID number and signature. The designee must show picture ID. **A designated person may not pick up more than two (2) ballots per election, other than the designee's own ballot, except that additional ballots may be picked up for the designee's "immediate family"**. If someone wants a vote by mail ballot, have the voter complete one of the request forms in your candidate packet or have him or her, a designee, or someone in their immediate family call the Supervisor of Elections office.

**104.0616 Vote-by-mail ballots and voting; violations.—**

(2) Any person who distributes, orders, requests, collects, delivers, or otherwise physically possesses more than two vote-by-mail ballots per election in addition to his or her own ballot or a ballot belonging to an immediate family member, except as provided in ss. 101.6105-101.694, including supervised voting at assisted living facilities and nursing home facilities as authorized under s. 101.655, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or, s. 775.083

**ALL VOTE BY MAIL BALLOTS MUST BE IN THE SUPERVISOR OF ELECTIONS OFFICE BY 7:00 PM ELECTION NIGHT. DO NOT TAKE A VOTE BY MAIL BALLOT TO A POLLING LOCATION ON ELECTION DAY TO BE TURNED IN. PURSUANT TO FLORIDA STATUTE, IT WILL NOT BE COUNTED. IT MUST BE TURNED IN TO THE SUPERVISOR OF ELECTIONS OFFICE.**

**POLLWATCHER INFORMATION**  
**101.131. F.S.**

(1) Each political party and each candidate may have one watcher in each polling room or early voting area at any one time during the election. A political committee formed for the specific purpose of expressly advocating the passage or defeat of an issue on the ballot may have one watcher for each polling room or early voting area at any one time during the election. No watcher shall be permitted to come closer to the officials' table or the voting booths than is reasonably necessary to properly perform his or her functions, but each shall be allowed within the polling room or early voting area to watch and observe the conduct of electors and officials. The poll watchers shall furnish their own materials and necessities and shall not obstruct the orderly conduct of any election. The poll watchers shall pose any questions regarding polling place procedures directly to the clerk for resolution. They may not interact with voters. Each poll watcher shall be a qualified and registered elector of the county in which he or she serves.

(2) Each party, each political committee, and each candidate requesting to have poll watchers shall designate, in writing to the Supervisors of Elections, on a form prescribed by the division, before noon of the second Tuesday preceding the election poll watchers for each polling room on election day. Designations of poll watchers for early voting areas shall be submitted in writing to the Supervisor of Elections, on a form prescribed by the division, before noon at least 14 days before early voting begins. The poll watchers for polling rooms shall be approved by the Supervisor of Elections on or before the Tuesday before the election. Poll watchers for early voting areas shall be approved by the Supervisor of Elections no later than 7 days before early voting begins. The Supervisor shall furnish to each election board a list of the poll watchers designated and approved for such polling rooms or early voting areas. Designation of poll watchers shall be made by the chair of the county executive committee of a political party, the chair of a political committee, or the candidate requesting to have poll watchers.

(3) No candidate, sheriff, deputy sheriff, police officer, or other law enforcement officer may be designated as a poll watcher.

(4) All poll watchers shall be allowed to enter and watch polls in all polling rooms and early voting areas within the county in which they have been designated if the number of poll watchers at any particular polling place does not exceed the number provided in this section.

(5) The Supervisor of Elections shall provide to each designated poll watcher, an identification badge which identifies the poll watcher by name. Each poll watcher must wear his or her identification badge while performing his or her duties.

### **FORMS IN PACKET**

Link to Form: <https://files.floridados.gov/media/696684/dsde125.pdf>



**POLK COUNTY SUPERVISOR OF ELECTIONS  
GUIDELINES FOR ALL POLL WATCHERS**

**Poll watchers cannot serve without their ID Badge. Only one badge will be issued.**

Upon arrival, poll watchers shall identify themselves to the Precinct Deputy or Early Voting Site Manager. Please show your ID Badge.

Each political party, candidate, and political committee is permitted to have ONE poll watcher at a time in each precinct or early voting site.

Poll watchers may not talk to voters while in the polling place.

Poll watchers may not interfere in conversations between poll workers and voters.

Poll watchers shall direct any questions/concerns to the precinct clerk or early voting site manager.

Poll watchers shall direct any voter challenges to the precinct clerk or early voting site manager.

Poll watchers are permitted within the polling area or early voting site to watch and observe the conduct of voters, poll workers and early voting staff; however, the poll worker or early voting staff may designate a location for the poll watchers that will not interfere with voter processing. This designation may be based on site constraints and other space limitations. Poll watchers shall not obstruct the orderly conduct of the election.

Poll watchers may not stand close enough that the voter feels that he/she is being watched while voting. The voter is entitled to cast a secret ballot.

Poll watchers are required to furnish their own materials and necessities.

Candidates cannot be poll watchers, nor can they enter any polling location except to vote.

Poll watchers may not touch any voting equipment or ballots.

Cell phones, cameras, tape recorders, and all other audio/visual recording devices are prohibited in the polling room or early voting site. Poll Watchers must exit the polling location or early voting site to make and receive phone calls.

Poll watchers may not wear political advertisements or campaign paraphernalia in the polling place or early voting site. This includes but is not limited to the following: clothing, campaign buttons, hats, wristbands, badges, and other similar items. (IMPORTANT: voters are entitled to wear political advertisements or campaign paraphernalia while voting).

## TESTING TABULATING EQUIPMENT

Florida Statutes 101.5612 requires testing of the tabulating equipment for each election.

Tests are conducted at the Supervisor of Elections Operations Center at 70 Florida Citrus Blvd., Winter Haven. Candidates will be given a notice at the time of qualifying, or will be sent a certified letter stating the date and time of the testing.

**ALL CANDIDATES ARE INVITED TO ATTEND!!!**

## GOVERNMENT CONTACTS

**Florida Division of Elections:** <http://dos.myflorida.com/elections/>

Forms: <http://dos.myflorida.com/elections/forms-publications/forms/>

Publications: <http://dos.myflorida.com/elections/forms-publications/publications/>

**Florida Commission on Ethics Website and Forms:**

<http://www.ethics.state.fl.us/FinancialDisclosure/DownloadAForm.aspx>

**Florida Elections Commission Complaint Form:**

<http://www.fec.state.fl.us/FECWebFi.nsf/pages/Complaints>

**POLK COUNTY SUPERVISOR OF ELECTIONS:** [www.polkelections.gov](http://www.polkelections.gov)

**GUIDE TO ELECTRONIC REPORT FILING:** [Click Here](#) or go to

[https://content.vrsys.co/Documents/Online\\_Services/Candidate\\_Services/How\\_to\\_File\\_Financial\\_Reports\\_Online\\_v.2023.pdf](https://content.vrsys.co/Documents/Online_Services/Candidate_Services/How_to_File_Financial_Reports_Online_v.2023.pdf)

## VIOLATIONS

### **104.071 Florida Statutes. Remuneration by candidates for services, support, etc.; penalty.**

1. It is unlawful for any person supporting a candidate, or for any candidate, in order to aid or promote the nomination or elections of such candidates in any elections, directly or indirectly to:
  - (a) Promise to appoint another person, promise to secure or aid in securing appointment, nomination or elections of another person to any public or private position, or to any position of honor, trust, or emolument, except one who has publicly announced or defined what his or her choice or purpose in relation to any election in which he or she may be called to take part, if elected.
  - (b) Give, or promise to give, pay, or loan, any money or other thing of value to the owner, editor, publisher, or agent, of any communication media, as well as newspapers, to advocate or oppose, through such media, any candidate for nomination in any election or any candidate for election, and no such owner, editor, publisher, or agent of any poll-taking or poll-publishing concern.
  - (c) Give, pay, expend, or contribute any money or thing of value for the furtherance of the candidacy or any other candidate.
  - (d) Furnish, give, or deliver to another person any money or other thing of value for any purpose prohibited by the election laws.

This subsection shall not prohibit a candidate from furnishing complimentary tickets to the candidate's campaign fund raiser to other candidates.

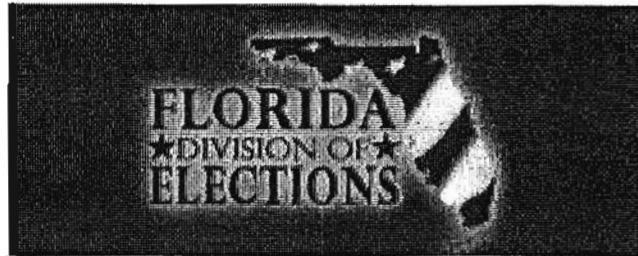
2. A candidate may give his or her own personal or business funds to another candidate, so long as the contribution is not given in exchange for a promise or expectation that the recipient will directly or indirectly do anything to aid or promote the candidacy of the contributor which the recipient would not have otherwise done.
3. Any person who violates any provision of this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, and from and after conviction shall be disqualified to hold office.

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### **Foreign Contributions**

Federal law prohibits contributions from foreign nationals to any federal, state, or local candidate, unless the foreign national possesses a green card. Further information can be accessed by contacting the Federal Election Commission at 1-800-424-9530 or on their website at <http://www.fec.gov>.



# Candidate and Campaign Treasurer Handbook (2024 ELECTION CYCLE)



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. 7/2023 )

# Candidate & Campaign Treasurer Handbook

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## Chapter 1: Background

This handbook serves only as a quick reference guide for candidates and campaign treasurers.

This handbook is not a substitute for the [Florida Election Code](#) or applicable constitutional and rule provisions, the text of which controls. Chapters 97-106, Florida Statutes, the [Constitution of the State of Florida](#), Division of Elections' [opinions](#) and [rules](#), Attorney General opinions, county charters, city charters and ordinances, and other sources should be reviewed in their entirety for complete information regarding campaign financing and qualifying.

In addition, the following online publications produced by the Division of Elections should be reviewed for further information:

- State Qualifying Handbook
- Candidate Petition Handbook
- Candidate Electronic Filing System User's Guide
- Calendar of Reporting Dates

All applicable forms and publications are publicly 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 either your county [supervisor of elections](#) or the Division at 850.245.6280. (See also [Appendix B: Frequently Asked Questions](#).)

### Other Resources and Websites

**Florida Supervisors of Elections:**

[dos.myflorida.com/elections/contacts/supervisor-of-elections](https://dos.myflorida.com/elections/contacts/supervisor-of-elections)

**Florida Association of City Clerks:**

[www.floridaclerks.org](http://www.floridaclerks.org)

**Florida Elections Commission:**

[www.fec.state.fl.us](http://www.fec.state.fl.us)

**Federal Election Commission:**

[www.fec.gov](http://www.fec.gov)

**Florida Elected Officials:**

[dos.myflorida.com/elections/contacts/elected-officials](https://dos.myflorida.com/elections/contacts/elected-officials)

**Florida Attorney General:**

[myfloridalegal.com](https://myfloridalegal.com)

**Florida State Courts:**

[www.flcourts.org](https://www.flcourts.org)

**Judicial Candidates and the Judicial Ethics Advisory Committee (JEAC):**

[www.jud6.org/LegalCommunity/LegalPractice/opinions/jeacopinions/subjectopinions/Elections/elections.html](https://www.jud6.org/LegalCommunity/LegalPractice/opinions/jeacopinions/subjectopinions/Elections/elections.html)

**Judicial Ethics Advisory Committee:**

<https://jeac.flcourts.gov/>



## Chapter 2: Campaign Financing

[Chapter 106](#), Florida Statutes, regulates campaign financing for all candidates, including judicial candidates, political committees, electioneering communications organizations, affiliated party committees, and political parties. ***It does not regulate campaign financing for candidates for federal office. Federal campaign finance law is administered by the Federal Election Commission.***

**Note:** Individuals seeking a publicly elected position on a political party executive committee who receive contributions or make expenditures must comply with Section [106.0702](#), Florida Statutes, regarding reporting requirements. (See [Chapter 18: Reporting for Individuals Seeking a Publicly Elected Position on a Party Executive Committee.](#))

The Division:

- Oversees the interpretation of and provides guidance on the election laws.  
(Section [97.012\(1\)](#), Fla. Stat.)
- Provides advisory opinions to supervisors of elections, candidates, local officers having election-related duties, political parties, political committees, or other persons or organizations engaged in political activity, relating to any provisions or possible violations of Florida election laws with respect to actions such person or entity has taken or proposes to take.  
(Section [106.23\(2\)](#), Fla. Stat.)
- Conducts audits with respect to reports and statements filed under [Chapter 106](#), Florida Statutes.  
(Section [106.22\(6\)](#), Fla. Stat.)
- Reports to the Florida Elections Commission any apparent violations of [Chapter 106](#), Florida Statutes.  
(Section [106.22\(7\)](#), Fla. Stat.)
- Prescribes rules and regulations to carry out the provisions of [Chapter 106](#), Florida Statutes.  
(Sections [106.22](#) and [106.23](#), Fla. Stat.)

## Chapter 3: Glossary of Terms

**Affiliated Party Committee:** A separate, affiliated party committee established by the President of the Senate, the Speaker of the House of Representatives, or the minority leaders of either house of the Legislature, to support the election of candidates of the respective leader's political party.

*(Section [103.092\(1\)-\(2\)](#), Fla. Stat.)*

**Campaign Fund Raiser:** Any affair held to raise funds to be used in a campaign for public office.

*(Section [106.011\(1\)](#), Fla. Stat.)*

**Campaign Treasurer:** An individual appointed by a candidate or political committee as provided in [Chapter 106](#), Florida Statutes.

*(Section [106.011\(2\)](#), Fla. Stat.)*

**Candidate:** (See [Chapter 4: Becoming a Candidate](#); Sections [97.021\(7\)](#) and [106.011\(3\)](#), Florida Statutes.)

**Contribution:** (See Section [106.011\(5\)](#), Florida Statutes; and [Chapter 9: Contributions](#).)

**Division:** The Division of Elections of the Florida Department of State.

*(Section [97.021\(9\)](#), Fla. Stat.)*

**Election:** Primary election, special primary election, general election, special election, or municipal election held in this state for the purpose of nominating or electing candidates to public office, choosing delegates to the national nominating conventions of political parties, selecting a member of a political party executive committee, or submitting an issue to the electors for their approval or rejection.

*(Section [106.011\(7\)](#), Fla. Stat.)*

**Electioneering Communication:** (See Sections [106.011\(8\)\(a\)](#) and [106.011\(8\)\(b\)](#), Florida Statutes, for what term does not include; and [Chapter 11: Electioneering Communications](#).)

**Electioneering Communications Organization:** Any group – other than a political party, affiliated party committee, or political committee – whose election-related activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering communications and whose activities would not otherwise require the group to register as a political party or political committee under Chapter 106, Florida Statutes.

*(Section [106.011\(9\)](#), Fla. Stat.)*

**Expenditure:** (See Section [106.011\(10\)](#), Florida Statutes; and [Chapter 10: Expenditures](#).)

**Filing Officer:** The person before whom a candidate qualifies or the agency or officer with whom a political committee or an electioneering communications organization registers.

(Section [106.011\(11\)](#), Fla. Stat.)

**General Election:** An election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

(Section [97.021\(17\)](#), Fla. Stat.)

**Independent Expenditure:** (See Section [106.011\(12\)](#), Florida Statutes; and [Chapter 10: Expenditures](#).)

**In-Kind Contribution:** (See In-Kind Contributions under [Chapter 9: Contributions](#); and Division of Elections Advisory Opinion [04-06](#).)

**Judicial Office:** Includes the office of Justice of the Supreme Court, judge of a district court of appeal, judge of a circuit court, and county court judge. A judicial office is a nonpartisan office, and a candidate for election or retention thereto is prohibited from campaigning or qualifying for such an office based on party affiliation.

(Section [105.011](#), Fla. Stat.)

**Minor Political Party:** Any group which on January 1 preceding a primary election does not have registered as members five percent of the total registered electors of the state.

(Sections [97.021\(20\)](#) and [103.095](#), Fla. Stat.)

**Nominal Value:** Having a retail value of \$10 or less.

(Section [97.021\(22\)](#), Fla. Stat.)

**Nonpartisan Office:** An office for which a candidate is prohibited from campaigning or qualifying for election or retention in office based on party affiliation.

(Section [97.021\(23\)](#), Fla. Stat.)

**Office Account:** A candidate elected to office or a candidate who will be elected to office by virtue of their being unopposed may transfer funds from the campaign account to an office account up to limits listed under Section [106.141\(5\)](#), Florida Statutes. This fund must be used only for legitimate expenses in connection with the candidate's public office.

(Section [106.141](#), Fla. Stat.)

**Person:** An individual or a corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity. The term includes a political party,

affiliated party committee, or political committee.

(Section [106.011\(14\)](#), Fla. Stat.)

**Petty Cash:** Cash accumulated pursuant to statutory limits and spent in amounts of less than \$100 to be used only for office supplies, transportation expenses, and other necessities by the candidate.

(Sections [106.07](#) and [106.12](#), Fla. Stat.)

**Political Advertisement:** (See Section [106.011\(15\)](#), Florida Statutes; and [Chapter 12: Political Advertising](#).)

**Political Committee:** A combination of two or more individuals, or a person other than an individual, that, in an aggregate amount in excess of \$500 during a single calendar year, (a) accepts contributions for the purpose of making contributions to any candidate, political committee, affiliated party committee, or political party; (b) accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or an issue; (c) makes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue; or (d) makes contributions to a common fund, other than a joint checking account between spouses, from which contributions are made to any candidate, political committee, affiliated party committee, or political party. The term does not cover national political parties, the state and county executive committees of political parties, and affiliated party committees regulated by Chapter 103, Florida Statutes; corporations formed for purposes other than to support or oppose issues or candidates, if their political activities are limited to contributions to candidates, political parties, affiliated party committees, or political committees or expenditures in support of or opposition to an issue from corporate or business funds and if no contributions are received by such corporations or business entities; or electioneering communications organizations.

(Section [106.011\(16\)](#), Fla. Stat.)

**Political Party:** A group that nominates candidates for office and whose state organization shall be represented by a state executive committee.

(Sections [100.061](#) and [103.091](#), Fla. Stat.)

**Primary Election:** An election held preceding the general election for the purpose of nominating a party nominee to be voted for in the general election to fill a national, state, county, or district office.

(Section [97.021\(31\)](#), Fla. Stat.)

**Public Office:** A state, county, municipal, or school or other district office or position that is filled by vote of the electors.

(Section [106.011\(17\)](#), Fla. Stat.)

**Special Election:** Called for the purpose of voting on a party nominee to fill a vacancy in the national, state, county, or district office.

(Section [97.021\(36\)](#), Fla. Stat.)

**Special Primary Election:** A special nomination election designated by the Governor, called for the purpose of nominating a party nominee to be voted on in a general or special election.

(Section [97.021\(37\)](#), Fla. Stat.)

**Statewide Office:** Governor, Cabinet, and Supreme Court Justice.

**Unopposed Candidate:** A candidate for nomination or election to an office who, after the last day on which a person, including a write-in candidate, may qualify, is without opposition in the election at which the office is to be filled or who is without such opposition after such date as a result of a primary election or of withdrawal by other candidates seeking the same office. A candidate is not an unopposed candidate if there is a vacancy to be filled under Section [100.111\(3\)](#), Florida Statutes, if there is a legal proceeding pending regarding the right to a ballot position for the office sought by the candidate, or if the candidate is seeking retention as a justice or judge.

(Section [106.011\(18\)](#), Fla. Stat.)

## Chapter 4: Becoming a Candidate

A candidate is a person who:

- Seeks to qualify for nomination or election by means of the petition process;
- Seeks to qualify for election as a write-in candidate;
- Receives contributions or makes expenditures, or consents for any other person to receive contributions or make expenditures, with a view to bring about their nomination or election to, or retention in, public office;
- Appoints a treasurer and designates a primary depository; or
- Files qualification papers and subscribes to a candidate's oath as required by law.

This definition does **not** include an individual seeking a publicly elected position for a political party executive committee.

(Sections [97.021\(7\)](#) and [106.011\(3\)](#), Fla. Stat.)

### When and What to File

**[Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates](#)**, is the first document that must be filed with the filing officer to become a candidate. At the same time, the candidate must designate the office for which they are running. A candidate can appoint a campaign treasurer and designate a campaign depository at any time, but **no later** than the date the candidate qualifies for office, and **before** any contributions are received, any expenditures are made, and any signatures are obtained on a candidate petition. Nothing prohibits a person from announcing their intention to become a candidate prior to filing [Form DS-DE 9](#), ***as long as no contributions are received, no expenditures are made, and no signatures are obtained on a candidate petition.*** (See [Chapter 7: Campaign Treasurers](#).)

**[Form DS-DE 9](#)** must be filed with the filing officer:

- **Prior** to opening the campaign account.
- **Prior** to the candidate accepting any contributions or making any expenditures, or authorizing another to accept contributions or make expenditures on the person's behalf.
- **Prior** to obtaining signatures on a [DS-DE 104](#), Candidate Petition.

**Note:** The form is considered "filed" only when the filing officer receives the form (not upon mailing) **and** determines that the form is complete.



**[Form DS-DE 84, Statement of Candidate](#)**, must be filed with the filing officer within **ten days** after filing [Form DS-DE 9](#). This form states that the candidate has been provided access to read and understand the requirements of [Chapter 106](#), Florida Statutes. The execution and filing of the statement of candidate does not in and of itself create a presumption that any violation of [Chapter 106](#), Florida Statutes, or [Chapter 104](#), Florida Statutes, is a willful violation. An individual seeking election to a political party executive committee is **not** required to file [Form DS-DE 84](#).

**[Form DS-DE 83, Statement of Candidate for Judicial Office](#)**, must be filed by each candidate for judicial office, including an incumbent judge, within **ten days** after filing [Form DS-DE 9](#).

This form states that the judicial candidate has received, read, and understands the requirements of the Florida Code of Judicial Conduct.

*(Sections [105.031](#), [106.021](#), and [106.023](#), Fla. Stat.)*

## Filing Officer

The filing officer is the person before whom a candidate qualifies:

- **Division:** State, multi-county district, and judicial offices (except county court judge)
- **Supervisor of Elections:** County court judge, countywide, and district offices (except multi-county offices)
- **Municipal Clerk:** Municipal offices

*(Section [106.011\(11\)](#), Fla. Stat.)*

## Resign-to-Run

No officer may qualify as a candidate for another state, district, county, municipal public office or federal office if the terms or any part thereof run concurrently with each other, without resigning from the office they presently hold. The resignation is irrevocable.

The written resignation must be submitted at least **ten days** prior to the first day of qualifying for the office. The resignation must be effective 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.

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

A person who is a subordinate officer, deputy sheriff, or police officer must resign effective upon qualifying pursuant to [Chapter 99](#), Florida Statutes, if the person is seeking to qualify for a public office that 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 re-election to that office.

*(Section [99.012\(5\)](#), Fla. Stat.)*

The Resign-to-Run Law does not apply to political party offices, persons serving without salary as members of an appointive board or authority, persons holding federal office and persons seeking the office of President or Vice President of the United States.

*(Sections [99.012\(6\)](#) and [\(7\)](#), Fla. Stat.)*

### **Federal Hatch Act for Federal, State and Local Employees**

Although a person may not have to resign, under Florida's Resign-to-Run Law, the person may be precluded by the federal Hatch Act (5 U.S.C. §§ 1501 – 1508) from holding their current job and becoming a candidate in a partisan election.

The Hatch Act restricts the political activity of individuals employed by the state, county, or municipality if the employee's salary is paid for completely by federal funds. Please note, however, that pursuant to 5 U.S.C. § 1502(c), governors, lieutenant governors, mayors, elected heads of executive departments, and individuals holding elective office are exempt from the prohibition against being a candidate for public office. The Hatch Act prohibits state, county and municipal employees seeking public office in a partisan election, not an elected officer seeking re-election or election to another office.

The Hatch Act also limits certain political activities of federal employees under certain circumstances.

The Division has no authority to advise individuals on the applicability of the Hatch Act. For information and questions about the Hatch Act, contact:

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 or (800) 854-2824 or (202) 804-7002  
Website: [osc.gov/Resources/Pages/FAQ.aspx](http://osc.gov/Resources/Pages/FAQ.aspx)

Email requests for advisory opinions about the Hatch Act to [hatchact@osc.gov](mailto:hatchact@osc.gov).

For information about how the Hatch Act may apply to a person as a candidate, please refer to [Hatch Act Overview \(osc.gov\)](#).



## Changing Parties for Partisan Offices

### Candidate with Party Affiliation

Any person seeking to qualify for nomination as a candidate of any political party shall, at the time of subscribing to the oath or affirmation, state in writing: 1. The party of which the person is a member. 2. That the person has been a registered member of the political party for which they are seeking nomination as a candidate for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify. 3. That the person has paid the assessment levied against him or her, if any, as a candidate for said office by the executive committee of the party of which he or she is a member. (Note: This provision also applies to individuals seeking election to a political party executive committee office.)

(Section [99.021\(1\)\(b\) and \(2\)](#), Fla. Stat.)

### Candidate with No Party Affiliation

Any person seeking to qualify for office as a candidate with no party affiliation shall, at the time of subscribing to the oath or affirmation, state in writing that he or she is registered without any party affiliation and that he or she has not been a registered member of any political party for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify.

(Section [99.021\(1\)](#), Fla. Stat.)

## Changing the Designation of Office

A candidate may change the designation of office by filing a new [Form DS-DE 9](#) and a signed, written statement indicating the change with the filing officer. However, the candidate must notify each contributor in writing and offer to return their contribution using the following procedure:

- Within 15 days after filing the change with the filing officer, the candidate must send a written notice to all contributors.
- The candidate must offer (in the notice) to return to the contributor on a pro rata basis all contributions given in support of the original office.
- The candidate must include (with the notice) a copy of [Form DS-DE 86, Request for Return of Contribution](#).
- If the contributor returns [Form DS-DE 86](#) within 30 days of receiving the notice, the

candidate must return a pro rata share of all contributions given in support of the original office.

- If the contributor does not return [Form DS-DE 86](#) within 30 days of receiving the notice, the candidate may use the contribution for the newly designated office up to the maximum of the contribution limits allowed by law. The full amount of the contribution for the original office shall count toward the contribution limits for the new office. Any amount that exceeds the contribution limits for the new office must be properly disposed of pursuant to law.

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

### Pro Rata Refund

The following formula is used to determine the pro rata share:

The amount of contributions contributed to the campaign that remain in the campaign account on the date the candidate filed the change of designation,

**MINUS** the amount already obligated for goods or services,

**DIVIDED BY** the total amount of contributions contributed to the campaign,

**MULTIPLIED BY** the amount of the contribution contributed by the individual contributor.

### Pro Rata Refund Example

The candidate received a total of \$5,000 from all contributors. Of this amount, the candidate has \$2,500 remaining in the campaign account with an outstanding amount of \$500 owed for goods and services. This leaves \$2,000 in the account to be used for pro rata refunds. One contributor gave a \$300 original contribution and wishes to have it returned.

$$\$2,500 - \$500 = \$2,000 \div \$5,000 = 40\% \times \$300 = \$120 \text{ pro rata refund to the contributor}$$

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

## Chapter 5: Statement of Solicitation

### Who Must File a Statement of Solicitation

The Governor, Lieutenant Governor, members of the Cabinet, state legislators, or candidates for such offices who directly or indirectly solicit, cause to be solicited, or accept any contribution on behalf of an organization that is exempt from taxation under [s. 527](#) or [s. 501\(c\)\(4\)](#) of the Internal Revenue Code, which such individuals, in whole or in part, establish, maintain, or control, must file [Form DS-DE 102](#), **Statement of Solicitation**.

*(Section [106.0701](#), Fla. Stat.)*

### When to File

Each office holder or candidate must file [Form DS-DE 102](#) within **five days** after they directly or indirectly solicit, cause to be solicited, or accept any contribution on behalf of a 527 or 501(c)(4) organization. An office holder or candidate is required to file this form only once for each organization.

The form must be filed with the Division and, at a minimum, must contain the following information:

- The name of the person acting on behalf of the organization.
- The name and type of the organization.
- A description of the relationship between the person and the organization.

### Penalty for Late Filing

Failure to timely file [Form DS-DE 102](#) shall subject the person to a civil penalty of \$50 per day for each late day, payable from the personal funds of the violator.

### Public Website and Mission Statement

Upon filing [Form DS-DE 102](#) with the Division, the officeholder or candidate must create a public website that contains the mission statement and the names of persons associated with the organization. The address of the website shall be reported to the Division within five business days after the website is created.

## **Additional Reporting**

All contributions received shall be disclosed on the website within five business days after deposit, together with the name, address, and occupation of the donor. All expenditures by the organization shall be individually disclosed on the website within five business days after being made.

**Note:** An individual acting on behalf of their own campaign, a political party, or an affiliated party committee of which the individual is a member is not required to file [Form DS-DE 102](#).

*(Section [106.0701](#), Fla. Stat.)*

## Chapter 6: Prohibited Acts

### Speaking at Political Meetings

No person shall pay money or give anything of value for the privilege of speaking at a political meeting in the furtherance of their candidacy, nor shall anyone speaking for such a person pay money or give anything of value for such privilege.

*(Section [106.15\(1\)](#), Fla. Stat.)*

### Using State-Owned Aircraft or Motor Vehicle

No candidate, in the furtherance of their candidacy for nomination or election to public office in any election, shall use any state-owned aircraft or motor vehicle, as provided in [Chapter 287](#), Florida Statutes, solely for the purpose of furthering their candidacy. However, in the event a candidate uses any state-owned aircraft or motor vehicle to conduct official state business and while on such trip performs any function in the furtherance of their candidacy for nomination or election to public office in any election, the candidate shall prorate the expenses incurred and reimburse the appropriate agency for any trip not exclusively for state business and shall pay either a prorated share of all fixed and variable expenses related to the ownership, operation, and use of such aircraft or one-half of the total fixed and variable expenses related to the ownership, operation, and use of such aircraft, whichever is greater. The reimbursement shall be made from the campaign account of the candidate.

*(Section [106.15\(2\)](#), Fla. Stat.)*

### Using Services of State, County, Municipal, or District Officers or Employees

A candidate may not, in the furtherance of their candidacy for nomination or election to public office in any election, use the services of any state, county, municipal, or district officer or employee of the state during working hours.

*(Section [106.15\(3\)](#), Fla. Stat.)*

### Making Contributions in the Name of Another

A person may not make any contribution through or in the name of another, directly or indirectly, in any election. Furthermore, Florida law does not permit a contribution to be “earmarked” through a conduit.

*(Section [106.08\(5\)\(a\)](#), Fla. Stat., and Division of Elections  
Advisory Opinions 82-6 and 10-11)*

## **Solicitation from Religious, Charitable and Civic Organizations**

Candidates may **not**:

- Solicit contributions from any religious, charitable, civic, or other causes or organizations established primarily for the public good.
- Make contributions, in exchange for political support, to any religious, charitable, civic, or other cause or organization established primarily for the public good.

It is **not** a violation:

- To make gifts of money in lieu of flowers in memory of a deceased person.
- For a candidate to continue membership in, or make regular donations from personal or business funds to, religious, political party, civic, or charitable groups of which the candidate is a member or to which the candidate has been a regular donor for more than six months.
- For a candidate to purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, political party, or charitable groups.

*(Section [106.08\(5\)\(b\)-\(c\)](#), Fla. Stat., and Division of Elections Advisory Opinion [04-03](#))*

## **Accepting Contributions in a Government-Owned Building**

No person shall make and no person shall solicit or knowingly accept any political contribution in a building owned by a governmental entity. "Accept" means to receive a contribution by personal hand delivery from a contributor or the contributor's agent. This prohibition does not apply when a government-owned building or any portion thereof is rented for the specific purpose of holding a campaign fund raiser.

*(Section [106.15\(4\)](#), Fla. Stat.)*

## **Making Malicious Statements**

A candidate may not, with actual malice, make any false statement about an opposing candidate.

*(Section [104.271](#), Fla. Stat.)*

## **Making False Representation of Military Service**

A candidate may not falsely represent that they served or is currently serving in the military, whether active duty, Reserve or National Guard.

*(Section [104.2715](#), Fla. Stat.)*

## **Certifying a False Report**

Any candidate, campaign manager, campaign treasurer, or deputy treasurer who willfully certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree.

*(Sections [106.07\(5\)](#) and [106.19](#), Fla. Stat.)*

## **Limitations on Political Activity for Judicial Candidates**

A candidate for judicial office shall **not**:

- Participate in any partisan political party activities, except that such candidate may register to vote as a member of any political party and may vote in any party primary for candidates for nomination of the party in which they are registered to vote.
- Campaign as a member of any political party.
- Publicly represent or advertise themselves as a member of any political party.
- Endorse any candidate.
- Make political speeches other than in the candidate's own behalf.
- Make contributions to political party funds.
- Solicit contributions for any political party.
- Accept contributions from any political party.
- Accept or retain a place on any political party committee.
- Make any contribution to any person, group, or organization for its endorsement to judicial office.
- Agree to pay all or any part of an advertisement sponsored by any person, group, or organization wherein the candidate may be endorsed for judicial office by any such person, group, or organization.

A candidate for judicial office or retention therein who violates the provisions of this section is liable for a civil fine of up to \$1,000 to be determined by the Florida Elections Commission.

*(Section [105.071](#), Fla. Stat.)*

### **Judicial Candidates and the Judicial Ethics Advisory Committee (JEAC)**

The Florida Supreme Court recognizes the JEAC as the body that may render written advisory opinions concerning the conduct of judges and judicial candidates for opinions relating to elections and campaign-related topics, see: [JEAC \(flcourts.gov\)](http://jeac.flcourts.gov)



## Chapter 7: Campaign Treasurers

### Appointing Campaign Treasurers and Deputy Treasurers

Each candidate shall appoint a campaign treasurer by filing [Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates](#), with the filing officer before whom the candidate qualifies. The name and address of the campaign treasurer must be included on the form. A candidate may appoint a campaign treasurer and designate a campaign depository at any time, but no later than the date the candidate qualifies for office, and before any contributions are received, any expenditures are made, and any signatures are obtained on a candidate petition. Nothing prohibits a person from announcing their intention to become a candidate prior to filing [Form DS-DE 9](#), as long as no contributions are received, no expenditures are made, and no signatures are obtained on a candidate petition.

- A candidate must appoint a campaign treasurer.
- A candidate may appoint themselves as campaign treasurer or deputy campaign treasurer.
- A candidate for statewide office (Governor, Cabinet, and Supreme Court Justice) may appoint no more than 15 deputy campaign treasurers. Any other candidate may appoint no more than 3 deputy campaign treasurers.
- Deputy campaign treasurers are appointed in the same manner as the campaign treasurer by filing [Form DS-DE 9](#) with the filing officer.

[Form DS-DE 9](#) shall be filed with the filing officer:

- **Prior** to opening the campaign account.
- **Prior** to the candidate accepting any contributions or making any expenditures, or authorizing another to accept contributions or make expenditures on the person's behalf.
- **Prior** to obtaining signatures on a [DS-DE 104](#), Candidate Petition.

**Note:** The form is considered "filed" only when the filing officer receives the form (not upon mailing) **and** determines that the form is complete.

## Duties and Responsibilities

No contribution or expenditure, including contributions or expenditures of a candidate or of the candidate's family, shall be directly or indirectly made or received in furtherance of the candidacy of any person for nomination or election to political office in the state except through the duly appointed campaign treasurer of the candidate, subject to the following *exceptions*:

- Independent expenditures;
- Reimbursements to a candidate or any other individual for expenses incurred in connection with the campaign by a check drawn upon the campaign account and reported pursuant to Section [106.07\(4\)](#), Florida Statutes. The full name and address of each person to whom the candidate or other individual made payment for which reimbursement was made by check drawn upon the campaign account shall be reported pursuant to Section [106.07\(4\)](#), Florida Statutes, together with the purpose of such payment;
- Expenditures made indirectly through a treasurer for goods or services, such as communications media placement or procurement services, campaign signs, insurance, or other expenditures that include multiple integral components as part of the expenditure and reported pursuant to Section [106.07\(4\)\(a\)13](#), Florida Statutes; or
- Expenditures made directly by affiliated party committee or political party regulated by [Chapter 103](#), Florida Statutes, for obtaining time, space or services in or by any communications medium for the purpose of jointly endorsing three or more candidates, and any such expenditure shall not be considered a contribution or expenditure to or on behalf of any such candidate for the purposes of Chapter [103](#), Florida Statutes.

The campaign treasurer *must*:

- Keep detailed accounts of all contributions received and all expenditures made by or on behalf of the candidate. Such accounts must be kept current within not more than two days after the date a contribution is received or an expenditure is made.
- Deposit all funds received by the end of the fifth business day into the campaign depository. All deposits shall be accompanied by a bank deposit slip containing the name of each contributor and the amount of each contribution.
- Keep detailed accounts of all deposits made in any separate interest-bearing account or certificate of deposit and all withdrawals made from these accounts to the primary

depository and all interest earned.

- Preserve all accounts for a number of years equal to the term of office to which the candidate seeks election.
- File regular reports of all contributions received and expenditures made by or on behalf of such candidate.

The campaign treasurer may be fined \$1,000 or more, or be subjected to criminal penalties, for failing to file a campaign report or filing an incomplete or inaccurate report.

Deputy campaign treasurers may exercise any of the powers and duties of the campaign treasurer when specifically authorized to do so by the campaign treasurer and candidate.

Accounts, including separate interest-bearing accounts and certificates of deposit, kept by the campaign treasurer of a candidate may be inspected under reasonable circumstances before, during, or after the election to which the accounts refer by any authorized representative of the Division of Elections or the Florida Elections Commission.

(Sections [106.021](#), [106.06](#), [106.07](#),  
[106.19](#), and [106.265](#), Fla. Stat.)

### Resignation or Removal

When a campaign treasurer resigns or is removed by the candidate, a copy of the *signed* letter of resignation or removal must be filed with the filing officer.

A campaign or deputy campaign treasurer may resign or be removed by the candidate, respectively as follows:

- Written notice of *resignation* to the candidate by the campaign treasurer.
- Written notice of *removal* to the campaign treasurer by the candidate.

**Note:** The written notice is not effective until a *signed copy* is filed with the filing officer.

In the case of death, resignation, or removal of a campaign treasurer or deputy treasurer, the candidate shall appoint a successor by certifying the name and address to the filing officer on a new [Form DS-DE 9](#), Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates, completed in its entirety with *original* signatures.

(Section [106.021\(2\)](#), Fla. Stat.)

## Chapter 8: Campaign Depositories

### Primary Campaign Depository

A candidate and each individual seeking election to a political party executive committee must designate a primary campaign depository with a bank, savings and loan association, or credit union authorized to do business in the State of Florida. The campaign depository is designated at the same time as a treasurer is appointed on [Form DS-DE 9 \(Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates\)](#). A candidate who seeks to qualify by the petition process shall designate a campaign depository prior to obtaining signatures on petitions.

**Note:** All contributions must be deposited into such account and all expenditures must be drawn by a check on such account, except when paid with petty cash. (See [Chapter 10: Expenditures](#).)

A candidate and each individual seeking election to a political party executive committee must file the name and address of the primary campaign depository with the same officer with whom the candidate files the name of their campaign treasurer on [Form DS-DE 9](#).

The campaign account must be separate from any personal or other account and used only for depositing campaign contributions and making expenditures.

Designating a campaign depository does not mean physically opening an account. It is merely naming the financial institution where the campaign funds will be deposited. This is because most banks require an initial deposit to open a campaign account and a contribution cannot be accepted prior to the candidate filing a complete [Form DS-DE 9](#).

All funds received by the campaign treasurer shall, prior to the end of the **fifth business day** following the receipt thereof, Saturdays, Sundays, and legal holidays excluded, be deposited in a campaign depository designated pursuant to Section [106.021](#), Florida Statutes, in an account that contains the name of the candidate.

**Note:** All deposits must be accompanied by a bank deposit slip containing the name of each contributor and the amount contributed by each.

*(Sections [106.021\(1\)](#), [106.11\(1\)](#), and [106.05](#), Fla. Stat.;  
Division of Elections Advisory Opinion [09-03](#))*

## Secondary Campaign Depository

A candidate may designate one secondary depository in each county where an election is held in which the candidate participates for the sole purpose of depositing contributions for transfer into the primary depository.

A candidate must file the name and address of each secondary campaign depository with the same officer with whom the candidate files the name of their campaign treasurer on [Form DS-DE 9](#).

If a contribution is deposited in a secondary depository, the depository shall forward the full amount of the deposit, along with a copy of the deposit slip, to the primary depository prior to the end of the first business day following the deposit.

*(Sections [106.021\(1\)](#) and [106.05](#), Fla. Stat.)*

## Separate Interest-Bearing Accounts and Certificates of Deposit

In the event funds are available in the primary campaign depository that are not currently needed for the disbursement of expenditures, the campaign treasurer or deputy campaign treasurer may deposit such funds into a separate interest-bearing account designated as "(Name of Candidate) Separate Interest-Bearing Campaign Account" or may purchase a certificate of deposit with the available funds.

Any bank, savings and loan association, or credit union authorized to transact business in Florida may be used for this purpose. The separate interest-bearing account or certificate of deposit shall be separate from any personal or other separate interest-bearing account or certificate of deposit.

Any withdrawal from a separate interest-bearing account or certificate of deposit of the principal or earned interest or any part thereof shall be made only for the purpose of transferring funds to the primary campaign account.

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

## Changing Depository

If changing the primary depository, a candidate must submit a new, original [Form DS-DE 9](#) to the filing officer.

## Campaign Checks

**Note:** When issuing checks from the campaign account, the campaign treasurer or deputy treasurer shall be responsible for the completeness and accuracy of the information on such check and for ensuring that such expenditure is an authorized expenditure.

Campaign checks must contain the following information:

- The name of the campaign account of the candidate.
- Account number and name of bank.
- The exact amount of the expenditure.
- The signature of the campaign treasurer or deputy treasurer.
- The exact purpose of the expenditure.
- The name of the payee.

This information may be typed or handwritten on starter checks provided by the bank until printed checks arrive.

(Section [106.11\(1\)](#), Fla. Stat.)

### Example of Campaign Check:

John Doe Campaign Account State Senate District 3		Date	7/2/10	00001
<b>PAY TO THE ORDER OF</b>		XYZ Lumber Company	\$	200.00
Two Hundred and 00/100		DOLLARS		
BANK OF FLORIDA TALLAHASSEE, FL 32323				
FOR	Sign materials	Signature of Campaign Treasurer		
003382558-0326 0075894				

## Credit Cards

Candidates for **statewide office (Governor, Cabinet, and Supreme Court Justice)** may obtain and use credit cards for travel-related campaign expenditures. (See [Chapter 10: Expenditures](#) for how credit cards may be used.) The credit card must:

- Be obtained from the bank which has been designated as the primary campaign depository.
- Be in the name of the candidate and reflect that the account is a campaign account.
- Expire no later than midnight of the last day of the month of the general election.

(Section [106.125](#), Fla. Stat.)

## Debit Cards

A candidate may use a debit card to make campaign expenditures and is considered a bank check if:

- Obtained from the same bank that has been designated as the primary campaign depository.
- Issued in the name of the treasurer, deputy treasurer, or authorized user.
- Contains the name of the campaign account of the candidate.

No more than **three** debit cards shall be issued. (See [Chapter 10: Expenditures](#) for how debit cards may be used.)

*(Section [106.11\(2\)](#), Fla. Stat.;  
Division of Elections Advisory Opinion [00-03](#))*

## Chapter 9: Contributions

A **contribution** is:

- A gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value made for the purpose of influencing the results of an election or making an electioneering communication. These include contributions in-kind, having an attributable monetary value in any form.
- A transfer of funds between political committees, between electioneering communications organizations, or between any combination of these groups.
- The payment, by any person other than a candidate, of compensation for the personal services of another person which are rendered to a candidate without charge to the candidate for such services.
- The transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit. The term includes any interest earned on such account or certificate.

The **exceptions** are:

- Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate including, but not limited to, legal and accounting services.
- Editorial endorsements.

**Note:** The law provides no exceptions for reporting contribution information, regardless of the size of the contribution (e.g., the reporting requirements would be the same for a 50 cent contribution as for a \$500 contribution).

(Section [106.011\(5\)](#), Fla. Stat.)

### Unauthorized Contributions

Any contribution received by a candidate with opposition in an election or by the campaign treasurer or deputy campaign treasurer **on the day of that election or less than five days prior to the day of the election** must be returned to the contributor and may not be used or expended by or on behalf of the candidate.

(Section [106.08\(3\)](#), Fla. Stat.)



## Anonymous Contributions

When a candidate receives an anonymous contribution it must be reported on the candidate's campaign treasurer's report as an anonymous contribution. A letter should be submitted to the filing officer explaining the circumstances surrounding the acceptance of the anonymous contribution.

The candidate cannot spend the anonymous contribution, but at the end of the campaign, the candidate must donate the amount to an appropriate entity under Section [106.141](#), Florida Statutes.

*(Division of Elections Advisory Opinion [89-02](#))*

## In-Kind Contributions

In-kind contributions include anything of value - such as furnishing goods or services at no charge or at less than the usual and normal charge - made for the purpose of influencing the results of an election.

The **exceptions** are:

- Money;
- Personal services provided without compensation by individual volunteers;
- Independent expenditures, as defined in Section [106.011\(12\)](#), Florida Statutes; or
- Endorsements of three or more candidates by affiliated party committees or political parties.

*(Section [106.011](#), Fla. Stat.;  
Division of Elections Advisory Opinion [04-06](#))*

**Note:** Any person who makes an in-kind contribution shall, at the time of making the contribution, place a fair market value on the contribution. In-kind contributions are subject to contribution limitations. Travel conveyed upon private aircraft shall be valued at the actual cost of per person commercial air travel for the same or a substantially similar route.

*(Sections [106.011](#), [106.021\(3\)](#), and [106.055](#), Fla. Stat.;  
Division of Elections Advisory Opinion [09-08](#) (Aircraft Travel))*

## Loans

Loans are considered contributions and are subject to contribution limitations. Loans to or from each person or political committee must be reported together with names, addresses, occupations, and principal places of business, if any, of the lenders and endorsers, including the date and amount of each loan on the campaign treasurer's report.

Loans made by a candidate to their own campaign are not subject to contribution limitations. A candidate who makes a loan to their campaign and reports the loan as required by Section [106.07](#), Florida Statutes, may be repaid for the loan at any time the campaign account has sufficient funds to repay the loan and satisfy its other obligations.

All personal loans exceeding \$500 in value, made to a candidate and used for campaign purposes, and made in the twelve months preceding their election to office, must be reported on Forms [DS-DE 73](#) and [DS-DE 73A](#), Campaign Loans Report, and filed with the filing officer within *ten days* after being elected to office.

Any person who makes a contribution to pay all or part of a loan incurred in the twelve months preceding the election, to be used for the campaign, may not contribute more than the amount allowed in Section [106.08\(1\)](#), Florida Statutes.

**Note:** A candidate may receive a personal loan from a bank and then loan all or part of the loan proceeds to his or her campaign without the proceeds being subject to the limitations of Section 106.08, Florida Statutes.

*(Sections [106.011](#), [106.07](#), [106.075](#), and [106.08](#) Fla. Stat.; Division of Elections Advisory Opinions [76-10](#) and [92-16](#))*

## Cash Contributions

A candidate may not accept an aggregate cash contribution or contribution by means of a cashier's check from the same contributor in excess of \$50 per election. A money order or traveler's check is not considered cash.

**Note:** Cash contributions must be reported on campaign treasurer's reports to include the full name and address of each person who gave a cash contribution during the reporting period, together with the amount and date of such cash contribution.

*(Sections [106.07\(4\)](#) and [106.09](#), Fla. Stat.; Division of Elections Advisory Opinion [90-15](#))*

## Money Order, Debit and Credit Card Contributions

A candidate may accept contributions via a credit card, debit card money order, or wire transfer. These contributions are categorized as a "check" for reporting purposes.

(Section 106.011, Fla. Stat.; Division of Elections Advisory Opinions [94-02](#), [00-03](#), and [02-09](#))

## Contribution Limits for Candidates

Except for political parties or affiliated party committees, no person or political committee may, in any election, make contributions in excess of the following amounts:

1. \$3,000 to a candidate for statewide office or for retention as a justice of the Supreme Court. Candidates for the offices of Governor and Lieutenant Governor on the same ticket are considered a single candidate for the purpose of this section.
2. \$1,000 to a candidate for retention as a judge of a district court of appeal; a candidate for legislative office; a candidate for multi-county office; a candidate for countywide office or in any election conducted on less than a countywide basis; or a candidate for county court judge or circuit judge.

The primary and general elections are separate elections. (See [Glossary of Terms](#) for the definition of "person.")

(Section [106.08\(1\)\(a\)](#), Fla. Stat.)

**Note:** These limits **do not apply** to contributions made by a state or county executive committee of a political party or affiliated party committee regulated by [Chapter 103](#), Florida Statutes, or to amounts contributed by a candidate to their own campaign. The contribution limits do not apply to individuals seeking election to a political party executive committee because they are not "candidates."

A candidate may **not**:

- Accept contributions until [Form DS-DE 9](#), Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates, is filed with the filing officer;
- Accept a contribution in excess of the above limits from any one person per election, provided the candidate is an opposed candidate and the contribution is received within the timeframe applicable to each election;
- Accept contributions from family members in excess of the above limits per election;
- Accept contributions from a county executive committee of a political party whose contributions in the aggregate exceed \$50,000, or from the national or state executive committees of a political party, including any subordinate committee of such political party or affiliated party committees, whose contributions in the aggregate exceed

\$50,000. Polling services, research services, cost for campaign staff, professional consulting services, and telephone calls are not contributions to be counted toward the contribution limits, but must still be reported by the candidate. All other contributions are counted toward the contribution limits;

- Accept contributions as a candidate for statewide (Governor, Cabinet, and Supreme Court Justice) office from a national, state, or county executive committee of a political party, including any subordinate committee of a national, state, or county committee of a political party, or affiliated party committee, which contributions in the aggregate exceed \$250,000; or
- Accept contributions after the date he/she withdraw his/her candidacy, is defeated, becomes unopposed, or is elected.

*(Sections [106.08](#) and [106.19](#), Fla. Stat.)*

### Foreign Contributions

Federal law prohibits contributions from foreign nationals to any federal, state, or local candidate, unless the foreign national possesses a green card. Further information can be accessed by contacting the Federal Election Commission at 1-800-424-9530 or on their website at [www.fec.gov](http://www.fec.gov). (52 U.S.C. § 30121)

### Deadlines for Accepting Contributions

Any contribution received by a candidate with opposition in an election or by the campaign treasurer or a deputy campaign treasurer of such a candidate on the day of that election or less than five days before the day of that election must be returned by the candidate to the person or committee contributing, and the contribution may *not* be used or expended by or on behalf of the candidate. (See [Appendix C](#).)

*(Section [106.08\(3\)\(a\)](#), Fla. Stat.)*

### Violations

Any candidate, committee chair, campaign treasurer, deputy treasurer or other officer of any political committee; agent or person acting on behalf of any candidate or political committee, or other person who knowingly and willfully engages in any of the following acts, is guilty of a misdemeanor of the first degree, punishable as provided in Section [775.082](#) or Section [775.083](#), Florida Statutes:

- Accepts a contribution in excess of the limits prescribed by Section [106.08](#), Florida Statutes;

- Fails to report any contribution required to be reported by [Chapter 106](#), Florida Statutes;
  - Falsely reports or deliberately fails to include any information required by [Chapter 106](#), Florida Statutes; or
  - Makes or authorizes any expenditure in violation of Section [106.11\(4\)](#), Florida Statutes, or any other expenditure prohibited by [Chapter 106](#), Florida Statutes.
- (Section [106.19](#), Fla. Stat.)'*

## Chapter 10: Expenditures

### Definition

An expenditure is a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, or gift of money or anything of value made for the purpose of influencing the results of an election or making an electioneering communication.

The term “expenditure” does not include a purchase, payment, distribution, loan, advance, or gift of money or anything of value made for the purpose of influencing the results of an election when made by an organization in existence before the time during which a candidate qualifies or an issue is placed on the ballot for that election for the purpose of printing or distributing such organization’s newsletter, containing a statement by such organization in support of or opposition to a candidate or issue, which newsletter is distributed only to members of such organization.

*(Section [106.011\(10\)](#), Fla. Stat.)*

### General Requirements

A candidate **shall**:

- Pay all campaign expenditures by a check drawn on the campaign account (except petty cash);
- Pay the qualifying fee by a check drawn on the campaign account;
- Pay for all expenses authorized or incurred for the purchase of goods or services upon final delivery and acceptance of the goods or services; and
- Pay for public utilities such as telephone, electric, gas, water and like services when the bill is received. Utility companies providing services to candidates must charge a deposit sufficient to meet all anticipated charges during a billing period.

**Note:** No candidate, campaign manager, treasurer, deputy treasurer, or any person acting on behalf of the foregoing, shall authorize any expenses, unless there are sufficient funds on deposit in the primary depository account of the candidate to pay the full amount of the authorized expense, to honor all other checks drawn on such account, which checks are outstanding, and to meet all expenses previously authorized but not yet paid.

“Sufficient funds” means that the funds at issue have been delivered for deposit to the financial institution at which such account is maintained and not that such funds are available for withdrawal in accordance with the deposit rules or the funds availability policies of such financial institution.

(Section [106.11\(4\)](#), Fla. Stat.)

### Checks

**Note:** Only a campaign treasurer or deputy campaign treasurer is allowed to sign checks drawn on the campaign account. The campaign treasurer or deputy campaign treasurer who signs a check shall be responsible for the completeness and accuracy of the information on the check and for ensuring it is an authorized expenditure. ***Candidates are prohibited from signing campaign checks unless they have appointed themselves campaign treasurer or deputy treasurer.***

A candidate or other individual may be reimbursed for expenses incurred in connection with the campaign by a check drawn on the campaign account and reported pursuant to Section [106.07\(4\)](#), Florida Statutes. The full name and address of each person to whom the candidate or other individual made payment for which reimbursement was made by check drawn upon the campaign account shall be reported pursuant to Section [106.07\(4\)](#), Florida Statutes, together with the purpose of such payment.

### Living Expenses

A candidate or the spouse of a candidate may not use campaign funds to defray normal living expenses for the candidate or the candidate’s immediate family, other than expenses actually incurred during the campaign for transportation, meals, and lodging.

(Sections [106.011\(10\)](#), [106.021\(3\)](#), [106.14](#), and [106.1405](#), Fla. Stat.)

### Petty Cash Funds

A campaign treasurer may provide a petty cash fund for the candidate. To establish a petty cash fund, the campaign treasurer must write a check drawn on the primary campaign account. Petty cash may only be used for office supplies, transportation expenses, and other necessities.

A candidate **must**:

- Spend petty cash in amounts of less than \$100;
- Report the total amount withdrawn and the total amount spent for petty cash in each reporting period;



- Keep complete records of petty cash although each expenditure does not have to be reported individually;
- Not mix cash contributions with petty cash; and
- Not use petty cash for the purchase of time, space, or services from any communications media.

([Section 106.07](#) and [Section 106.12](#) Fla. Stat.)

### Limits on Petty Cash Fund Amounts

From the day a candidate appoints their campaign treasurer until the last day a candidate can qualify for office, the campaign treasurer may withdraw from the campaign account for the purpose of providing a petty cash fund for the candidate:

- \$500 per calendar quarter.

After qualifying is over and until the election in which the candidate is eliminated or elected to office or the time in which the candidate becomes unopposed, the treasurer may withdraw:

- \$500 per week for all statewide (Governor, Cabinet, and Supreme Court Justice) candidates.
- \$100 per week for all other candidates.

(Sections [106.07](#) and [106.12](#), Fla. Stat.;  
Division of Elections Advisory Opinion [06-10](#))

### Independent Expenditures

An independent expenditure means an expenditure made by a person for the purpose of **expressly advocating** the election or defeat of a candidate, which expenditure is not controlled by, coordinated with, or made upon consultation with, any candidate or agent of such candidate. An expenditure for such purpose by a person having a contract with the candidate or agent of such candidate in a given election period is not an independent expenditure.

**Expressly advocates** means any communication which uses phrases including, but not limited to: "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat," "oppose," and "reject."

(See Division of Elections Advisory Opinion [16-12](#))

If the independent expenditure is, in the aggregate, in the amount of \$5000 or more, the person must file reports with the candidate's filing officer in the same manner and time as a political committee.

Political advertisements paid for by an independent expenditure must contain the following



statement: *"Paid political advertisement paid for by (name and address of person paying for the advertisement) independently of any (candidate or committee)."*

However, an expenditure for the purpose of **expressly advocating** the election or defeat of a candidate which is made by the national, state, or county executive committee of a political party, including any subordinate committee of a national, state, or county committee of a political party, an affiliated party committee, or by any political committee, or any other person, **is not considered an independent expenditure if the committee or person:**

1. Communicates with the candidate, the candidate's campaign, or an agent of the candidate acting on behalf of the candidate, including a pollster, media consultant, advertising agency, vendor, advisor, or staff member concerning the preparation of, use of, or payment for, the specific expenditure or advertising campaign at issue;
2. Makes a payment in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with the candidate, the candidate's campaign, a political committee supporting the candidate, or an agent of the candidate relating to the specific expenditure or advertising campaign at issue;
3. Makes a payment for the dissemination, distribution, or republication, in whole or in part, of a broadcast or a written, graphic, or other form of campaign material prepared by the candidate, the candidate's campaign, or an agent of the candidate, including a pollster, media consultant, advertising agency, vendor, advisor, or staff member;
4. Makes a payment based on information about the candidate's plans, projects, or needs communicated to a member of the committee or person by the candidate or any agent of the candidate, provided the committee or person uses the information in any way, in whole or in part, either directly or indirectly, to design, prepare, or pay for the specific expenditure or advertising campaign at issue;
5. After the last day of the qualifying period prescribed for the candidate, there is a consultation about the candidate's plans, projects, or needs in connection with the candidate's pursuit of election to office and the information is used in any way to plan, create, design, or prepare an independent expenditure or advertising campaign with:
  - An officer, director, employee, or agent of a national, state, or county executive committee of a political party or an affiliated party committee that has made or intends to make expenditures in connection with or contributions to the candidate; or
  - A person whose professional services have been retained by a national, state, or county executive committee of a political party that has made or intends to make expenditures in connection with or contributions to the candidate;
6. After the last day of the qualifying period prescribed for the candidate, retains the professional services of any person also providing those services to the candidate in connection with the candidate's pursuit of election to office; or

7. Arranges, coordinates, or directs the expenditure, in any way, with the candidate or an agent of the candidate.

(Sections [106.011\(12\)](#) and [106.071](#), Fla. Stat.)

**Note:** In the circumstances described in the prior paragraph, the resulting expenditure would be considered an in-kind contribution to the candidate at issue, subject to the limitations of Section 106.08, Florida Statutes.

(See [Chapter 12: Political Advertising](#) for information about applicable political disclaimers and exceptions.)

(Section [106.071\(3\)](#), Fla. Stat.)

## Credit Cards

Candidates for **statewide office (Governor, Cabinet, and Supreme Court Justice)** may use a credit card, obtained pursuant to the process outlined in [Chapter 8: Campaign Depositories](#), under the following conditions:

- The card may only be used in making travel-related campaign expenditures to include transportation, lodging, meals, and other travel expenses incurred.
- A copy of the agreement or contract between the candidate and bank, along with a list of all persons authorized to use the card, must be filed with the Division **prior** to being used.
- Each statement received from the issuer of the credit card must be paid upon receipt.

(Section [106.125](#), Fla. Stat.)

## Debit Cards

Debit cards obtained pursuant to the process outlined in [Chapter 8: Campaign Depositories](#) may be used in lieu of campaign checks and **are considered bank checks** if the person using the card does not receive cash as part of, or independent of, any transaction for goods or services.

*All debit card receipts **must** contain:*

- Last four digits of the debit card number.
- Exact amount of expenditure.
- Name of payee.

- Signature of campaign treasurer, deputy treasurer, or authorized user.
- Exact purpose of expenditure.

Any of the above listed information, if not included on the receipt, may be handwritten on, or attached to, the receipt by the authorized user before submitting to the campaign treasurer. The debit card user shall be responsible for the completeness and accuracy of the information and for ensuring that such expenditure is authorized.

*(Section [106.11](#), Fla. Stat.)*

### **Expenditures for Electioneering Communications**

An expenditure made for, or in furtherance of, an electioneering communication shall not be considered a contribution to or on behalf of any candidate and shall not constitute an independent expenditure, nor be subject to the limitations applicable to independent expenditures.

An expenditure for an electioneering communication is made when the earliest of the following occurs:

- A person executes a contract for applicable goods or services;
- A person makes payment, in whole or in part, for the production or public dissemination of applicable goods or services; or
- The electioneering communication is publicly disseminated.

*(Sections [106.011 \(8\)](#) and [\(10\)](#), Fla. Stat.)*

## Chapter 11: Electioneering Communications

### Definition

**Electioneering communication** means a text message or a communication publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone that:

1. Refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate;
2. Is made within 30 days before a primary or special primary election or 60 days before any other election for the office sought by the candidate; and
3. Is targeted to the relevant electorate in the geographical area the candidate would represent if elected.

The *exceptions* are:

1. A communication disseminated through a means of communication other than a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, telephone, or statement or depiction by an organization in existence before the time during which a candidate named or depicted qualifies for that election made in that organization's newsletter distributed only to members of that organization;
2. A communication in a news story, commentary or editorial distributed through the facilities of any radio station, television station, cable television system, or satellite system unless the facilities are owned or controlled by a political party, political committee, or candidate. A news story distributed through the facilities owned or controlled by a political party, political committee, or candidate may nevertheless be exempt if it represents a bona fide news account communicated through a licensed broadcasting facility and the communication is part of a general pattern of campaign-related news accounts that give reasonably equal coverage to all opposing candidates in the area;

3. A communication that constitutes a public debate or forum that includes at least two opposing candidates for an office or one advocate and one opponent of an issue, or that solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum, provided that the staging organization:
  - a. Is either a charitable organization that does not make other electioneering communications and does not otherwise support or oppose any political candidate or political party; or a newspaper, radio station, television station, or other recognized news medium; and
  - b. Does not structure the debate to promote or advance one candidate or issue position over another.

An expenditure made for, or in furtherance of, an electioneering communication is not considered a contribution to, or on behalf of, any candidate and shall not constitute an independent expenditure, nor be subject to the limitations applicable to independent expenditures. For this reason, an electioneering communication may be coordinated with a candidate, and the expenses related to such electioneering communication will not be considered an in-kind contribution to the candidate.

(Section [106.011\(8\)](#), Fla. Stat.)

## Electioneering Communication Disclaimers

Any electioneering communication, other than a text message or a telephone call, shall prominently state: *"Paid electioneering communication paid for by (Name and address of person paying for the communication)."*

(Section [106.1439](#), Fla. Stat.)

## Electioneering Communication Text Message or Telephone Call Disclaimer

See Chapter 13: Other Disclaimers and [Chapter 15: Text Message or Telephone Solicitation](#) for more information about applicable disclaimers and exceptions regarding text messages and telephone solicitations.)

## Penalty for Electioneering Communication Disclaimer Violation

Any person who fails to include the disclaimer in any electioneering communication that is required to contain such disclaimer commits a misdemeanor of the first degree, punishable as provided in Section [775.082](#) or [775.083](#), Florida Statutes.

(Section [106.1439](#), Fla. Stat.)

## Chapter 12: Political Advertising

A political advertisement is a paid expression in a communications medium prescribed in Section [106.011\(4\)](#), Florida Statutes, whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display or by means other than the spoken word in direct conversation, which expressly advocates the election or defeat of a candidate or the approval or rejection of an issue.

(Section [106.011\(15\)](#), Fla. Stat.)

### Candidate Disclaimers

Except as noted in the next section, any political advertisement that is paid for by a **candidate (except a write-in candidate)** and that is published, displayed, or circulated before, or on the day of, any election must prominently state: *“Political advertisement paid for and approved by (name of candidate), (party affiliation), for (office sought)”* or *“Paid by (name of candidate), (party affiliation), for (office sought).”*

Any political advertisement that is paid for by a **write-in candidate** and that is published, displayed, or circulated before, or on the day of, any election must prominently state: *“Political advertisement paid for and approved by (name of candidate), write-in candidate, for (office sought)”* or *“Paid by (name of candidate), write-in candidate, for (office sought).”*

(Section [106.143\(1\)](#), Fla. Stat.)

Also, the disclaimer language alternatives provided above must be verbatim as quoted in Section [106.143](#), Florida Statutes. Variations are prohibited by law.

Any political advertisement of a candidate running for **partisan office** shall express the name of the political party of which the candidate is seeking nomination or is the nominee.

If the **candidate for partisan office is running as a candidate with no party affiliation**, any advertisement of the candidate must state that the candidate has no party affiliation.

Candidates running for **non-partisan** office may not state the candidate’s political party affiliation in the disclaimer, or in the body of the advertisement. *Exception*: The candidate is not prohibited from stating the candidate’s partisan-related experience.

(Sections [106.143\(3\)](#) and [\(5\)](#), Fla. Stat.)

**Note**: A candidate running for an office that has a district, group, or seat number does not have to indicate the district, group, or seat number in the political advertisement or disclaimer.

### Exceptions to Disclaimer Requirements

The disclaimer requirements in Section [106.143](#), Florida Statutes, do not apply to any campaign message or political advertisement used by a candidate and the candidate's supporters or by a political committee if the message or advertisement is:

- Designed to be worn by a person.
- Placed as a paid link on a website provided the message or advertisement is no more than 200 characters in length and the link directs the user to another website that complies with the disclaimer requirements in Section [106.143\(1\)](#), Florida Statutes.
- Placed as a graphic or picture link where compliance with the requirements of Section [106.143](#), Florida Statutes, is not reasonably practical due to the size of the graphic or picture link and the link directs the user to another website that complies with Section [106.143\(1\)](#), Florida Statutes.
- Placed at no cost on a website for which there is no cost to post content for public users.
- Placed or distributed on an unpaid profile or account which is available to the public without charge or on a social networking website, as long as the source of the message or advertisement is patently clear from the content or format of the message or advertisement. A candidate or political committee may prominently display a statement indicating that the website or account is an official website or account of the candidate or political committee and is approved by the candidate or political committee. A website or account may not be marked as official without prior approval by the candidate or political committee.
- Connected with or included in any software application or accompanying function, provided that the user signs up, opts in, downloads, or otherwise accesses the application from or through a website that complies with Section [106.143\(1\)](#), Florida Statutes.
- Sent by a third-party user from or through a campaign or committee's website, provided the website complies with Section [106.143\(1\)](#), Florida Statutes.
- Contained in or distributed through any other technology-related item, service, or device for which compliance with Section [106.143\(1\)](#), Florida Statutes, is not reasonably practical due to the size or nature of such item, service, or device as available, or the means of displaying the message or advertisement makes compliance with Section [106.143\(1\)](#), Florida Statutes, impracticable.

*(Section [106.143\(10\)](#), Fla. Stat.)*

**Disclaimer requirements do not apply to individuals seeking a publicly elected position on a political party executive committee.**

### **Examples of Advertisements with Disclaimers**

**Note:** The word “*elect*” or “*re-elect*” is not required to be used in political advertisements.



The word "*re-elect*" may not be used if the candidate is not the incumbent for the office sought.

1. Non-incumbent, partisan candidate running for partisan office:

**ELECT  
JANE DOE  
For State Representative  
District 9**

Paid by Jane Doe, Rep., for State Representative

OR

**ELECT  
JANE DOE  
For State Representative  
District 9**

Political advertisement paid for and approved by Jane Doe, Republican, for State Representative

2. Incumbent, partisan candidate running for partisan office:

**RE-ELECT  
JOHN DOE  
Sheriff**

Political advertisement paid for and approved by John Doe, Democrat, for Sheriff

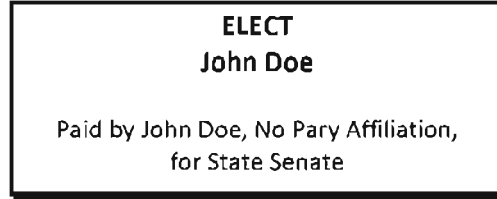
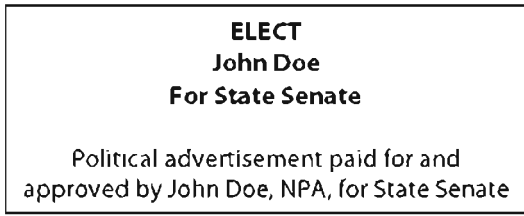
OR

**RE-ELECT  
John Doe  
Sheriff**

Paid by John Doe, Democrat, for Sheriff

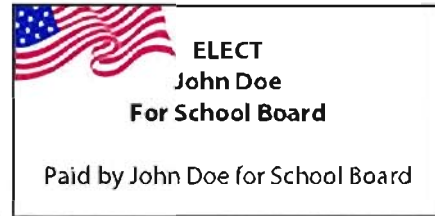


3. Non-incumbent, no party affiliation candidate running for partisan office:



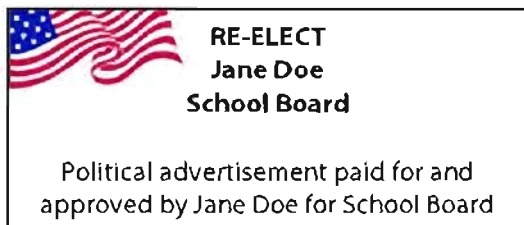
OR

4. Non-incumbent candidate running for nonpartisan office:



OR

5. Incumbent candidate running for nonpartisan office:

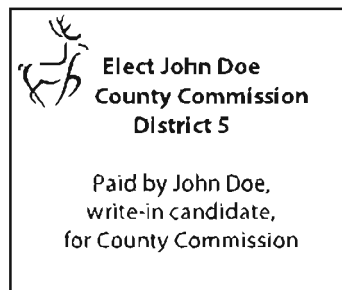
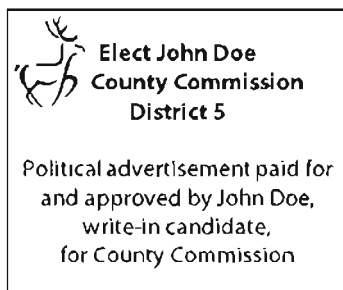


OR

### Disclaimer for Write-in Candidates

Any political advertisement that is paid for by a write-in candidate and that is published, or circulated before, or on the day of, any election **must prominently state:** *“Political advertisement paid for and approved by (name of candidate), write-in candidate, for (office sought)”* **OR** *“Paid by (name of candidate), write-in candidate, for (office sought).”*

**Example:**



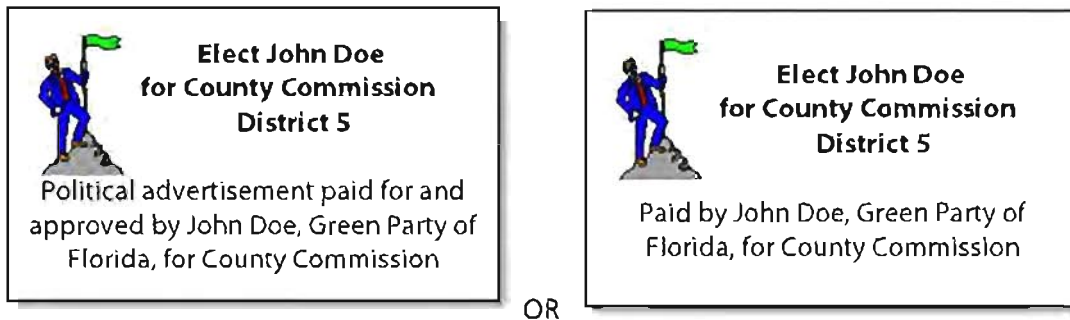
OR

## Non-incumbent Advertisements

### ***Required:***

The word “**for**” must be used in the body of such advertisement between the name of the candidate and the office sought. This does not apply to bumper stickers, or if the advertisement satisfies one of the exceptions in Section [106.143\(10\)](#), Florida Statutes.

### ***Example:***



## Advertisement Provided In-kind

### ***Required:***

Political advertisements made as in-kind contributions from a political party **must prominently state:** *“Paid political advertisement paid for by in-kind by (name of political party). Approved by (name of person, party affiliation, and office sought in the political advertisement).”*

(Section [106.143\(2\)](#), Fla. Stat.)

### ***Example:***



## Chapter 13: Other Disclaimers

Any political advertisement not paid for by a candidate that is published, displayed, or circulated prior to, or on the day of, any election **must prominently**:

- Be marked *“paid political advertisement”* or *“pd. pol. adv.”*
- State the name and address of the persons paying for the advertisement.
- State that the advertisement and cost of production is paid for or provided in-kind by or at the expense of the entity publishing, displaying, broadcasting, or circulating the political advertisement.

(Section [106.143\(1\)\(c\)](#), Fla. Stat.)

### Endorsements in Political Advertisements

It is unlawful for any candidate or person on behalf of a candidate to represent that any person or organization supports such candidate, unless the person or organization so represented has given specific approval in writing to the candidate to make such representation. However, this paragraph does not apply to editorial endorsement by any newspaper, radio or television station, or other recognized news medium; and publication by a party committee advocating the candidacy of its nominees.

(Section [106.143\(4\)](#), Fla. Stat.)

#### **Example:**

Political advertisement for a candidate representing that an organization supports them, paid for in-kind by the organization, with specific approval from the organization in writing:

<p><b>ELECT</b> <b>John Doe</b></p> <p>For County Commission, District 1 Democrat <u>Supported by ABC Foundation</u></p> <p>Pd. Pol. Adv. sponsored and paid for in-kind by ABC Foundation, Zero Street, Jupiter, FL 32323 Approved by John Doe, Democrat, For County Commission</p>	<p><b>ABC Foundation</b></p> <p>Dear Sir or Madam:</p> <p>Please let this letter serve as our approval of the political advertisement supporting John Doe for County Commission, District 1.</p> <p>The content of this advertisement was reviewed and approved in advance.</p> <p>Sincerely, Mr. Smith</p>
--	---

## Independent Expenditure Disclaimers

Any person who makes an independent expenditure for a political advertisement shall provide a written statement that no candidate has approved the advertisement to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution. The advertisement must also contain a statement that no candidate has approved the advertisement. This paragraph does not apply to campaign messages used by a candidate and their supporters if those messages are designed to be worn by a person.

(Sections [106.143\(5\)\(b\)](#) and [\(10\)](#), Fla. Stat.)

### **Example:**

Independent expenditure political advertisement supporting a partisan candidate running for a partisan office:

**ABC Foundation Supports**

**Jane Doe**

**For Public Defender, Fourth Circuit  
Democrat**

Paid Political Advertisement paid for by the ABC  
Foundation, 444 Robin Lane, Jacksonville, FL 33433  
independently of any candidate.

This advertisement was not approved by any  
candidate.

**ABC Foundation**

Dear Sir or Madam:

The enclosed advertisement is  
an independent expenditure by  
the ABC Foundation in support  
of Jane Doe for Public Defender,  
Fourth Circuit.

This advertisement was not  
approved by any candidate.

Sincerely,  
Mr. Smith

## Disclaimers for Other than Independent Expenditures

Any political advertisement, not paid for by a candidate, including those paid for by a political party or affiliated party committee, other than an independent expenditure, offered on behalf of a candidate must be approved in advance by the candidate. Such political advertisement must expressly state that the content of the advertisement was approved by the candidate and must state who paid for the advertisement. The candidate shall provide a written statement of authorization to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution. This paragraph does not apply to messages used by a candidate and their supporters if those messages are designed to be worn by a person.

(Sections [106.143\(5\)\(a\)](#) and [\(10\)](#), Fla. Stat.)

### Example:

Political advertisement, not an independent expenditure, offered on behalf of a nonpartisan candidate:

**ABC Foundation Supports the Re-Election of  
Jane Doe Nassau for County Judge**

Pd. Pol. Adv. by ABC Foundation  
111 Jewel Street, Tallahassee, FL 32333  
Content approved in advance by Jane Doe,  
For Nassau County Judge

Dear Sir or Madam:

Please let this letter serve as  
my approval of the political  
advertisement by the ABC  
Foundation supporting my  
candidacy for Nassau County  
Judge.

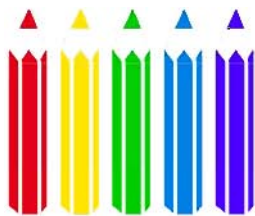
Sincerely,  
Jane Doe

## Disclaimers on Novelty Items

None of the requirements of Section [106.143](#), Florida Statutes, apply to novelty items having a retail value of \$10 or less which support, but do not oppose, a candidate or issue.

(Section [106.143\(8\)](#), Fla. Stat.)

### Examples:



Pens/Pencils



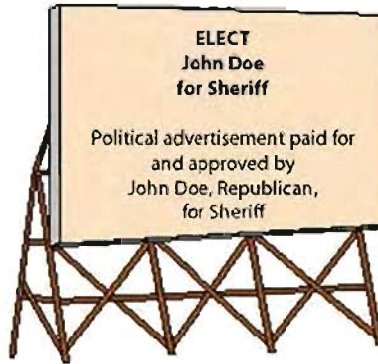
Golf Balls



Balloons

## Other Political Disclaimer Examples

### Billboards:



### Clothing:

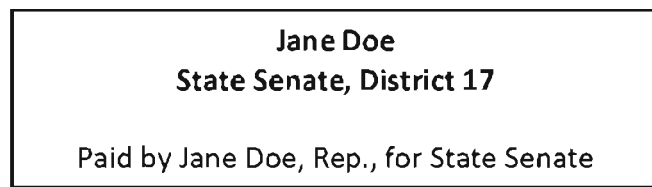
None of the requirements of Section [106.143](#), Florida Statutes, to include political disclaimers, apply to campaign messages or political advertisements used by a candidate and the candidate's supporters or by a political committee if the message advertised is designed to be worn by a person.

**Note:** On items designed to be worn, there is no requirement to use the word "for" between the candidate's name and the office being sought.

(Section [106.143 \(6\), \(10\)](#), Fla. Stat.)



### Bumper stickers:



**Note:** On bumper stickers, there is no requirement to use the word "for" between the candidate's name and the office being sought in the body of the bumper sticker.

(Section [106.143\(6\)](#), Fla. Stat.)

## Miscellaneous Advertisements

Any advertisement, other than a political advertisement, independent expenditure, or electioneering communication, on billboards, bumper stickers, radio, or television, or in a newspaper, a magazine, or a periodical, intended to influence public policy or the vote of a public official, shall clearly designate the sponsor of such advertisement by including a clearly readable statement of sponsorship. If the advertisement is broadcast on television, the advertisement shall also contain a verbal statement of sponsorship. This section shall not apply to an editorial endorsement.

(Section [106.1437](#), Fla. Stat.)

***Example of an advertisement to influence the vote of a public official:***



An expenditure made for, or in furtherance of, a miscellaneous advertisement is not considered to be a contribution to or on behalf of a candidate, and does not constitute an independent expenditure. Such expenditures are not subject to the limitations applicable to independent expenditures.

## Electioneering Communications Disclaimers

Any electioneering communication, other than a text message or a telephone call, shall prominently state: *"Paid electioneering communication paid for by (Name and address of person paying for the communication)."* For disclaimers on text messages or telephone calls, see [Chapter 15: Text Message or Telephone Solicitation](#). Any person who fails to include the disclaimer in any electioneering communication that is required to contain such disclaimer commits a misdemeanor of the first degree, punishable as provided in Section [775.082](#) or [775.083](#), Florida Statutes.

(Section [106.1439](#), Fla. Stat.)

## Language Other Than English

Any political advertisement which is published, displayed, or produced in a language other than English may provide the information required by Section [106.143](#), Florida Statutes, in the language used in the advertisement.

(Section [106.143\(9\)](#), Fla. Stat.)

## **Use of Closed Captioning and Descriptive Narrative in all Television Broadcasts**

Each candidate, political party, and political committee must use closed captioning and descriptive narrative in all television broadcasts regulated by the Federal Communications Commission that are on behalf of, or sponsored by, a candidate, political party, affiliated party committee, or political committee or must file a written statement with the qualifying officer setting forth the reasons for not doing so. Failure to file this statement with the qualifying officer constitutes a violation of the [Florida Election Code](#) and is under the jurisdiction of the Florida Elections Commission.

*(Section [106.165](#), Fla. Stat.)*



## Chapter 14: Fund Raisers

A campaign fund raiser is any affair held to raise funds to be used in a campaign for public office. Campaign fund raisers may not be held until the candidate has filed [Form DS-DE 9](#).

*(Sections [106.011\(1\)](#) and [106.025](#), Fla. Stat.)*

### Contributions from Fund Raisers

All monies and contributions received with respect to a campaign fund raiser are campaign contributions. All contributions are subject to the contribution limits contained in Section [106.08](#), Florida Statutes, and are to be accounted for and reported as any other contribution.

*(Section [106.025](#), Fla. Stat.)*

### Expenditures for Fund Raisers

All expenditures with respect to a campaign fund raiser which are made or reimbursed by a check drawn on the campaign account of the candidate are campaign expenditures. All expenditures must be accounted for and are subject to the same restrictions as other campaign expenditures.

*(Section [106.025](#), Fla. Stat.)*

### Tickets

Any tickets or advertising for a campaign fund raiser must comply with the requirements of Section [106.143](#), Florida Statutes.

*(Section [106.025](#), Fla. Stat.)*

## Chapter 15: Text Message or Telephone Solicitation

### Disclosure Requirements

- Any telephone call or text message supporting or opposing a candidate, elected public official, or ballot proposal, and any electioneering text message or telephone call, must include the phrase “Paid for by,” followed by the name of the persons or organizations sponsoring the call or message or, in the case of text message, a working hyperlink or a uniform resource locator (URL) to a website containing the required disclosure.
- A candidate’s telephone call or text message must include the phrase “Paid for by,” followed by the name of the candidate, then followed by the word “For,” and the name of the elective office sought.
- A website that is hyperlinked, or identified by URL, in a text message must remain online and available to the public for at least 30 days after the date of the election in which the candidate or ballot measure that the advertisement supported or opposed was voted on.
- If an exchange consists of a sequence of multiple text messages sent on the same day, the sponsorship disclaimer is only required to be included with the first text message.
- A person or an organization is deemed to be in compliance with the requirements of Section [106.147\(1\)](#) if (i) a compliant sponsorship disclaimer is included in the text message in the form in which the person or organization intended it to be sent, regardless of the form the carrier relayed it to the recipient, and (ii) a working hyperlink or URL is included in the text message as part of the required disclaimer, even if the recipient’s device is incapable of accessing the referenced website.

*(Section [106.147\(1\)](#), Fla. Stat.)*

**Exceptions:** The disclosure requirements described above do not apply in the following circumstances:

- Any telephone call in which both the individual making the call is not being paid and the individuals participating in the call know each other prior to the call.
- Any telephone call conducted for the purpose of polling respondents concerning a candidate or elected public official which is part of a series of like telephone calls that consists of fewer than 1,000 completed calls and averages more than two minutes in duration.
- Any text message that (i) is sent by an unpaid individual without the assistance of mass distribution technology or (ii) requires the recipient to sign up or opt in to receive it.

*([106.147\(1\)\(e\)](#), Fla. Stat.)*

### Prohibitions

- No telephone call or text message shall state or imply that the caller represents any person or organization unless the person or organization so represented has given specific approval in writing to make such representation.

*(Section [106.147\(2\)\(a\)](#), Fla. Stat.)*

- No telephone call or text message shall state or imply that the caller represents a nonexistent person or organization.

*(Section [106.147\(2\)\(b\)](#), Fla. Stat.)*

### Written Authorization Requirements

Any telephone call or text message, not conducted by independent expenditure, supporting or opposing a candidate or ballot proposal, requires prior written authorization by the candidate or sponsor of the ballot proposal that the call or text message supports. A copy of such written authorization must be placed on file with the qualifying officer by the candidate or sponsor of the ballot proposal prior to the time the calls or text messages commence.

*(Section [106.147\(3\)](#), Fla. Stat.)*

### Penalties

Any person who willfully violates any provision of Section [106.147](#), Florida Statutes, commits a misdemeanor of the first degree, punishable as provided in Section [775.082](#) or [775.083](#), Florida Statutes.

The term "person" includes any candidate; any officer of any political committee, affiliated party committee, or political party executive committee; any officer, partner, attorney, or other representative of a corporation, partnership, or other business entity; and any agent or other person acting on behalf of any candidate, political committee, affiliated party committee, political party executive committee, or corporation, partnership, or other business entity.

*(Section [106.147\(4\)](#), Fla. Stat.)*

### Registered Agent

#### Disclosure requirements:

- Any person or organization that conducts any business in this state which consists of placing telephone calls or sending text messages supporting or opposing any candidate or elected public official must, prior to conducting such business, have and continuously maintain, for at least 180 days following the cessation of such business activities in the state, a registered agent for the purpose of any service of process, notice, or demand required or authorized by law and must file with the Division a

notice of such registered agent. Such registered agent must be an individual who is a resident of this state, a domestic corporation, or a foreign corporation authorized to do business in this state. However, this section does not apply to any person or organization already lawfully registered to conduct business in this state.

- Conducting business in this state as specified in the preceding paragraph includes both placing telephone calls and sending text messages from a location in this state and placing telephone calls and sending text messages from a location outside this state to individuals located in this state.
- Form [DS-DE 100](#), *Telephone Solicitation, Registered Agent Notice*, shall be filed with the Division and, at a minimum, must elicit all of the following information:
  1. The name, address, and telephone number of the registered agent.
  2. The name, address, and telephone number of the person or organization conducting business in this state as specified.

The Division must be notified *immediately* of any changes in the information required in item 1 listed above.

**Violations:** Any person or organization that violates this section commits a misdemeanor of the first degree, punishable as provided in Section [775.082](#) or [775.083](#), Florida Statutes.

*(Section [106.1475](#), Fla. Stat.)*

## Chapter 16: Filing Campaign Reports

Each campaign treasurer designated by a candidate shall file regular reports of all contributions received and all expenditures made by or on behalf of such candidate.

The candidate and their campaign treasurer shall certify as to the correctness of each report. Each person so certifying shall bear the responsibility for the accuracy and veracity of each report. Any campaign treasurer or candidate who willfully certifies the correctness of any report, while knowing that such report is incorrect, false, or incomplete, commits a misdemeanor of the first degree.

(Section [106.07](#), Fla. Stat.)

### Where to File

A campaign treasurer is required to file campaign treasurer's reports with the filing officer before whom the candidate registers (i.e., candidate files [DS-DE 9](#)).

Candidates filing reports with the Division are required to file by means of the [Electronic Filing System](#) (see [Chapter 19: Electronic Filing of Campaign Reports](#)). If the candidate's filing officer is other than the Division, contact the appropriate filing officer to find out the requirements.

The web address for filing online with the Division is [efs.dos.state.fl.us](http://efs.dos.state.fl.us).

(Section [106.07\(2\)](#), Fla. Stat.)

### When to File

Reports must be filed on the 10<sup>th</sup> day following the end of each calendar quarter from the time the candidate registers (i.e., files [DS-DE 9](#)), except that if the 10<sup>th</sup> day occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next business day that is not a Saturday, Sunday, or legal holiday.

A statewide candidate *must* file reports:

1. On the 60<sup>th</sup> day immediately preceding the primary election, and each week thereafter, with the last weekly report being filed on the 4<sup>th</sup> day immediately preceding the general election.
2. On the 10<sup>th</sup> day immediately preceding the general election, and each day thereafter, with the last daily report being filed the 5<sup>th</sup> day immediately preceding the general election.

All other candidates must file reports on the 60<sup>th</sup> day immediately preceding the primary election and bi-weekly on each Friday thereafter through and including the 4<sup>th</sup> day immediately preceding the general election, with additional reports due on the 25<sup>th</sup> and 11<sup>th</sup> days before the primary election and the general election.

For candidates that file with the Division, see the [Campaign Finance Reporting Dates](#).

An individual seeking a publicly elected position on a political party executive committee who receives a contribution or makes an expenditure must file a single report of all contributions and expenditures on the 4<sup>th</sup> day immediately preceding the primary election. (See [Chapter 18: Reporting for Individuals Seeking a Publicly Elected Position on a Party Executive Committee](#).)

Unless the electronic filing requirements of Section [106.0705](#), Florida Statutes, apply, reports shall be filed no later than 5 p.m. of the day designated. A report postmarked by the United States Postal Service no later than midnight of the day designated is deemed timely filed. A report received by the filing officer within five days after the designated due date that was delivered by the U.S. Postal Service is deemed timely filed unless it has a postmark indicating the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the U.S. Postal Service at the time of mailing or a receipt from an established courier company, which bears a date on or before the date on which the report is due, is proof of mailing in a timely manner.

Reports filed with the Division through the [Electronic Filing System \(EFS\)](#) are due no later than midnight, Eastern Time, of the due date.

(Sections [106.07](#), [106.0705](#), and [106.141](#), Fla. Stat.;  
[Chapter 19: Electronic Filing of Campaign Reports](#))

### Penalty for Late Filing

Any candidate failing to file a report on the designated due date shall be subject to a fine of \$50 per day for the first three days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding the primary and general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

For a candidate's termination report, the fine shall be \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater for the period covered by the late report. All fines must be paid from the candidate's **personal funds** – not campaign funds.

(Sections [106.07\(2\)](#) and [\(8\)](#), Fla. Stat.)



## Notice of No Activity

In any reporting period during which a candidate has not received funds or made any expenditures, the filing of the required report for that period is waived. **However, the candidate must notify the filing officer in writing on or before the prescribed reporting date that no report is being filed on that date.** (A notice of no activity filed with the Division must be filed electronically using the [EFS](#).) The next report filed must specify that the report covers the entire period between the last submitted report and the report being filed.

*(Section [106.07\(7\)](#), Fla. Stat.)*

## Special Election Reports

When a special election is called to fill a vacancy in office, campaign treasurer reports shall be filed with the filing officer on the dates set by the Florida Department of State pursuant to Section [100.111](#), Florida Statutes. The reports are only to include contributions and expenditures related to the special election.

The candidate must notify the filing officer in writing on or before the prescribed reporting date if no funds were received or no expenditures made during the special election reporting period.

*(Section [106.07\(1\)\(d\)](#), Fla. Stat.)*

## Incomplete Reports

Although the Division's [Electronic Filing System](#) will allow a candidate to file an incomplete report, an incomplete report is not in compliance with the Florida Statutes.

If a candidate or campaign treasurer files a report that is deemed incomplete, they will be notified by the filing officer by certified mail, or by another method using a common carrier that provides a proof of delivery as to why the report is incomplete. The candidate or campaign treasurer must file an addendum to the incomplete report within seven days of notification. The addendum must include all necessary information to complete the report. Failure to file a complete report after notice constitutes a violation of [Chapter 106](#), Florida Statutes.

*(Section [106.07\(2\)\(b\)](#), Fla. Stat.)*

## Reporting Total Sums

Each campaign treasurer's report required by [Chapter 106](#), Florida Statutes, shall contain the total sums of all loans, in-kind contributions, and other receipts by or for such candidate, and total sums of all expenditures made by such candidate during the reporting period. The reporting forms are designed to elicit separate totals for in-kind contributions, loans, and other receipts.

*(Section [106.07\(4\)\(a\)\(5\)](#), Fla. Stat.)*

## Reporting Contributions

Each report *must* contain:

1. Full name, address, specific occupation, amount, and date for each person making a contribution. Reports must provide as clear a description as practicable of the principal type of business conducted for corporations contributing. The occupation or principal type of business is not required if the contribution is \$100 or less, or from a relative provided the relationship is reported.
2. Name, address, amount, and date for each political committee making any transfer of funds.
3. Full name, address, specific occupation, principal place of business of the lender and endorser, amount, and date for each loan.
4. Statement of each contribution, rebate, refund, or other receipts not listed in items 1 through 3 above.

(Sections [106.07\(4\)\(a\)\(1\)-\(4\)](#) and [112.312\(21\)](#), Fla. Stat.)

## Returning Contributions

Contributions *must be returned* to the contributor *if*:

- A candidate receives a contribution in excess of the limitations provided by law.
- A candidate with opposition in an election receives a contribution on the day of that election or less than five days prior to the date of that election.
- A candidate receives a contribution once they are elected, defeated, becomes unopposed, or withdraws their candidacy.

If the contribution to be returned has not been deposited into the campaign account, report the contribution as a contribution returned using Form [DS-DE 2](#), Contributions Returned.

If the contribution has been deposited into the campaign account:

1. Report the contribution; and
2. Write a check from the campaign account to the contributor for the amount of the contribution and report this on the itemized contribution report using the contribution type "Refund." This amount is reported as a negative. The candidate may also wish to submit a signed, written explanation to the filing officer.

(Section [106.08](#), Fla. Stat.)



## Reporting Expenditures

Each report *must* contain:

1. Full name and address of each person to whom expenditures have been made along with the amount, date, and clear purpose of the expenditure. Name, address, and office sought by each candidate on whose behalf such expenditure was made.
2. Full name and address of each person to whom an expenditure for personal services, salary, or reimbursed authorized expenses was made along with the amount, date, and clear purpose of the expenditure.
3. Total amount withdrawn and the total amount spent from the petty cash fund. Each expenditure from the petty cash fund need not be individually reported but complete records of petty cash expenditures must be kept.
4. Transaction information for each credit card purchase. Credit cards may be used by statewide (Governor, Cabinet, and Supreme Court Justice) candidates only. *(See Division of Elections Advisory Opinion [05-07](#).)*
5. Amount and nature of debts and obligations owed by or to the candidate, which relate to the conduct of any political campaign.
6. The amount and nature of any separate interest-bearing accounts or certificates of deposit. Identification of the financial institution in which such accounts or certificates of deposit are located must be identified.
7. The primary purposes of an expenditure made indirectly through a campaign treasurer for goods and services such as communications media placement or procurement services, campaign signs, insurance, and other expenditures that include multiple components as part of the expenditure. The primary purpose of an expenditure shall be that purpose, including integral and directly related components that comprise 80 percent of such expenditure.
8. Total sum of expenditures during the reporting period.

*(Section [106.07\(4\)](#), Fla. Stat.)*

## Reporting Other Distributions

Every distribution should be reported during the coverage period when the distribution actually occurred, as is the case with the expenditures and contributions. The related distribution(s) and expenditure can and often do occur in different reporting periods.

Types of distributions:

- Prepaid
- Credit card purchases/payments
- Reimbursements
- In-kind

Reports *must* contain:

1. Full name and address of each person to whom payment for reimbursement was made by check drawn upon the campaign account together with the purpose of such payment.
2. Expenditures made indirectly through a treasurer for goods or services, such as communications media placement or procurement services, campaign signs, insurance or other expenditures that include multiple integral components as part of the expenditure.
3. Distribution of goods and services to a candidate, committee or party.

(Section [106.07](#), Fla. Stat.)

## Special Requirements for Judicial Retention Candidates

A candidate for retention as a Justice of the Supreme Court or a Judge of a District Court of Appeal who has not received any contributions or made any expenditures, may file a sworn statement on [Form DS-DE 96, Affidavit of Intention](#), at the time of qualifying that they do not anticipate receiving contributions or making expenditures in connection with their candidacy for retention to office.

Such candidate must file a final report within 90 days following the general election for which the candidate's name appeared on the ballot for retention. The candidate may use [Form DS-DE 97, Affidavit of Compliance](#), for this purpose.

A candidate for retention to judicial office who, after filing [Form DS-DE 96](#) receives any contributions or makes any expenditures in connection with their candidacy for retention must immediately file a statement to that effect with the qualifying officer and must begin filing reports as an opposed candidate pursuant to Section [106.07](#), Florida Statutes.

(Sections [105.08\(2\)](#) and [106.141](#), Fla. Stat.)

## Chapter 17: Termination Reports

Once a candidate withdraws, becomes unopposed, is eliminated, or elected to office, the candidate must dispose of the funds on deposit in their campaign account and file a campaign treasurer's report (termination report) reflecting the disposition of funds. The person may **only** expend funds from the campaign account to:

- Purchase "thank you" advertising for up to 75 days after they withdraw, become unopposed, is eliminated, or elected to office.
- Pay for items which were obligated before they withdrew, became unopposed, were eliminated, or elected to office.
- Pay for expenditures necessary to close down the campaign office and to prepare final campaign reports.
- Dispose of surplus funds as provided in Section [106.141](#), Florida Statutes.

*(Section [106.11\(5\)](#), Fla. Stat.)*

Because individuals who seek election to a political party executive committee are not "candidates," they do not file termination reports.

### Prior to Disposing of Surplus Funds

A candidate may be reimbursed by the campaign for any previously reported contributions by the candidate to the campaign, in full or in part.

A candidate who filed an oath stating that they were unable to pay the fee for verification of petition signatures without imposing an undue burden on their personal resources or on resources otherwise available to them, must reimburse the state or local government entity, whichever is applicable, for such waived fee prior to disposing of any funds under the surplus provisions contained in Section [106.141\(4\)](#), Florida Statutes.

*(Section [106.141](#), Fla. Stat.)*

## Disposing of Surplus Funds

A candidate required to dispose of surplus funds must, at the option of the candidate, dispose of such funds within 90 days by any of the following means, or a combination thereof:

1. Return pro rata to each contributor the funds that have not been spent or obligated.
2. Donate the funds that have not been spent or obligated to a charitable organization or organizations that meet the qualifications of [Section 501\(c\)\(3\)](#) of the Internal Revenue Code, except that the candidate may not be employed by the charitable organization to which he or she donates the funds
3. Give not more than \$25,000 of the funds that have not been spent or obligated to the political party of which such candidate is a member.
4. Give the funds that have not been spent or obligated:
  - a. To the state to be deposited in either the Election Campaign Financing Trust Fund or the General Revenue Fund; or
  - b. To such political subdivision, to be deposited in the general fund thereof.
5. Transfer funds to an office account. (See [Chapter 20: Office Accounts](#).)
6. In the case of a candidate elected to state office, retain up to \$20,000 in the campaign account for re-election to the same office. (See [Chapter 21: Carryover Campaign Funds](#).)

[\(Section 106.141\(3\)-\(5\), \(6\)\(b\), Fla. Stat.\)](#)

## Content of Report

The termination report *must* include:

1. The name and address of each person or unit of government to whom any of the funds were distributed and the amounts thereof;
2. The name and address of each person to whom an expenditure was made together with the amount and purpose; and
3. The amount of such funds transferred to an office account together with the name and address of the bank in which the office account is located.
4. The amount of such funds retained in a campaign account pursuant to [Section 106.141\(6\)](#) Florida Statutes, together with the name and address of the bank in which the retained funds are located.

If a refund check is received after all surplus funds have been disposed of, the check may be

endorsed by the candidate and the refund disposed of pursuant to Section [106.141](#), Florida Statutes. An amended termination report must be filed with the filing officer.

All reports must be signed by the candidate and the campaign treasurer and certified as true and correct.

*(Section [106.141\(8\)](#), Fla. Stat.)*

### **Money from Separate Interest-Bearing Account or Certificate of Deposit**

A campaign treasurer of any candidate who withdraws, becomes unopposed, or is eliminated, or elected to office, and who has funds on deposit in any interest-bearing account or certificate of deposit must, within seven days, transfer such funds and accumulated interest earned thereon to the primary campaign account for disposal. However, when funds are in an account in which penalties will apply for withdrawal within the seven-day period, the campaign treasurer must transfer such funds and accumulated interest earned thereon as soon as the funds can be withdrawn without penalty, or within 90 days after the candidate becomes unopposed, withdraws their candidacy, or is elected, or eliminated, whichever comes first.

*(Section [106.141](#), Fla. Stat.)*

### **Campaign Loans Report**

A person elected to office must report all loans, exceeding \$500 in value, made to them and used for campaign purposes, and made in the twelve months preceding their election to office, to the filing officer. The report must be made on Forms [DS-DE 73](#) and [DS-DE 73A](#), Campaign Loans Report, within ten days after being elected to office.

Any person who makes a contribution to an individual to pay all or part of a loan incurred in the twelve months preceding the election, to be used for the individual's campaign, may not contribute more than the amount which is allowed in Section [106.08\(1\)](#), Florida Statutes.

*(Section [106.075](#), Fla. Stat.)*

## Chapter 18: Reporting for Individuals Seeking a Publicly Elected Position on a Party Executive Committee

An individual seeking a publicly elected position on a political party executive committee who receives a contribution or makes an expenditure shall file a report of all contributions received and all expenditures made.

*(Section [106.0702\(1\)](#), Fla. Stat.)*

### Where to File

The report shall be filed with the [Supervisor of Elections](#) of the appropriate county.

### When to File

The report shall be filed on the fourth day immediately preceding the primary election.

Reports shall be filed no later than 5 p.m. of the day designated; however, any report postmarked by the United States Postal Service by the day designated shall be deemed to have been filed in a timely manner. Any report received by the filing officer within five days after the designated due date shall be deemed timely filed unless it has a postmark that indicates that the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the U.S. Postal Service at the time of mailing, or a receipt from an established courier company, which bears a date on or before the date on which the report is due is proof of mailing in a timely manner.

The report filed must contain information of all contributions received and expenditures made as of the day preceding the designated due date. All such reports must be open to public inspection.

*(Section [106.0702\(2\)\(a\)](#), Fla. Stat.)*

A reporting individual may submit the report required under this section through an electronic filing system, if used by the supervisor for other candidates, in order to satisfy the filing requirement. Such reports shall be completed and filed through the electronic filing system not later than midnight on the fourth day immediately preceding the primary election.

*(Section [106.0702\(2\)\(b\)](#), Fla. Stat.)*

## Termination Reports Not Required

Because individuals seeking a publicly elected position on a political party executive committee are not “candidates,” such individuals are not required to file termination reports.

## Penalty for Late Filing

Any reporting individual who fails to file a report on the designated due date shall be subject to a fine of \$50 per day for the first three days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater.

(Section [106.0702\(7\)](#), Fla. Stat.)

## Incomplete Reports

Although the Division’s [Electronic Filing System](#) will allow a candidate to file an incomplete report, an incomplete report is not in compliance with the Florida Statutes.

If a candidate or campaign treasurer files a report that is deemed incomplete, they will be notified by the filing officer by certified mail, or by another method using a common carrier that provides a proof of delivery as to why the report is incomplete. The candidate or campaign treasurer must file an addendum to the incomplete report within seven days of notification. The addendum must include all necessary information to complete the report. Failure to file a complete report after notice constitutes a violation of [Chapter 106](#), Florida Statutes.

(Section [106.07\(2\)](#), Fla. Stat.)

## Reporting Requirements

Each report *must* contain:

- Full name, address, specific occupation, amount, and date for each person making a contribution. Reports must provide as clear a description as practicable of the principal type of business conducted for corporations contributing. The occupation or principal type of business is not required if the contribution is \$100 or less, or from a relative provided the relationship is reported.
- Full name, address, specific occupation, principal place of business of the lender and endorser, amount, and date for each loan.

- Statement of each contribution, rebate, refund, or other receipts not listed in above.
- Full name and address of each person to whom expenditures have been made along with the amount, date, and clear purpose of the expenditure. Name, address, and office sought by the reporting individual on whose behalf such expenditure was made.
- Transaction information for each credit card purchase.
- Amount and nature of debts and obligations owed by or to the reporting individual which relate to the conduct of any political campaign.
- The amount and nature of any separate interest-bearing accounts or certificates of deposit. Identification of the financial institution in which such accounts or certificates of deposit are located must be identified.

*(Sections [106.0702\(4\)](#) and [112.312\(21\)](#), Fla. Stat.)*



## Chapter 19: Electronic Filing of Campaign Reports

The [Electronic Filing System \(EFS\)](#) is an Internet system for recording and reporting campaign finance activity by reporting period. Each candidate required to file reports with the Division pursuant to Section [106.07](#), Florida Statutes, must do so using the Division's [EFS](#).

### Reports filed:

- Must be completed and filed through the [EFS](#) not later than 12:00 midnight, Eastern Time, of the due date. Reports not filed by this time are late filed and are subject to the penalties under Section [106.07\(8\)](#) or [106.29\(3\)](#), Florida Statutes, as applicable.
- Are considered to be under oath by the candidate and treasurer, and such persons are subject to provisions of Section [106.07\(5\)](#) or [106.29\(2\)](#), Florida Statutes, as applicable.

*(Sections [106.0705](#) and [106.0706](#), Fla. Stat.)*

### Accessing the EFS

The EFS can be accessed at [efs.dos.state.fl.us](http://efs.dos.state.fl.us). The Division provides each candidate an identification number and initial password to gain entry. After logging in using the initial password, the system will prompt the user to change the temporary password to a confidential one.

A person given a secure sign-on to the [EFS](#) is responsible for protecting the credentials from disclosure and for all filings using such credentials, unless they have notified the Division that their credentials have been compromised. Contact the Division immediately if your password has been compromised.

### Creating Reports

Campaign reports must be entered, saved, reviewed, and filed via the [EFS](#) either by directly entering data into the web application or by uploading data using an approved vendor's software. The Division maintains a list of [software vendors](#) whose programs meet the file specifications for filing campaign reports.

For instructions on uploading reports, see the [Candidates User Guide - PDF \(DS-DE 110A\)](#) located on the Division's website.

## Submitting Reports

Reports will be held in pending status until the report is ready to be filed. Each person eligible to file a report will receive a PIN (personal identification number) that allows the person to file reports via the [EFS](#). A person's PIN is considered the same as that person's signature on a filed report.

## Electronic Receipts

The person filing a report via the [EFS](#) may print an electronic receipt verifying the report was filed with the Division. Each report filed via the [EFS](#) is considered to be under oath and such persons filing the report are subject to the provisions of [Chapter 106](#), Florida Statutes.

## Help Line and User Guide

### EFS HELP LINE

(850) 245-6280

### EFS HELP GUIDE

Candidates User Guide – PDF ([Candidates User Guide - PDF \(DS-DE 110A\)](#))  
(Listed under Electronic Filing System Resources.)

[dos.myflorida.com/elections/candidates-committees/campaign-finance/filing-campaign-reports](https://dos.myflorida.com/elections/candidates-committees/campaign-finance/filing-campaign-reports)

**Note:** For further information on the [EFS](#), see [Rule 15-2.017](#), Florida Administrative Code, *Reporting Requirements for Campaign Treasurer's Reports*.

## Chapter 20: Office Accounts

A candidate elected to office or a candidate who will be elected to office by virtue of them being unopposed may, in addition to disposing of all the funds in the campaign account in accordance with Section [106.141\(4\)](#), Florida Statutes, transfer funds from the campaign account to an office account.

### Transfer Limits

- \$50,000 for a candidate for statewide office.
- \$10,000 for a candidate for multi-county office.
- \$10,000 multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.
- \$5,000 multiplied by the number of years in office for which elected, for a candidate for county office or for a candidate for any election on less than a countywide basis.
- \$6,000 for a candidate for retention as a justice of the Supreme Court.
- \$3,000 for a candidate for retention as a judge of a district court of appeal.
- \$3,000 for a candidate for county court judge or circuit judge.

*(Section [106.141\(5\)](#), Fla. Stat.)*

### Using the Office Account

The office account must be separate and apart from any other account, including any other type of “office account” such as a legislative account. Any funds so retained by a candidate must be used only for legitimate expenses in connection with the candidate’s public office, which may include:

1. Travel expenses incurred by the officer or staff member;
2. Personal taxes payable on office account funds by the candidate or elected public official;
3. Professional services provided by a certified public accountant or attorney for preparation of the election public official’s financial disclosure filing pursuant to Section [112.3144](#) or [112.3145](#), Florida Statutes;

4. Costs to prepare, print, produce, and mail holiday cards or newsletters about the elected public official's public business to constituents if such correspondence does not constitute a political advertisement, independent expenditure, or electioneering communication as provided in Section [106.011](#), Florida Statutes;
5. Fees or dues to religious, civic, or charitable organizations of which the elected public official is a member;
6. Items of modest value such as flowers, greeting cards, or personal notes given as a substitute for, or in association with, an elected public official's personal attendance at a constituent's special event or family occasion, such as the birth of a child, graduation, wedding, or funeral;
7. Personal expenses incurred by the elected public official in connection with attending a constituent meeting or event where public policy is discussed, if such meetings or events are limited to no more than once a week; or
8. Expenses incurred in the operation of the elected public official's office, including the employment of additional staff.

As the duties and responsibilities of each office are different, what are considered "legitimate expenses in connection with the candidate's public office" will vary. For additional information, please contact the legal or accounting department for your office.

If a candidate is re-elected to office or elected to another office and has funds remaining in the office account, the candidate may transfer surplus campaign funds to the office account. However, at no time may the total funds in the office account exceed the limitation imposed by Section [106.141\(5\)](#), Florida Statutes.

*(Section [106.141\(5\)](#), Fla. Stat.)*

### Reporting Office Account Funds

A candidate is required to file a report on the tenth day following the end of each calendar quarter following the 90-day termination report until the office account is closed.

The officers required to file office account reports with the Division must file reports electronically using the [office account electronic filing system](#).

Unless the county or city has a different process, those candidates required to file with county or city filing officers must file reports using the following forms:

- [Form DS-DE 48](#), Office Account Report.
- [Form DS-DE 48A](#), Office Account Disbursement or Deposit Information.

Upon leaving office, any person who has funds in an office account shall give such funds to:

- A charitable organization or organizations that meet the requirements of [Section 501\(c\)\(3\)](#) of the Internal Revenue Code;
- In the case of a state officer, to the state to be deposited in the General Revenue Fund;  
or
- In the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof.

Such reports shall be signed by the candidate, certified as true and correct, and filed with the officer before whom campaign reports were filed.

*(Sections [106.141\(5\)](#) and [\(9\)](#), Fla. Stat.;  
Division of Elections Advisory Opinion [06-04](#))*

## Chapter 21: Carryover Campaign Funds

A candidate elected to **state office** or a candidate who will be elected to state office by virtue of them being unopposed after candidate qualifying ends, may retain up to \$20,000 in their campaign account, or in an interest-bearing account or certificate of deposit, for use in their next campaign for the same office, in addition to the disposition methods provided in subsections [106.141 \(4\) and \(5\)](#), Florida Statutes. All requirements applicable to candidate campaign accounts under [Chapter 106](#), Florida Statutes, including disclosure requirements applicable to candidate campaign accounts, limitations on expenditures, and limitations on contributions, apply to any retained funds.

The term “**state office**” means Governor, Lieutenant Governor, Attorney General, Chief Financial Officer, Commissioner of Agriculture, State Senator, State Representative, Justice of the Supreme Court, District Court of Appeal Judge, Circuit Court Judge, State Attorney, and Public Defender.

The term “**same office**” with respect to *legislative office* means an office in the same legislative body, irrespective of district number or designation or geographic boundary.

If a candidate who has retained funds under this subsection does not qualify as a candidate for re-election to the same office, all retained funds shall be disposed of as otherwise required by Section [106.141](#) or [106.11\(5\)](#), Florida Statutes, within 90 days after the last day of candidate qualifying for that office. Requirements in this section applicable to the disposal of surplus funds, including reporting requirements, are applicable to the disposal of retained funds.

(Section [106.141\(6\)](#), Fla. Stat.)

## Chapter 22: Recordkeeping

### Contributions

- The campaign treasurer of each candidate shall keep detailed accounts of all contributions received, which shall be current within not more than two days after the date of receiving the contribution.

*(Section [106.06](#), Fla. Stat.)*

- All funds received by the campaign treasurer of any candidate shall be deposited in the campaign depository prior to the end of the fifth business day following receipt (Saturdays, Sundays, and legal holidays excluded).

*(Section [106.05](#), Fla. Stat.)*

- All money and contributions received with respect to a campaign fund raiser are deemed campaign contributions and shall be accounted for and subject to the same restrictions as other campaign contributions.

*(Section [106.025](#), Fla. Stat.)*

- All deposits shall be accompanied by a bank deposit slip containing the name of each contributor and the amount contributed by each.

*(Section [106.05](#), Fla. Stat.)*

- The campaign treasurer shall keep detailed accounts of all deposits made in any separate interest-bearing account or certificate of deposit and of all interest earned.

*(Section [106.06](#), Fla. Stat.)*

- Contributions deposited in a secondary campaign depository shall be forwarded to the primary campaign depository prior to the end of the first business day following the deposit. A copy of the deposit slip shall accompany the deposit.

*(Section [106.05](#), Fla. Stat.)*

### Expenditures

- The campaign treasurer of each candidate shall keep detailed accounts of all expenditures made, which shall be current within not more than two days after the making of the expenditure.

*(Section [106.06](#), Fla. Stat.)*

- Credit Cards for Statewide (Governor, Cabinet, and Supreme Court Justice) Candidates Only - Receipts for each credit card purchase shall be retained by the treasurer with the records for the campaign account. The treasurer shall require an accounting of actual expenses and reconcile any overpayment or underpayment to the original payee.

*(Sections [106.07](#) and [106.125](#), Fla. Stat.)*

- Receipts for debit card transactions must contain:
  1. the last four digits of the debit card number;
  2. the exact amount of the expenditure;
  3. the name of the payee;
  4. the signature of the campaign treasurer, deputy treasurer, or authorized user; and
  5. the exact purpose for which the expenditure is authorized.

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

*(Section [106.11](#), Fla. Stat.)*

- All expenditures made with respect to a campaign fund raiser which are made or reimbursed by a check drawn on the campaign account shall be deemed to be campaign expenditures to be accounted for and subject to the same restrictions as other campaign expenditures.

*(Section [106.025](#), Fla. Stat.)*

- The campaign treasurer shall keep detailed accounts of all withdrawals made from any separate interest-bearing account or certificate of deposit to the primary depository and of all interest earned.

*(Section [106.06](#), Fla. Stat.)*

- The campaign treasurer shall retain the records pursuant to Section [106.06](#), Florida Statutes.

*(Section [106.07](#), Fla. Stat.)*

### **Preservation of Accounts**

Accounts kept by the campaign treasurer of a candidate shall be preserved by such treasurer for a number of years equal to the term of the office to which the candidate seeks election.

*(Section [106.06](#), Fla. Stat.)*



## Inspections

- Accounts kept by the campaign treasurer of a candidate, including separate interest-bearing accounts and certificates of deposit, may be inspected under reasonable circumstances before, during, or after the election to which the accounts refer by any authorized representative of the Division or the Florida Elections Commission. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

*(Section [106.06\(2\)](#), Fla. Stat.)*

- Records maintained by the campaign depository shall be subject to inspection by an agent of the Division or the Florida Elections Commission at any time during normal banking hours, and such depository shall furnish certified copies of any such records to the Division or Florida Elections Commission upon request.

*(Section [106.07\(6\)](#), Fla. Stat.)*

- It is the duty of the Division to make, from time to time, audits and field investigations with respect to reports and statements filed under the provisions of [Chapter 106](#), Florida Statutes, and with respect to alleged failures to file any report or statement required under the provisions of [Chapter 106](#), Florida Statutes.

*(Section [106.22\(6\)](#), Fla. Stat.)*

- It is the duty of the Division to conduct random audits with respect to reports and statements filed under [Chapter 106](#), Florida Statutes, and with respect to alleged failure to file any reports and statements required under [Chapter 106](#), Florida Statutes.

*(Section [106.22\(10\)](#), Fla. Stat.)*

## Chapter 23: Recordkeeping Tips

The Division offers the following best practices to help campaign treasurers in setting up a system to record and maintain campaign information.

- Keep a schedule of due dates for campaign treasurer's reports. The Division's website provides each candidate with a calendar of [election](#) and [reporting dates](#).
- Know what period of time each report covers and only report activity occurring during that reporting period.
- If filing with the Division, keep a copy of the electronic receipt for each report filed for your own records. If filing with the local officers, keep the certificate of mailing.
- Record all contributions when received. Make sure to include the name, address, specific occupation, or principal type of business if over \$100, amount, and date of each contribution. Keep contributions itemized by monetary, in-kind, and loans.
- Record all expenditures when they occur. List the name and address of each person to whom the expenditure was made along with the amount, date, and specific purpose.
- Keep a petty cash ledger of all expenditures. These individual listings do not have to be listed on campaign treasurer's reports. However, you must list the total amount withdrawn and total amount spent per reporting period.
- Monitor the cash flow to know how much money is available at all times in the account to avoid any possibility of authorizing an expenditure when money is not available to pay for such expenditure.
- Maintain a listing of all funds currently in the separate interest-bearing account, certificate of deposit or money market account.
- Make sure an authorization for advertising has been obtained from the candidate.

## Chapter 24: Florida Elections Commission

The [Florida Elections Commission \(FEC\)](#) is a separate and independent entity from the Division. The FEC consists of nine members appointed by the Governor from lists of names submitted by legislative leaders.

### Automatic Fine Appeal Process

Any candidate may appeal or dispute a fine for a late filed campaign treasurer's report. The appeal must be based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date. The candidate may request and is entitled to a hearing before the FEC, which has the authority to waive the fine in whole or in part.

The appeal must be made within 20 days of the receipt of the notice of payment due. The candidate must, within the 20-day period, notify the filing officer in writing of their intention to bring the matter before the FEC.

*(Section [106.07\(8\)\(c\)](#), Fla. Stat.)*

### Complaint Process

Any person who has information of a violation of Chapter [104](#) or [106](#), Florida Statutes, shall file a sworn complaint with the FEC by completing a complaint form and addressing it to:

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

A complaint form ([FEC Form 1](#)) may be obtained from the FEC or downloaded from the FEC's website at [www.fec.state.fl.us](http://www.fec.state.fl.us). For additional information, contact the FEC at 850.922.4539.

*(Sections [106.25](#) and [106.28](#), Fla. Stat.)*

# Appendices

## Appendix A: Legal References and Rules Cited

### Constitution

[Constitution of the State of Florida](#)

### Florida Election Code

- [Chapter 99](#) Candidates
- [Chapter 103](#) Presidential Electors; Political Parties; Executive Committees and Members
- [Chapter 104](#) Violation; Penalties
- [Chapter 105](#) Nonpartisan Elections
- [Chapter 106](#) Campaign Financing
- [Chapter 287](#) Procurement of Personal Property and Services

### Florida Statutes

- [97.012](#) Secretary of State as chief election officer.
- [97.021](#) Definitions.
- [98.015](#) Supervisor of elections; election, tenure of office, compensation, custody of registration-related documents, office hours, successor, seal; appointment of deputy supervisors; duties.
- [99.012](#) Restrictions on individuals qualifying for public office.
- [99.021](#) Form of candidate oath.
- [99.0955](#) Candidates with no party affiliation; name on general election ballot.
- [100.111](#) Filling vacancy.
- [103.091](#) Political parties.
- [103.095](#) Minor political parties.
- [104.271](#) False or malicious charges against, or false statements about, opposing candidates; penalty.
- [104.2715](#) False representations of military service; penalty.
- [105.011](#) Definitions.
- [105.031](#) Qualification; filing fee; candidate's oath; items required to be filed.
- [105.071](#) Candidates for judicial office; limitations on political activity.
- [105.08](#) Campaign contribution and expense; reporting.
- [106.011](#) Definitions.
- [106.021](#) Campaign treasurers; deputies; primary and secondary depositories.
- [106.023](#) Statement of candidate.
- [106.025](#) Campaign fund raisers.
- [106.05](#) Deposit of contributions; statement of campaign treasurer.
- [106.055](#) Valuation of in-kind contributions.
- [106.06](#) Treasurer to keep records; inspections.
- [106.07](#) Reports; certification and filing.
- [106.0701](#) Solicitation of contributions on behalf of s. 527 or s. 501(c)(4) organizations; reporting requirements; civil penalty; exemption.
- [106.0702](#) Reporting; political party executive committee candidates.
- [106.0705](#) Electronic filing of campaign treasurer's reports.
- [106.0706](#) Electronic filing of campaign finance reports; public records exemption.
- [106.071](#) Independent expenditures; electioneering communications; reports; disclaimers.
- [106.075](#) Elected officials; report of loans made in year preceding election; limitation on contributions to pay loans.
- [106.08](#) Contributions; limitations on.

- [106.09](#) Cash contributions and contribution by cashier's checks.
- [106.11](#) Expenses of and expenditures by candidates and political committees.
- [106.12](#) Petty cash funds allowed.
- [106.125](#) Credit cards; conditions on use.
- [106.14](#) Utilities; deposits; prior authorization.
- [106.1405](#) Use of campaign funds.
- [106.141](#) Disposition of surplus funds by candidates.
- [106.143](#) Political advertisements circulated prior to election; requirements.
- [106.1437](#) Miscellaneous advertisements.
- [106.1439](#) Electioneering communications; disclaimers.
- [106.147](#) Telephone solicitation; disclosure requirements; prohibitions; exemptions; penalties.
- [106.1475](#) Telephone solicitation; registered agent requirements; penalty.
- [106.15](#) Certain acts prohibited.
- [106.165](#) Use of closed captioning and descriptive narrative in all television broadcasts.
- [106.19](#) Violations by candidates, persons connected with campaigns, and political committees.
- [106.22](#) Duties of the Division of Elections.
- [106.23](#) Powers of the Division of Elections.
- [106.25](#) Reports of alleged violations to Florida Elections Commission; disposition of findings.
- [106.265](#) Civil penalties.
- [106.28](#) Limitation of actions.
- [106.29](#) Reports by political parties and affiliated party committees; restrictions on contributions and expenditures; penalties.
- [112.312](#) Definitions.
- [112.3144](#) Full and public disclosure of financial interests.
- [112.3145](#) Disclosure of financial interests and clients represented before agencies.
- [775.082](#) Penalties; applicability of sentencing structures; mandatory minimum sentences for certain reoffenders previously released from prison.
- [775.083](#) Fines.
- [849.09](#) Lottery prohibited; exceptions.

## Florida Administrative Code

Rule [15-2.017](#) Reporting Requirements for Campaign Treasurer's Reports

## Forms

- [DS-DE 2](#) Contributions Returned
- [DS-DE 9](#) Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates
- [DS-DE 48](#) Office Account Forms
- [DS-DE 48A](#) Office Account Disbursement of Deposit Information
- [DS-DE 73](#) Campaign Loans Report
- [DS-DE 73A](#) Campaign Loans Report Itemized
- [DS-DE 83](#) Statement of Candidate for Judicial Office
- [DS-DE 84](#) Statement of Candidate
- [DS-DE 86](#) Request for Return of Contribution
- [DS-DE 96](#) Affidavit of Intention (Supreme Court & DCA only)
- [DS-DE 97](#) Affidavit of Compliance (Supreme Court & DCA only)
- [DS-DE 100](#) Telephone Solicitation Registered Agent Form
- [DS-DE 102](#) Statement of Solicitation
- [DS-DE 104](#) Candidate Petition Form

## Division of Elections Advisory Opinions

- [DE 76-10](#) Personal Bank Loan to Candidate
- [DE 78-34](#) Judicial Candidates; Attendance at Political Party Functions
- [DE 82-6](#) Prohibition on "Earmarked" Contributions Through Conduit
- [DE 89-02](#) Anonymous Contributions
- [DE 90-15](#) Cash Contributions and Contributions by Cashier's Checks
- [DE 92-16](#) Loan to Candidate
- [DE 94-02](#) Use of Money Orders as Campaign Contribution
- [DE 00-03](#) Use of Debit and Credit Cards for Campaign Contributions and Expenditures
- [DE 02-09](#) Campaign Contribution via Wire Transfer
- [DE 04-03](#) Candidates; Membership in Political or Civic Groups
- [DE 04-06](#) Section 99.012, Florida Statutes, "Resign to Run;" and section 106.011(3), Florida Statutes, In-kind Contributions
- [DE 05-07](#) Political Party State Executive Committee Reporting Requirements
- [DE 06-04](#) Disposition of Surplus Funds by a Non-Partisan Municipal Candidate; § 106.141(4)(a)3, Florida Statutes.
- [DE 06-10](#) Petty Cash: Definition of the Term "Other Necessities"; and Reimbursement for Campaign Expenses; §§ 106.12(3) and 106.021(3), Florida Statutes
- [DE 09-03](#) Campaign Financing - Soliciting and Receiving Contributions via Pay Pal §§ 106.05 and 106.08(5), Florida Statutes
- [DE 09-08](#) Campaign Financing - In-Kind Contributions and Valuation of Private Aircraft Travel §§ 106.055 and 106.08(2), Florida Statutes
- [DE 10-11](#) Prohibition on "Earmarked" Contributions Through Conduit
- [DE 16-12](#) Advertising - Political Disclaimers; Meaning of "Expressly Advocates"; Electioneering Communications; §§ 106.011, 106.143, 106.1439, Florida Statutes

## Campaign Finance Reporting Guides and System

- [Electronic Filing System](#)
- [EFS User Guide](#) (see specifically *Candidates User Guide - PDF (DS-DE 110A)*)
- [Calendar of Reporting Dates](#) (see *Candidates, Political Committees, Electioneering Communications Organizations - PDF* under Campaign Finance Reporting Dates)
- [Office Accounts](#)

## Code of Judicial Conduct

[www.floridasupremecourt.org/Opinions/Judicial-Ethics-Advisory-Committee/Code-of-Judicial-Conduct2](http://www.floridasupremecourt.org/Opinions/Judicial-Ethics-Advisory-Committee/Code-of-Judicial-Conduct2)



## Appendix B: Frequently Asked Questions

### Candidates

***Q1. If I want to be a no party affiliation candidate, can I still be registered to vote as a Republican or Democrat?***

No. Any person seeking to qualify for office as a candidate with no party affiliation shall, at the time of subscribing to the oath or affirmation, state in writing that he or she is registered without any party affiliation and that he or she has not been a registered member of any political party for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify.

(Section [99.021\(1\)\(c\)](#), Fla. Stat.)

***Q2. Do I have to designate a campaign treasurer and depository before I make public my intention to run for office?***

No. Nothing in the election laws prohibits a person from announcing their intention to become a candidate prior to designating a treasurer or depository as long as no contributions are received and no expenditures are made in connection with that announcement. A person must appoint a campaign treasurer and designate a depository prior to qualifying for office, obtaining signatures on petitions, accepting contributions or making expenditures.

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

***Q3. How do I change my campaign treasurer or other officers?***

File a reappointment of campaign treasurer ([Form DS-DE 9](#)) with the filing officer along with a copy of the signed letter of resignation or removal.

***Q4. How are judges elected in Florida and what are their terms?***

***Merit Retention***

Not all judges in Florida are elected to office. Supreme Court Justices and Judges of the District Court of Appeal are always appointed by the Governor from a list of three to six candidates presented by the Judicial Nominating Commission for that court. The appointed term lasts through the next general election occurring at least one year after the date of appointment and, thereafter, must face a "yes" or "no" vote every six years as to whether they will remain in office. If a judge is not retained, the appointment process starts again. More information can be found from the Florida State Courts website ([www.flcourts.org](http://www.flcourts.org)).

***Elected Judges***

Elected circuit judges and county court judges have six-year terms that begin on the first



Tuesday after the first Monday in January following the general election. They are on the primary and general election ballots the year before the term ends in January. If a judicial candidate receives a majority of the votes at the primary election, the candidate's name will not appear on the general election ballot unless a write-in candidate has qualified for the same office. If no candidate receives a majority of the votes at the primary election, the names of the two candidates receiving the highest number of votes will appear on the general election ballot. The candidate receiving the highest number of votes at the general election is elected to office.

***Q5. Can a judicial candidate speak at a political party function?***

A judicial candidate may attend and speak in their own behalf at political party functions. However, care must be exercised to ensure compliance with the election laws and the Code of Judicial Conduct. (See [Chapter 105, Florida Statutes](#), and [Division of Elections Advisory Opinion 78-34](#).) See also opinions of the [Judicial Ethics Advisory Committee](#).

***Q6. I am a county court judge candidate. Where do I file and qualify?***

You must file your qualifying papers with the [Supervisor of Elections](#) office in the county where you reside.

(Section [105.031](#), Fla. Stat.)

***Q7. When can I start collecting signatures to qualify as a petition candidate?***

Before collecting any signatures, all candidates (except federal and special district candidates) must file the Appointment of Campaign Treasurer and Designation of Campaign Depository ([Form DS-DE 9](#)) with the filing officer. Each petition must be submitted before noon of the 28<sup>th</sup> day preceding the first day of the qualifying period for the office sought to the [Supervisor of Elections](#) of the county in which such petition was circulated.

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

## **Campaign Finance**

***Q8. Do persons running for a political party executive committee office (e.g. precinct committeeperson) for precinct committeeperson have to file campaign reports?***

Only if the person has received a contribution or made an expenditure; if applicable, the person files a single report on the fourth day before the primary election. Although, persons seeking election to political party executive committees are specifically exempt from the definition of "candidate," the political party executive office falls within the definition of "election."

(Sections [103.091](#), [106.011\(3\)](#) and [\(7\)](#), and [106.0702](#) Fla. Stat.)

**Q9. May a candidate appoint themselves as campaign treasurer?**

Yes.

(Section [106.021\(1\)\(c\)](#), Fla. Stat.)

**Q10. Must a campaign treasurer be a registered voter in Florida?**

No.

(Section [106.021\(1\)\(c\)](#), Fla. Stat.)

**Q11. How many deputy treasurers may a candidate have?**

Candidates for statewide office may appoint up to 15 deputy treasurers. Other candidates may appoint up to 3 deputy treasurers.

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

**Q12. Can a deputy treasurer file and submit campaign reports?**

Yes. A deputy treasurer may perform all of the duties of a campaign treasurer when specifically authorized to do so by the campaign treasurer.

(Section [106.021\(4\)](#), Fla. Stat.)

**Q13. Who is responsible for keeping tabs on aggregate totals of campaign contributions?**

The campaign treasurer is responsible for receiving and reporting all contributions.

(Section [106.06](#), Fla. Stat.)

**Q14. May a candidate accept a contribution from a trust fund?**

Yes. [Chapter 106](#), Florida Statutes, defines a "person" as an individual, corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity. The term also includes a political party, affiliated party committee, or political committee. As a "person" a trust fund may make contributions subject to the limitations set forth in [Section 106.08](#), Florida Statutes.

(Section [106.011\(14\)](#) and [106.08](#), Fla. Stat.)

**Q15. Do I have to itemize small contributions of \$5, \$10, \$50, etc.?**

Yes. The law provides no exceptions for the reporting of contribution information, regardless of the size of the contribution. The full name and address of the contributor are also required.

(Section [106.07\(4\)\(a\)](#), Fla. Stat.)

***Q16. Are in-kind contributions subject to the same limitations as monetary contributions?***

Yes. In [Chapter 106](#), Florida Statutes, the definition of a "contribution" includes contributions in-kind having an attributable monetary value in any form. Therefore, in-kind contributions are subject to the same limitations set for monetary contributions.

(Sections [106.011\(5\)](#) and [106.08](#), Fla. Stat.)

***Q17. How is the value of an in-kind contribution determined?***

The contributor must inform the person receiving the contribution of the fair market value at the time it is given.

(Section [106.055](#), Fla. Stat.)

***Q18. Can a corporation give to a candidate, political committee or political party?***

Yes. A corporation is under the definition of a "person" in [Chapter 106](#), Florida Statutes. As a "person" a corporation may make contributions subject to the limitations set forth in Section 106.08, Florida Statutes.

(Sections [106.011\(14\)](#) and [106.08](#), Fla. Stat.)

***Q19. I am opposed in the general election, but I have no opposition in the primary election, therefore, my name will not be on the primary election ballot. Must I abide by the prohibition on accepting contributions less than five days prior to the primary election?***

No. Only candidates opposed in the primary election are required to comply. However, since you are opposed and your name will appear on the general election ballot, you are required to abide by the prohibition on accepting contributions less than five days prior to the general election.

(Section [106.08\(3\)](#), Fla. Stat.)

***Q20. Can I conduct a raffle to raise money for my campaign?***

No. Pursuant to Section [849.09](#), Florida Statutes, it is unlawful for any person in this state to set up, promote, or conduct any lottery for money or anything of value.

***Q21. I was given cash at a rally and have no information on who it is from. What do I do?***

Report this contribution on your campaign report but do not spend these funds on the campaign. After the campaign is over, dispose of the funds pursuant to Section [106.141](#), Florida Statutes.

(Division of Elections Advisory Opinion [89-02](#))

***Q22. What are considered "legitimate office expenses" for purposes of office accounts?***

As the duties and responsibilities of each office are different, what are considered legitimate

office expenses will vary. For expenses not specifically listed in Section [106.141\(5\)](#), Florida Statutes, please contact your office's legal or accounting department.

***Q23. Can I use my leftover campaign funds to help fund my future re-election?***

No, unless you have been elected to a state office or will be elected to state office after being unopposed after the end of the qualifying period and you seek re-election to the same office. If the exception applies to you, you may retain up to \$20,000 in your campaign account.

(Section [106.141\(6\)](#), Fla. Stat.)

***Q24. I am an elected official and still have funds in my office account. I am now beginning my re-election campaign. May I place the surplus funds in the office account into my campaign account for re-election?***

No. Funds retained by elected officials in their office accounts may only be used for legitimate expenses in connection with their public office.

(Section [106.141\(5\)](#), Fla. Stat.)

***Q25. Do I have to file campaign reports on the [Electronic Filing System \(EFS\)](#)?***

If the Division is your filing officer, you are required to file all campaign reports via the [EFS](#). If your filing officer is other than the Division, contact that office to find out its requirements.

(Section [106.0705](#), Fla. Stat.)

***Q26. If my treasurer is out of town, can I have an extension to file my report?***

No. The election laws do not provide for an extension under these circumstances.

(Sections [106.07\(2\)\(b\)](#) and [\(3\)](#), Fla. Stat.)

***Q27. If I make a mistake on my report can I go back in and correct it on the EFS?***

Once the report is submitted to the Division, the [EFS](#) will not permit you to go back and make changes. In order to correct mistakes or add and delete information, you must submit an "amendment." If you add activity to a waiver after the report due date, a fine will be imposed based upon the new filing date in accordance with Section [106.07\(8\)\(b\)](#), Florida Statutes.

***Q28. If I am late submitting my report, how is my fine calculated?***

\$50 per day for the first three days late and, thereafter, \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for reports immediately preceding the primary and general election, the fine shall be \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

(Section [106.07\(8\)\(b\)](#), Fla. Stat.)

***Q29. If I am late submitting my notification of no activity, is an automatic fine assessed?***

No, because you had no receipts or expenditures during the reporting period. *However*, to avoid potential issues in the future, please note that state law (s. [106.07\(7\)](#), Fla. Stat.) requires you to file by the dates set out also in law, either a campaign finance report or if applicable, a notification that no reportable activity occurred for the reporting period. Failure to do so may constitute a violation of Sections [106.07\(1\)](#) and [106.19\(1\)\(c\)](#), Florida Statutes. The Division is required to notify the [Florida Elections Commission](#) of any apparent violation of [Chapter 106](#), Florida Statutes, or any failure to file a report or information required by [Chapter 106](#), Florida Statutes. If a matter is referred to the [Florida Elections Commission](#), the Commission may assess a civil penalty of up to \$1,000 per violation.

***Q30. How long are campaign records kept at the Division of Elections or the Supervisor of Elections?***

Ten years from the date of receipt.

(Sections [98.015\(5\)](#) and [106.22\(4\)](#), Fla. Stat.)

***Q31. Does the prohibition against accepting contributions five days prior to an election for candidates apply to individuals running for political party executive committee positions?***

No, because the prohibition in Section [106.08\(3\)\(a\)](#), Florida Statutes, applies only to a “contribution received by a candidate” and persons running for political party executive committee positions are not “candidates.”

***Q32. How can I tell if a provision in [Chapter 106](#), Florida Statutes, applies to individuals running for political party executive committee positions?***

Aside from the provisions of Section [106.0702](#), Florida Statutes, expressly applying to these individuals, use the following as a general rule:

If the provision in [Chapter 106](#), Florida Statutes, applies only to a “candidate” or “candidates,” and individuals running for political party executive committee positions are not “candidates,” the provision *will not apply*. However, if the provision applies to an “election” without reference to “candidates,” and because selecting a member of a political party executive committee is included in the definition of “election,” the provision *will apply*.

## Appendix C: Deadlines for Accepting Contributions

	Other Offices (except Supreme Court)	Justice of the Supreme Court	Judge of a District Court of Appeal	Circuit Judge or County Court Judge
If opposed in the primary election the candidate may accept:	\$1,000 no later than midnight on August 15, 2024			\$1,000 no later than midnight on August 15, 2024
If opposed in the primary and general elections the candidate may accept:	<ul style="list-style-type: none"> <li>• \$1,000 no later than midnight on August 15, 2024;</li> <li>• \$1,000 between August 21 and midnight on October 31, 2024</li> </ul>			<ul style="list-style-type: none"> <li>• \$1,000 no later than midnight on August 15, 2024;</li> <li>• \$1,000 between August 21 and midnight on October 31, 2024</li> </ul>
If opposed only in the general election, the candidate may accept:	<ul style="list-style-type: none"> <li>• \$1,000 no later than midnight on August 20, 2024;</li> <li>• \$1,000 between August 21 and midnight on October 31, 2024</li> </ul>			
Considered an opposed candidate but only has one election, the general election, may accept:		\$3,000 no later than midnight on October 31, 2024 ***	\$1,000 no later than midnight on October 31, 2024 ***	

\*\*\*Contributions may be accepted during the primary election, but must be applied toward the general election limitation.

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

## Frequently asked questions regarding Florida's "RESIGN-TO-RUN" law.

### 1. Where is the "resign-to-run" law located?

The "resign-to-run" law is in section 99.012, Florida Statutes.

### 2. What does the "resign-to-run" law state?

The "resign-to-run law" essentially prohibits an elected or appointed "officer" from qualifying 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 the person presently holds. (Section 99.012(3), Florida Statutes.)

### 3. Are there any exceptions to the "resign-to-run" law?

Yes. The "resign-to-run" law does not apply to 1) political party offices, or 2) persons serving without salary as members on an appointed board or authority. (Section 99.012(6), Florida Statutes.) See the response to Question 11, below, concerning exemptions to the "resign-to-run" law. Also, portions of the "resign-to-run" law do not apply to federal officers or candidates for federal office. (See the responses to Questions 15 and 16, below.)

### 4. Who is an "officer" for purposes of the "resign-to-run" law?

An "officer" is a person, whether elected or appointed, who has the authority to exercise the sovereign powers 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), Florida Statutes.)

Florida case law further explains that an "officer" is one who exercises some portion of the sovereign power, 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.

Examples of "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 schools, state attorneys, and public defenders, municipal fire chiefs, medical examiners, and elected hospital board and airport authority members.

### 5. If an officer must resign under the "resign-to-run" law, when must the officer resign and when must the resignation take effect?

The resignation must be submitted in writing at least 10 days prior to the first day of qualifying for the office the person intends to seek. (Section 99.012(3)(c), Florida Statutes.) (The qualifying dates for elections to particular offices can be obtained from the county supervisor of elections office.)



The resignation must take effect no later than the earlier of the following dates:

- a) The date the officer would take office, if elected; or
- b) The date the officer's successor is required to take office.

(Section 99.012(3)(d), Florida Statutes.)

**6. I am a school board member and I will not seek re-election at the next general election; instead, I wish to qualify to run for state representative. Do I have to submit a resignation under the resign-to-run law?**

Yes. Section 100.041, Florida Statutes, reflects that the term of office of a state representative begins upon election for a term of two years and the term of office for a school board member begins on the second Tuesday following the general election for a term of four years. Therefore, your term as a school board member, if elected as a state representative, will not expire until two weeks after you take office as a state representative. This two-week overlap requires you to submit a resignation under the resign-to-run law at least 10 days prior to qualifying as a candidate as a state representative.

**7. 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?**

If the officer still wishes to run for office, the officer may submit his or her 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. (Section 99.012(3)(g), Florida Statutes.)

**8. To whom must the resignation be submitted?**

For elected district, county, or municipal officers, the resignation must be submitted to the officer with whom he or she qualified for the office he or she holds, with a copy to the [Governor](#) and the [Department of State](#).

For appointed district, county, or municipal officers, the resignation must be submitted to the officer or authority which appointed him or her to the office he or she holds, with a copy to the [Governor](#) and the [Department of State](#).

All other officers must submit their resignations to the [Governor](#) with a copy to the [Department of State](#).

(Section 99.012(3)(e), Florida Statutes.)

**9. Can the officer later revoke the resignation?**

No, once submitted, the resignation is irrevocable.

(Section 99.012(3)(b), Florida Statutes.)

**10. What happens to an elected officer's term of office if he or she submits a resignation under the**

**“resign-to-run” law?**

Except as noted in the next paragraph, when an elected official resigns, it creates a vacancy in office to be filled by election. The election is held to fill the office for the remaining unexpired term. So, if an officer had one year left in his or her four-year term of office on the effective date of his or her resignation, persons would qualify as a candidate for the office and, if elected, would serve the one year remaining in the former officer’s term.

If the officer resigning under the “resign-to-run” law occupies an elective charter county office or elective municipal office, the vacancy created by the resignation may be filled for that portion of the remaining unexpired term in the manner specified by the county or municipal charter, as applicable.

(Section 99.102(3)(f), Florida Statutes.)

**11. Does the “resign-to-run” law apply to subordinate officers, deputy sheriffs, or police officers?**

Generally no, but it 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. (The Legislature removed the alternative approach of taking an unpaid leave of absence from the statute in 2000.)

Subordinate officers would include, among others: assistant public defenders, assistant state attorneys, and deputy supervisors of elections.

(Section 99.012(4), Florida Statutes; *see also*, for example, Division of Elections advisory opinions DE 08-04, DE 07-08, and 99-01, which can be found at: [http://election.dos.state.fl.us/opinions/TOC\\_Opinions.shtml](http://election.dos.state.fl.us/opinions/TOC_Opinions.shtml).)

**12. Does a city’s Chief of Police have to resign in order to run for another public office?**

It depends. The exemption mentioned in the answer to Question 11 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.

(Section 99.012(4), Florida Statutes.)

**13. What happens if an officer does not comply with the “resign-to-run” law?**

Any voter or the Department of State may petition a circuit court for an order to remove the person’s name from the ballot. (Section 99.012(5), Florida Statutes.) It takes a court order to remove the person’s name from the ballot – a qualifying officer has no independent authority to remove the officer’s name from the ballot.

**14. May a person qualify to run for more than one office?**

No. Section 99.012(2), Florida Statutes, prohibits persons from qualifying for more than one federal, state, district, county, or municipal office if the terms or any part thereof run concurrently with each other. For example: a) a person may not qualify in Florida to run for more than more than one U.S. House of Representatives seat at a time; or b) a person may not qualify for both a state office and a county office if the terms or any part of the two offices overlap.

**15. Does the “resign-to-run” law apply to federal officers?**

No, the “resign-to-run” portion of section 99.012, Florida Statutes, only applies to state, district, county and municipal officers. However, as stated in the answer to Question 14, section 99.012(2), Florida Statutes, prohibits persons from qualifying for more than one federal, state, district, county, or municipal office if the terms or any part thereof run concurrently with each other. Thus, a federal officer would not have to resign prior to qualifying for a state, district, county, or municipal office. For example, a U.S. Senator from Florida with two years left on his or her Senate term could qualify to run for Governor of Florida without resigning because the “resign-to-run” law does not apply to federal officers; however, the senator could not qualify for re-election to the U.S. Senate from Florida and also qualify for Governor of Florida because the terms of office would overlap.

**16. Does the “resign-to-run” law require a state, district, county, or municipal officer to resign before running for federal office?**

No. The “resign-to-run” law prohibits an officer from qualifying as a candidate for another *state, district, county or municipal* public office if the terms or any part overlap with each other unless the officer submits a resignation from the office the person presently holds. Therefore, the “resign-to-run” law would not preclude a sitting state, district, county, or municipal officer from qualifying as a candidate for *federal* office without resigning from the office the person presently holds as long as the officer is not also seeking to qualify for re-election to his or her present office.

**17. If a candidate does not have to resign from one office to run for another office, may he or she, if elected, continue to hold both offices?**

Even if the person could physically perform both jobs simultaneously, holding both offices may violate the constitutional prohibition of dual officeholding. Article II, section 5(a), of the Florida Constitution, provides in part:

"No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of a constitution revision commission, constitutional convention, or statutory body having only advisory powers."

This constitutional provision prohibits a person from simultaneously holding more than one office under the government of the state, counties and municipalities. The prohibition applies to both elected and appointed offices. It is not necessary that the two offices be within the same governmental unit. Thus, for example, a municipal officer is precluded from holding not only another municipal office but also a state or county office.

Although the Constitution does not define the terms "office" or "officer" for purposes of the dual officeholding prohibition, the Florida Supreme Court in *State ex rel. Holloway v. Sheats*, 83 So. 508, 509 (Fla. 1919), stated that it is the nature of the powers and duties of a particular position which determines whether it is an "office" or an "employment."

The Department of State has no jurisdiction to interpret the dual officeholding provisions of the Constitution. Questions regarding dual officeholding should be directed to the Florida's Office of the Attorney General, which has jurisdiction over the matter. You may find a dual officeholding informational pamphlet at the Attorney General's website at: [http://myfloridalegal.com/webfiles.nsf/WF/MRAY-6S3PP7/\\$file/dual.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MRAY-6S3PP7/$file/dual.pdf).

**18. What's the difference in the treatment of district officers under the resign-to-run law and the dual officeholding constitutional provision?**

The Attorney General has opined that *district* offices are not within the purview of the dual officeholding 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 may 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.

**19. How does the "resign-to-run" law relate to the "Hatch Act?"**

The state resign-to-run law is entirely separate from the federal "Hatch Act." The federal Hatch Act ([5 U.S.C. §§ 1501- 1508](#)) 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 Hatch Act prohibits executive branch state and local employees covered under its provisions from being a candidate for public office in a *partisan* election, *i.e.*, an election in which any candidate represents, for example, the Republican or Democratic Party.

For example, if an employee works for a state agency and his or her principal work is in an area that is funded in part by a federal agency, then the Hatch Act would prohibit that employee from running

for a partisan office. Law enforcement officers seeking to run for public office should be aware that if their law enforcement agency receives federal funding (e.g., Department of Homeland Security grants), then their candidacy for a partisan office may be subject to the Hatch Act prohibitions. The Hatch Act would not prohibit the covered employee from being a candidate in a *nonpartisan* election; however, an employee's conduct is also subject to the laws of the state and the regulations of the employing agency, so the employee should check with his or her supervisor, personnel office, or the agency's general counsel to determine what state or local law or agency rules or policies may apply regarding political activities.

Governors, Lieutenant Governors, mayors, elected heads of executive departments, **and individuals holding elective office are specifically exempt from the Hatch Act prohibition against being a candidate for public office.** So, the Hatch Act prohibits state, county, and municipal *employees* seeking public office in a partisan election, not an *elected officer* seeking re-election or election to another office.

Questions about the Hatch Act may be directed to:

Hatch Act Unit

U.S. Office of Special Counsel

1730 M Street, N.W., Suite 218

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Requests for Hatch Act advisory opinions may be made by e-mail to: [hatchact@osc.gov](mailto:hatchact@osc.gov).

## **20. Who can I contact about questions concerning Florida's "resign-to-run" law?**

Contact the Office of General Counsel, Florida Department of State, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250. Telephone: (850) 245-6536; or email: [generalcounsel@dos.state.fl.us](mailto:generalcounsel@dos.state.fl.us).

# 2024 Candidate Petition Handbook

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



(June 14, 2023)

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## Chapter 1: Introduction

This handbook explains the process for collecting signatures to qualify as a candidate by petition method. Information herein applies only to candidate petitions. It does not apply to initiative petitions.

To the extent that this handbook covers material beyond that contained in law or rule, the Florida Department of State, Division of Elections offers such material to candidates merely as guidelines. This handbook is not a substitute for the Florida Election Code or applicable constitutional and rule provisions, the text of which controls.

The following statutes and rules should be reviewed in their entirety:

- [99.095](#) Petition process in lieu of a qualifying fee and party assessment.
- [99.09651](#) Signature requirements for ballot position in year of apportionment.
- [99.097](#) Verification of signatures on petitions.
- [100.371](#) Initiatives; procedure for placement on ballot.
- [104.31](#) Political activities of state, county, and municipal officers and employees.
- [104.185](#) Petitions; knowingly signing more than once; signing another person's name or a fictitious name.
- [106.011](#) Definitions.
- [106.15](#) Certain acts prohibited.
- [103.021](#) Nomination for Presidential Electors
- Rule [1S-2.045](#), Florida Administrative Code

(See [Appendix I](#))

The latest versions of all applicable forms and publications are publicly available on the Division of Elections' website at: [dos.myflorida.com/elections/forms-publications](https://dos.myflorida.com/elections/forms-publications).

Please direct questions to the Bureau of Election Records help desk at **850.245.6280** or **ElecRecords@Dos.myflorida.com**.



### Chapter 2: Forms

#### What petition form should be used to obtain signatures from registered voters?

All candidates must use the most current version of the applicable petition form as adopted in rule:

- Form [DS-DE 104](#), Candidate Petition Form<sup>1</sup>
- Form [DS-DE 18A](#), President and Vice President Candidate Petition, No Party Affiliation
- Form [DS-DE 18B](#), President and Vice President Candidate Petition, Minor Political Party.

The most current versions of [petition forms](#) are available on the Division of Elections' website. Petitions signed on older versions of the applicable petition form are not valid.

A separate petition is required for each candidate.

#### Who is responsible for reproducing the petition form?

Candidates are responsible for reproducing the petition form.

#### Can the petition form be altered?

Candidate petition forms must be reproduced as is without any change to text or format with the following limited exceptions:

- Candidate petition forms may be reduced or enlarged proportionally in size as a whole document. However, the form cannot be less than 3 inches by 5 inches and no larger than 8 1/2 inches by 11 inches.
- Candidate petition forms may be included within a larger advertisement, provided the form is clearly defined by a solid or broken border.
- Candidates may use color highlights, circles, X's, arrows, or similar markings that draw attention to items on the petition form, as well as using cross-outs, line-throughs, or similar markings on items on the form that are not applicable to their candidacy.

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<sup>1</sup> Municipal candidates may use a different form if provided for by city charter or ordinance.

## Candidate Petition Handbook

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- Candidates may translate petition forms into a minority language at their own expense. Petition forms may be two-sided with English on one side and a minority language on the other. However, the double-sided petition may be signed by only one person. If both sides of the form are completed, the Supervisor of Elections will check only the English side of the form for signature verification.

### **Is a disclaimer required on a petition?**

No. A petition is not a political advertisement as defined in Section [106.011](#), Florida Statutes, as it does not expressly advocate the election of a candidate. However, if a candidate petition is included as a part of a larger advertisement that does meet the definition of a political advertisement, the political advertisement will need a disclaimer. While a missing disclaimer on such advertisement does not invalidate an otherwise properly executed petition, it would constitute a violation of [Chapter 106](#), Florida Statutes.

### Chapter 3: Collecting Signatures

#### How many signatures are needed?

Except for special district candidates, the requirement is to obtain signatures equal to 1% of the registered voters in the geographical area of candidacy for the immediately preceding general election.

- President of the United States – 145,040 signatures
- United States Senator – 145,040 signatures
- Representative in Congress – (see [Appendix A](#))
- State Senator – (see [Appendix B](#))
- State Representative – (see [Appendix C](#))
- Circuit Court Judge, State Attorney (1<sup>st</sup> through 19<sup>th</sup> Circuits) and Public Defender (1<sup>st</sup> through 19<sup>th</sup> Circuit) – (see [Appendix D](#))
- Special District Candidate – 25 signatures

For candidates for county, district, or special district office not listed, the supervisor shall determine whether the required number of signatures has been obtained and shall notify the candidate.

#### When can a candidate start collecting signatures on petitions?

A candidate can collect signatures after a completed **Form DS-DE 9**, Appointment of Campaign Treasurer and Designation of Campaign Depository, is filed with the filing officer (see [Appendix E](#)) but not until after the last qualifying period. The following candidates are not required to file **Form DS-DE 9**:

- Special district candidates if they do not collect contributions or make expenditures other than the filing fee or signature verification fee.
- Federal candidates.

## Candidate Petition Handbook

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### How long are signed petitions valid?

Signatures for all candidates are valid only for the next general election qualifying period for that office immediately following the filing of the **Form DS-DE 9**. If the normal term of office ends early as the result of a resignation, death, or other reason, petitions verified prior to an off-cycle election qualifying period remain valid for the same office in the earlier election.

#### **Example 1:**

Candidate A is a 2024 State Representative candidate. The candidate may not begin collecting signatures until after the 2022 qualifying period.

#### **Example 2:**

Candidate B is a 2024 State Representative candidate. In December of 2023, a special election is called for this office. Candidate B may transfer their petitions to the special election or, if they elect not to participate in the special election, keep them for the 2024 election.

#### **Example 3:**

Candidate C is a 2024 State Representative candidate. In December of 2023, a special election is called for this office. Candidate C wants to qualify for the special election but does not want to transfer the petitions already signed to the special election. Candidate C may accomplish this by filing a new **Form DS-DE 9** and opening an entirely separate campaign depository for the special election. Candidate C must start anew with contributions and petition gathering for the special election while maintaining the former campaign account for the general election. Candidate C may not use the funds or petitions previously collected for the special election. And candidate C may not use the funds or petitions gathered in the special election for the subsequent general election.

#### **Example 4:**

Candidate D is a 2026 County Commission candidate. The incumbent for that office resigns to run for another office. The office will now appear on the 2024 ballot for a term to end in 2026. Candidate D may transfer their petitions to the 2024 election or keep them for the 2026 election. However, to retain the petitions for the 2024 election, Candidate D must open a separate campaign account for the 2024 election.

### **Where can candidates collect signatures on petitions?**

The Election Code does not govern where signatures can be collected. The candidate should check with the property owner.

### **Can a candidate pay someone to collect petitions?**

Yes. Nothing in the Election Code prohibits a candidate from paying any person to collect petitions. See [Chapter 5: Fees and Undue Burden Oath](#) for information on what happens when an undue burden oath is filed.

### **May a voter revoke their signature on a petition after receipt of the petition by the Supervisor of Elections?**

No authority exists for a voter who has signed a petition to revoke their signature after it has been received by the Supervisor of Elections. (See Rule [1S-2.045\(4\)\(d\)](#), *Florida Administrative Code*.)

### Chapter 4: Verifying Petitions

#### Where are petitions submitted?

Signed petition forms are submitted for verification to the Supervisor of Elections <https://dos.myflorida.com/elections/contacts/supervisor-of-elections/> in the county in which the voter is registered.

The candidate is responsible for filing the signed petition form with the Supervisor of Elections of the county in which the signer is a registered voter. In the case of a misfiled petition, the filing date of the petition is the date such petition is filed with the proper county. The Supervisor of Elections will notify the candidate if a petition has been misfiled, and return the petition to the candidate so that it can be properly refiled.

#### When is the deadline for submitting petitions to the Supervisor of Elections?

No later than noon on:

- **March 25, 2024** – United States Senator, Representative in Congress, Circuit Court Judge, State Attorney (Judicial Circuits 1 – 19) and Public Defender (Judicial Circuits 1 – 19)
- **May 13, 2024** – State Senate, State Representative, County, School Board, and Special District
- **July 15, 2024** – President of the United States

#### Is this petition valid?

##### . . . if the petition is signed and dated before the filing date of Form **DS-DE 9**?

For candidates required to file Form **DS-DE 9**, a petition signed and dated before the filing date of Form **DS-DE 9** is invalid. Form **DS-DE 9** is not valid until filed (received) and determined to be complete by the qualifying officer.

##### . . . if the petition is missing a required group, seat or district designation?

If a candidate is running for an office that requires a group, seat or district designation, the petition must contain the designation or it is invalid.

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### **. . . if a candidate changes the office that they are running for?**

If a candidate changes the office they are running for, any previously submitted petitions are not valid for the new office. A change in office includes a change in seat, group or district.

#### **Example:**

Changing from County Commissioner, Seat 1 to County Commissioner, Seat 5 will invalidate all previously verified petitions.

#### **Example:**

Changing from Circuit Court Judge, 17th Judicial Circuit, Group 1, to 17th Judicial Circuit, Group 5, will invalidate all previously verified petitions.

### **. . . if a candidate changes election years?**

If a candidate changes from the 2024 election to the 2026 election, the petitions verified for the 2024 qualifying period will not be valid for the 2026 election.

### **. . . if a candidate changes to an intervening special election?**

If a candidate changes from a regularly scheduled election to an earlier, intervening special election being held for that office, the petitions verified for the regular election are valid for the special election.

### **. . . if a candidate elects not to participate in an intervening special election?**

If there is an earlier, intervening special election and the candidate decides not to participate in the special election, any petitions verified prior to the special election will remain valid for the regularly scheduled election.

### **. . . if a candidate's party affiliation on the petition is not the same as the party affiliation listed on the candidate's Form [DS-DE 9](#)?**

The party affiliation listed on the petition must match the party affiliation listed on **Form [DS-DE 9](#)**, or if NPA is listed on the petition, the **Form [DS-DE 9](#)** must indicate NPA. If they do not match, the petition is invalid.

**ATTENTION:** Party Affiliation - [Florida law \(s. 99.021, Florida Statutes\)](#) requires a person seeking nomination as a candidate of a political party to be a member of that political party for the 365 days BEFORE the beginning of the applicable qualifying period. Additionally, the law requires a person seeking to qualify for office as a candidate with no party affiliation to not be a member of any political party for the 365 days BEFORE the beginning of the



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applicable qualifying period.

### **Example 1 – Invalid Petition:**

Candidate A files **Form DS-DE 9** indicating they are running as a Republican candidate. Their petition forms also indicate that they are running as a Republican candidate. After submitting a number of petitions for verification, Candidate A submits a new **Form DS-DE 9** indicating they are running as a Democratic candidate. All previously verified petitions will not be eligible for qualifying as a Democratic candidate. (See above – Attention: Party Affiliation.)

### **Example 2 – Valid Petition:**

Candidate B files **Form DS-DE 9** indicating they are running as a Republican candidate. Their petition forms also indicate they are running as a Republican candidate. Candidate B's voter registration party affiliation is Democrat. After submitting a number of petitions for verification, Candidate B changes their voter registration party affiliation to Republican. All petitions verified prior to Candidate B's change in voter registration remain valid. (See above – Attention: Party Affiliation.)

### **Example 3 – Valid Petition:**

Candidate C circulates petitions as an NPA candidate and is registered as a voter with party affiliation. As long as **Form DS-DE 9** indicates that the candidate is running with no party affiliation, the petitions are valid. (See above – Attention: Party Affiliation.)

### **Example 4 – Invalid Petition:**

Candidate D files **Form DS-DE 9** indicating they are running as a Republican candidate. After they have begun collecting signatures, the candidate files a new **Form DS-DE 9** changing from a Republican candidate to an NPA candidate. The petitions indicating the candidate is a Republican candidate are no longer valid and do not count towards the total amount needed to qualify as a petition candidate. (See above – Attention: Party Affiliation on page 9)



## Candidate Petition Handbook

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### **Example 5 – Valid Petition:**

Candidate E circulates petitions for a nonpartisan office but is registered as a voter with party affiliation. As long as the petition indicates the candidate is running for a nonpartisan office, the petitions are valid. (See above – Attention: Party Affiliation on page 9)

### **Example 6 – Valid Petition:**

Candidate F changes party affiliation on their voter registration record while running for a nonpartisan office. If the candidate is running for a nonpartisan office, changing their voter registration party affiliation will have no effect on previously verified petitions.

### **. . . if a candidate puts their party affiliation on a petition for a nonpartisan office?**

A candidate for a nonpartisan office must check the block that indicates “Nonpartisan” on the petition when collecting petitions for a nonpartisan office. While the candidate may be a member of a party and still run in a nonpartisan race, they must collect petitions as a nonpartisan candidate and indicate this on the petition. If a nonpartisan candidate indicates they are running as a party affiliated candidate, it will invalidate the petitions.

**Note:** If the petition indicates conflicting or incorrect information regarding the candidate’s status as a nonpartisan, no party affiliated, or party affiliated candidate, the petition is invalid.

### **. . . if the petition is signed by a voter who is not registered in the geographical area represented at the time of signing or verification?**

Rule [1S-2.045](#), Florida Administrative Code, states a petition is invalid if the “petition is signed by a voter who is not a registered voter in the county, district, or other geographical area represented by the office sought unless otherwise specified in Sections [99.095](#) and [99.09651](#), Florida Statutes, at both the time of signing and verification of the petition.”

### **. . . if the voter signs more than one petition for the same candidate?**

Only one candidate petition per voter per candidate may be verified as valid. For example, if the first petition submitted by the voter is valid, it remains valid even if a second petition by the same voter is submitted-- the second petition may not be validated.

Under Section [104.185](#), Florida Statutes, a person who knowingly signs a candidate petition more than one time for a candidate commits a misdemeanor of the first degree. A supervisor who believes the voter violated the above statute may file an elections fraud

## Candidate Petition Handbook

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complaint with the Division of Elections or refer the matter to the local state attorney.

Nothing in the Election Code prohibits a voter from signing petitions for more than one candidate (or different candidates) in the same race or election.

### **. . . if the petition form is signed by an inactive voter?**

A petition signed by an inactive voter is valid as long as it meets all other requirements set forth in Rule [1S-2.045](#)(5)(f), Florida Administrative Code.

### **. . . if the petition form is incomplete?**

See Rule [1S-2.045](#)(5)(f) Florida Administrative Code, for details on what information must be on the petition.

### **. . . if the petition is prefilled by the candidate?**

The only entries that must be filled in by the voter are the signature and the date. Therefore, a candidate or petition gatherer is allowed to prefill all fields on the petition EXCEPT the signature and the date the voter signed the petition. The voter must sign and date the application.

### **. . . if the petition is dated after the date the candidate submits the petition to the supervisor?**

Rule [1S-2.045](#)(5)(f), Florida Administrative Code, requires that the petition form contain “the date the voter signed the petition as recorded by the voter.” If the date has not occurred, or occurred after the date the supervisor receives the petition, the voter obviously could not have signed the petition on that date, and it should not be counted as valid.

### **. . . if the voter with a protected address signs the petition?**

No special processes apply when voters with a protected address sign petition forms. Like any other voter, if the voter with a protected address wants to sign the petition, the voter may elect to place a business address or some other address. If the voter lists an address other than the legal residence where the voter is registered, the supervisor will process the petition as if the voter had listed the address where the voter is registered.

### **. . . if the petition does not have a disclaimer?**

A petition is not a political advertisement as defined in Section [106.011](#), Florida Statutes, as it does not expressly advocate the election of a candidate. However, if a candidate petition is included as a part of a larger advertisement that does meet the definition of a political advertisement, the political advertisement would need a disclaimer. While a missing disclaimer on such advertisement does not invalidate an otherwise properly executed petition but it would constitute a violation of [Chapter 106](#), Florida Statutes.

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**. . . if the petition does not have the voter's original signature?**

Rule [1S-2.045](#)(5)(f)4., Florida Administrative Code, provides that the Supervisor of Elections shall not verify a signature on a petition unless it contains the voter's original signature. Thus, copies of petitions, electronic submission (such as email), or petitions with electronic signatures are not valid.

**. . . if a candidate is not registered to vote in the geographical area represented by the office sought?**

The candidate's eligibility for office has no bearing on the validity of the petitions.

**. . . if the petition contains a shortened version of a political party's name in the block that asks for the name of the political party?**

If the supervisor can determine with certainty to which party the shortened version refers, the petition should be verified.

**Example:**

**Form [DS-DE 9](#)** indicates that the candidate is running as a Republican candidate. The petition has the acronym RPOF in the name of political party block. This would be acceptable as there is only one party commonly known as RPOF, i.e., Republican Party of Florida.

### Chapter 5: Fees and Undue Burden Oath

#### What is the verification fee?

There is a fee of 10 cents per signature or the actual cost of checking such signatures, whichever is less, to be paid to the Supervisor of Elections for the cost of verifying the signature. Petitions cannot be verified unless payment is made in advance or unless an undue burden oath is filed.

#### Who is responsible for the verification fee?

The law provides that a candidate must pay the verification fee. See section [99.097\(4\)](#), Florida Statutes. The verification fee may be paid:

- With a campaign check or the campaign's petty cash.
- With the candidate's personal funds which must be then reported as an in-kind contribution or can be reimbursed by the campaign.
- By someone else who is then reimbursed by the campaign.

Ultimately, it is the candidate's responsibility to ensure that the person is reimbursed by the campaign.

#### What is an undue burden oath?

If a candidate cannot pay the signature verification fee without imposing an undue burden on the candidate's resources, the candidate may file an undue burden oath (see [Appendix F](#)). Candidates must file an undue burden oath with each Supervisor of Elections' office where petitions will be submitted. The undue burden oath filed in each county must be properly notarized. Note the following scenarios in which an undue burden oath may not be used or may be invalidated:

- If any person is paid to solicit signatures on a petition, a candidate may not subsequently file an undue burden oath.
- If an undue burden oath has been filed and payment is subsequently made to any person to solicit signatures on a petition, the oath is no longer valid and a fee for all signatures previously submitted to the Supervisor of Elections, and any that are

## Candidate Petition Handbook

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submitted thereafter, shall be paid by the candidate who submitted the oath.

- If a candidate receives monetary contributions, as defined in Section [106.011](#), Florida Statutes, after the candidate has filed an undue burden oath and subsequently paid a signature gatherer, the monetary contributions must first be used to reimburse the Supervisor of Elections for any signature verifications fees that were not paid because of the filing of the oath.

### Chapter 6: Certification to the Division of Elections

#### **Which candidate petitions must be certified to the State?**

Supervisors of Elections must certify the number of verified petitions for the following offices to the Division of Elections:

- President of the United States
- U.S. Senate
- Representative in Congress
- Governor
- Attorney General
- Chief Financial Officer
- Commissioner of Agriculture
- State Senator
- State Representative
- Circuit Court Judge
- State Attorney
- Public Defender
- Multi-county Special District

#### **Who determines whether the candidate's name is placed on the ballot?**

After receipt of the certifications from the Supervisor of Elections, the Division of Elections will determine whether the required number of signatures has been obtained to place the candidate's name on the ballot. The Division will notify the candidate and the supervisor. (**NOTE:** This certification only excuses the candidate from paying the qualifying fee and any party assessment when seeking to qualify for this office. The certification does not excuse the candidate from submitting other qualifying papers required by the Florida Election Code.)

## Candidate Petition Handbook

### How do I confirm the number of signatures certified to the Division of Elections?

To check the number of signatures certified to the Division of Elections, search for the candidate's name on the [Candidate Tracking System](#).

Step 1: Select an **Election** and click **View List**.

*Candidates and Races*

### Candidate Tracking System

The Florida Department of State's Candidate Tracking System tracks candidates throughout the elections process presenting candidate status, campaign finance activity, personal photos and contact information. This information is updated regularly as candidates update their information.

The Division of Elections offers this tracking system as an unofficial reference of candidates for federal, state, and multicounty offices. Although federal candidates are required to register with the Federal Election Commission once they receive contributions or make expenditures in excess of \$5000, federal candidates who may or may not have reached this threshold but have notified the Division that they wish to have their name and information placed on the Division's website prior to qualifying for office are listed as a courtesy to the candidate and voters. For information on county or municipal candidates, please contact your local [Supervisor of Elections](#).

**General Election:** 2024 Election

**Special Election:** 2023 Special: House 24

Florida Division of Elections, Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, 850 245 6200

Step 2: Click on the candidate's name.

*Candidate Listing for 2024 General Election*

Group: ALL Status: ALL (except WIT/DNQ)

Office: State Representative County: ALL

Last Name Like: Order by: Name

You can narrow your search results for candidates by county. A search by county will provide a list of candidates running for offices for which all or a portion of the geographical area represented by the office is located in that county. For information on county or municipal candidates, please contact your local [Supervisor of Elections](#).

**State Representative**

District	Candidate	Status	Primary	General
1	<a href="#">Doe, Johnny A. (DEM)</a>	Active		

## Candidate Petition Handbook

Step 3: The **Petition Signatures** button will not appear at the bottom of the candidate's page if the Supervisor of Elections have not received or processed any petitions. If the **Petition Signatures** button appears at the bottom of the candidate's page, click **Petition Signatures**.

*Candidate Tracking System*

**2024 General Election**  
State Representative  
District 1

**Johnny A. Doe**  
Democrat

Address: [Redacted]  
Campaign Treasurer: [Redacted]  
Phone: [Redacted]

Status: Active  
Date Filed: 12/01/2020  
Date Qualified:  
Method: Petition method

Campaign Finance Activity  
Campaign Documents  
**Petition Signatures**

Step 4: You will be able to see displayed the total required signatures, total verified, and the last date petitions were verified from a county to the Division of Elections.

*Candidate's Petition Signatures*

**2024 General Election**  
State Representative  
District 1

**Johnny A. Doe**  
Democrat

Total Required	Total Verified
599	800

County	Last Verified Date	Total Verified Number
Escambia	07/30/2021	200
Okaloosa	07/10/2021	600



### What do I do if I believe the totals are incorrect?

Contact \_\_\_\_\_ immediately \_\_\_\_\_ the \_\_\_\_\_ Supervisor \_\_\_\_\_ of Elections <https://dos.myflorida.com/elections/contacts/supervisor-of-elections/> for the county in question.

### What is the deadline for Supervisor of Elections to certify signatures to the Division of Elections?

No later than 5:00 p.m. on:

- **April 15, 2024** – Representative in Congress, U.S. Senator, Circuit Court Judge, State Attorney (1<sup>st</sup> through 19<sup>th</sup> Judicial Circuits), and Public Defender (1<sup>st</sup> through 19<sup>th</sup> Judicial Circuit)
- **June 3, 2024** – State Senate, State Representative, and Multi-county Special District

On or before:

- **August 20, 2024** – President of the United States

Certifications received from the Supervisor of Elections after the deadline will not be accepted.

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### Appendix A

#### 2024 Petition Signatures Required for Representatives in Congress:

District	Signatures Required
1	5,538
2	5,250
3	5,101
4	5,413
5	5,443
6	5,670
7	5,711
8	5,818
9	4,910
10	4,517
11	5,586
12	5,787
13	5,591
14	5,047
15	4,802
16	5,362
17	5,958
18	4,744
19	5,491
20	4,562
21	5,747
22	5,094
23	5,272
24	4,509
25	4,983
26	4,140
27	4,510
28	4,498

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### Appendix B

#### 2024 Petition Signatures Required for State Senate:

District	Signatures Required
1	3,970
3	3,671
5	3,396
7	4,321
9	3,748
11	4,341
13	3,812
15	3,003
17	3,340
19	4,087
21	3,941
23	3,676
25	3,380
27	3,673
29	3,725
31	4,134
33	3,763
35	3,591
37	3,483
39	2,788

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### Appendix C

#### 2024 Petition Signatures Required for State Representative:

District	Signatures Required
1	1,216
2	1,335
3	1,341
4	1,248
5	1,252
6	1,244
7	1,162
8	1,129
9	1,381
10	1,153
11	1,303
12	1,172
13	1,183
14	1,087
15	1,420
16	1,260
17	1,198
18	1,483
19	1,438
20	1,318
21	1,028
22	1,266
23	1,399
24	1,308
25	1,331
26	1,222
27	1,353
28	1,304
29	1,267
30	1,429
31	1,357
32	1,405

District	Signatures Required
33	1,334
34	1,360
35	1,212
36	1,247
37	1,049
38	1,281
39	1,198
40	1,021
41	824
42	1,319
43	1,061
44	1,035
45	1,205
46	1,032
47	1,190
48	1,215
49	1,070
50	1,122
51	1,234
52	1,570
53	1,353
54	1,284
55	1,382
56	1,199
57	1,370
58	1,256
59	1,231
60	1,244
61	1,316
62	1,118
63	991
64	967

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### 2024 Petition Signatures Required for State Representative:

District	Signatures Required
65	1,243
66	1,246
67	976
68	1,116
69	1,180
70	1,344
71	1,093
72	1,330
73	1,462
74	1,493
75	1,524
76	1,321
77	1,083
78	1,192
79	1,331
80	1,421
81	1,344
82	994
83	1,122
84	1,274
85	1,415
86	1,317
87	1,314
88	989
89	836
90	1,240
91	1,292
92	1,411

District	Signatures Required
93	1,252
94	1,279
95	1,208
96	1,174
97	1,045
98	1,043
99	1,166
100	1,349
101	1,080
102	1,303
103	1,259
104	1,092
105	1,116
106	1,072
107	1,058
108	1,025
109	956
110	1,005
111	947
112	854
113	895
114	1,090
115	1,213
116	1,076
117	964
118	1,171
119	1,151
120	1,030

## Candidate Petition Handbook

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### Appendix D

#### **2024 Petition Signatures Required for Circuit Court Judge, State Attorney (1<sup>st</sup> through 19<sup>th</sup>) and Public Defender (1<sup>st</sup> through 19<sup>th</sup>):**

Judicial Circuit	Signatures Required
1	5,746
2	2,797
3	1,197
4	8,952
5	9,360
6	11,078
7	7,822
8	2,672
9	11,252
10	5,464
11	15,295
12	6,524
13	9,249
14	1,993
15	10,037
16	552
17	12,528
18	8,020
19	5,000
20	9,512

## Appendix E: Form DS-DE 9 Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates

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## Appendix F: DS-DE 19A Affidavit of Undue Burden – Candidate

### AFFIDAVIT OF UNDUE BURDEN (Section 99.097(4), Florida Statutes)

**IMPORTANT:** (1) Paying signature gatherers will preclude or invalidate the filing of an undue burden oath. Section 99.097(8), Florida Statutes, provides: (a) If any person is paid to solicit signatures on a petition, an undue burden oath may not subsequently be filed in lieu of paying the fee to have signatures verified for that petition. (b) If an undue burden oath has been filed and payment is subsequently made to any person to solicit signatures on a petition, the undue burden oath is no longer valid and a fee for all signatures previously submitted to the supervisor of elections and any submitted thereafter shall be paid by the candidate, person, or organization that submitted the undue burden oath. If contributions as defined in s. 108.011 are received, any monetary contributions must first be used to reimburse the supervisor of elections for any signature verification fees that were not paid because of the filing of the undue burden oath. [Note: The second sentence in (b) applies only when payment is made to a signature gatherer after an undue burden oath had been filed.] (2) Upon a candidate terminating the campaign, any candidate who qualified by the petition process and who has surplus funds, must first apply the surplus funds to the reimbursement of the signature verification fee (if applicable). See s. 108.141(7), Florida Statutes.

I certify under oath that I intend to qualify as a candidate for the office of \_\_\_\_\_

\_\_\_\_\_ and that I am unable to pay the fee for verification of petition signatures for that office without imposing an undue burden on my personal resources or on resources otherwise available to me.

X

\_\_\_\_\_  
Signature of Candidate

\_\_\_\_\_  
Print Candidate's Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

(     )

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip

\_\_\_\_\_  
Telephone Number

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
Signature of Notary Public

Print, Type or Stamp Commissioned Name of Notary Public below:

Sworn to (or affirmed) and subscribed before me by means of

online notarization ☐ OR physical presence ☐

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Personally Known ☐ OR Produced identification ☐

Type of Identification Produced: \_\_\_\_\_

DS-DE 19A (11/2/2021)



## Appendix G: DS-DE 104 Candidate Petition Form

<b>CANDIDATE PETITION</b>			
<i>Notes: - All information on this form becomes a public record upon receipt by the Supervisor of Elections.  - It is a crime to knowingly sign more than one petition for a candidate. [Section 104.185, Florida Statutes]  - If all requested information on this form is not completed, the form will not be valid as a Candidate Petition form.</i>			
I, _____		the undersigned, a registered voter	
(print name as it appears on your voter information card)			
In said state and county, petition to have the name of _____			
placed on the Primary/General Election Ballot as a: (check/complete box, as applicable)			
<input type="checkbox"/> Nonpartisan <input type="checkbox"/> No party affiliation <input type="checkbox"/> _____ Party	candidate for the office of _____  (Insert title of office and include district, circuit, group, seat number, if applicable)		
<div style="border: 1px solid black; padding: 2px;">Date of Birth (MM/DD/YY) or Voter Registration Number</div>		<div style="border: 1px solid black; padding: 2px;">Address</div>	
<div style="border: 1px solid black; padding: 2px;">City</div>	<div style="border: 1px solid black; padding: 2px;">County</div>	<div style="border: 1px solid black; padding: 2px;">State</div>	<div style="border: 1px solid black; padding: 2px;">Zip Code</div>
<div style="border: 1px solid black; padding: 2px;">Signature of Voter</div>		<div style="border: 1px solid black; padding: 2px;">Date Signed (MM/DD/YY) (to be completed by Voter)</div>	
Rule 15-2.045, F.A.C.		DS-DE 104 (EFF 09/11)	

## Appendix H: DS-DE 18A President and Vice President Candidate Petition, No Party Affiliation and DS-DE 18B President and Vice President Candidate Petition, Minor Political Party

### PRESIDENT & VICE PRESIDENT CANDIDATE PETITION - NO PARTY AFFILIATION

**Notes:** - All information on this form becomes a public record upon receipt by the Supervisor of Elections.

- It is a crime to knowingly sign more than one petition for a candidate. [Section 104.185, Florida Statutes]

- If all requested information on this form is not completed, the form will not be valid as a Candidate Petition form.

I, \_\_\_\_\_ the undersigned, a registered voter  
(print name as it appears on your voter information card)

In said state and county, petition to have the name of \_\_\_\_\_

for President and \_\_\_\_\_ for Vice President placed on the

General Election Ballot for the presidential election occurring in \_\_\_\_\_ as no party affiliation candidates.

Date of Birth (MM/DD/YY) or Voter Registration Number

Address

City

County

State

Zip Code

Signature of Voter

Date Signed (MM/DD/YY)  
[to be completed by voter]

Rule 15-2.045, F.A.C.

DS-DE 18A (EFF. 09/11)

### PRESIDENT AND VICE PRESIDENT CANDIDATE PETITION - MINOR POLITICAL PARTY

**Notes:** - All information on this form becomes a public record upon receipt by the Supervisor of Elections.

- It is a crime to knowingly sign more than one petition for a candidate. [Section 104.185, Florida Statutes]

- If all requested information on this form is not completed, the form will not be valid as a Candidate Petition form.

I, \_\_\_\_\_ the undersigned, a registered voter  
(print name as it appears on your voter information card)

In said state and county, petition to have the candidates for President and Vice President nominated by

\_\_\_\_\_ (insert name of minor political party)

placed on the General Election ballot for the presidential election occurring in \_\_\_\_\_ (insert year)

Date of Birth (MM/DD/YY) or Voter Registration Number

Address

City

County

State

Zip Code

Signature of Voter

Date Signed (MM/DD/YY)  
[to be completed by voter]

Rule 15-2.045, F.A.C.

DS-DE 18B (EFF. 09/11)

## Appendix I: Legal References and Rules Cited

### Florida Statutes

- [99.095](#) Petition process in lieu of a qualifying fee and party assessment.
- [99.09651](#) Signature requirements for ballot position in year of apportionment.
- [99.097](#) Verification of signatures on petitions.
- [100.371](#) Initiatives; procedure for placement on ballot.
- [104.31](#) Political activities of state, county, and municipal officers and employees.
- [104.185](#) Petitions; knowingly signing more than once; signing another person's name or a fictitious name.
- [106.011](#) Definitions.
- [106.15](#) Certain acts prohibited.
- [103.021](#) Nomination for Presidential Electors

### Florida Election Code

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

### Florida Administrative Code

- [Rule 1S-2.045](#) Candidate Petition Process

### Forms

- [DS-DE 9](#) Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates
- [DS-DE 18A](#) President and Vice President Candidate Petition, No Party Affiliation
- [DS-DE 18B](#) President and Vice President Candidate Petition, Minor Political Party
- [DS-DE 19A](#) Affidavit of Undue Burden - Candidate
- [DS-DE 104](#) Candidate Petition Form

### Candidate Tracking System – Division of Elections

- [dos.elections.myflorida.com/candidates](https://dos.elections.myflorida.com/candidates)

# Designation of Poll Watchers

## SECTION 3.e

<b>Section 1. Election</b> Election Date: <input type="text"/> Select Early Voting or Election Day: <input type="text"/>		<b>Official Use Only</b>				
<b>Section 2. Category of Authorized Persons</b> Complete Only One of the Boxes Below: I am a <b>candidate</b> (or candidate designee*) for the following office in this election: I am the <b>chair</b> (or designee*) of the County Executive Committee of the following Party: I am the <b>chair</b> (or designee*) of the following Political Committee: * A candidate or chair as indicated above must first submit a written, signed designation to the supervisor of elections (or for statewide candidates/issues, to the Division of Elections) authorizing the designee to designate poll watchers on his or her behalf.						
<b>Section 3. Candidate/Chair/Designee</b> I request that the listed person(s) below (none of whom is a candidate or a sheriff, deputy sheriff, police officer or other law enforcement officer), who are qualified and registered voters of the county in which they will serve, be approved as poll watchers at the locations indicated below.						
Name: <input type="text"/> Address: <input type="text"/> Email address: <input type="text"/> Phone: <input type="text"/> By submitting this form, I certify that I am the person listed above and I am authorized under s. 101.131, Florida Statutes, to designate poll watchers. Date Submitted: <input type="text"/> Note: This form becomes a public record when submitted to the Supervisor of Elections.						
<b>Section 4. List of Designated Poll Watchers</b>						
Name	Date of Birth (mm/dd/yyyy)	Residential Address	Phone #	Polling Place / Early Voting Site (Either write "All Locations" or specify location)	Approved (Y/N)	Assigned Badge Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

## Designation of Poll Watchers

Name	Date of Birth (mm/dd/yyyy)	Residential Address	Phone #	Polling Place / Early Voting Site (Either write "All Locations" or specify location)	Approved (Y/N)	Assigned Badge Number

Note: This instructional page need not be included with submission of the DS-DE 125.

### INSTRUCTIONS FOR POLL WATCHER DESIGNATIONS

1. Each candidate/political party/political committee may have only one poll watcher per polling room or early voting area at any one time.
2. A candidate whose name will appear on the ballot in a future election may not designate poll watchers for an election in which the candidate's name is not on the ballot.
3. Designation of Poll Watchers, Form DS-DE 125, must be used to request designation of poll watchers. **Separate forms must be submitted for designating Early Voting and Election Day poll watchers.** Sufficient information concerning the desired poll watcher must be completed on the form so that the Supervisor of Elections can identify the person as a registered voter in the supervisor's county.
4. Form DS-DE 125 and any attachments to it may be provided to the supervisor of elections by personal delivery, mail, fax, or email.
5. The deadlines to submit a request for poll watcher designation:  
For Early Voting (EV) -- No later than noon at least 14 days before EV begins.  
For Election Day -- No later than noon of the second Tuesday preceding the election.
6. The Supervisors of Elections must approve or disapprove the designation of poll watchers for early voting areas no later than 7 days before the start of early voting and the designations for poll watchers for polling rooms on Election Day, on or before the Tuesday before the election.

### POLL WATCHERS

A poll watcher:

1. Must be a qualified and registered voter of the county in which they serve as poll watcher.
2. Cannot be a candidate, sheriff, deputy sheriff, policeman, or other law enforcement officer.
3. Who is designated for a specific location is not precluded from going to another polling room/EV area if the number of poll watchers at any particular polling room/EV area does not exceed the allowable number for the applicable candidate/political party/political committee.
4. Who is designated for "All locations/areas" (at-large) is not permitted to be present in a polling room/EV area at the same time as another poll watcher designated by the same candidate/political party/political committee.
5. Will be provided a Poll Watcher Identification Badge by the Supervisor of Elections. The poll watcher must wear his or her Poll Watcher Identification Badge while in the polling room or EV area.
6. Must bring his or her own materials and necessities.
7. Is allowed within the polling room to observe the conduct of the election. He or she *may not* obstruct the orderly conduct of the election.
8. May observe the voter check-in process. He or she may not come closer to the inspectors' table or the voting booths than is reasonably necessary to perform the poll watcher's functions.
9. May not speak to or otherwise interact with voters nor provide assistance to a voter in any way with the voting of his/her ballot, unless a Request for Assistance Form is completed at the voter's request.
10. May make and provide written voter challenges to the precinct clerk.
11. Shall pose any questions regarding polling place procedures directly to the precinct clerk for resolution.

Note: For further details or requirements governing the designation and conduct of poll watchers, refer to sections 101.131 and 101.111, Florida Statutes; Rule 15-2.034 of the Florida Administrative Code; and the rule's incorporated form, DS-DE 11, which contains the Polling Place Procedures Manual.