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S 609 GENERAL BILL/CS by Ethics and Elections; Deratany (Similar CS/H 431)

County Judge Candidates/Qualifying; modifies qualifying procedures for candidates for county court judge; provides conforming language; prescribes duties of supervisor of elections; provides for certain campaign contributions & expense reports for specified judicial candidates for retention. Amends 105.031,.035,.08. Effective Date: 01/01/90.

03/21/89 SENATE Prefiled

04/04/89 SENATE Introduced, referred to Ethics and Elections -SJ 59

04/14/89 SENATE Extension of time granted Committee Ethics and Elections

04/24/89 SENATE On Committee agenda—Ethics and Elections, 04/26/89, 2:00 pm, Room-C-(LL-32)—Temporarily postponed

04/28/89 SENATE Extension of time granted Committee Ethics and Elections

05/01/89 SENATE On Committee agenda—Ethics and Elections, 05/03/89, 1:00 pm, Room-C-(LL-32)

05/03/89 SENATE Comm. Report: CS by Ethics and Elections, placed on Calendar -SJ 276

05/09/89 SENATE CS read first time -SJ 277

05/16/89 SENATE Placed on Consent Calendar -SJ 354; CS passed; YEAS 37 NAYS 0 -SJ 373

05/18/89 HOUSE In Messages

05/22/89 HOUSE Received, referred to Appropriations -HJ 554

05/24/89 HOUSE Withdrawn from Appropriations -HJ 626; Placed on Calendar

05/26/89 HOUSE Substituted for CS/HB 431 -HJ 676; Read second time; Read third time; CS passed; YEAS 110 NAYS 1 -HJ 676

05/26/89 Ordered enrolled -SJ 503

06/12/89 Signed by Officers and presented to Governor

06/27/89 Approved by Governor; Chapter No. 89-152

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

REVISED: _____

BILL NO. CS/SB 609DATE: May 4, 1989Page 1

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Cochran <i>MC</i>	Stephens <i>JS</i>	1. <u>EE</u>	<u>Fav/CS</u>
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

County Judge Candidates/
Qualifying

BILL NO. AND SPONSOR:

CS/SB 609 by Committee on
Ethics and Elections and
Senator DeratanyI. SUMMARY:

A. Present Situation:

Section 105.031, F.S., requires all candidates for judicial office to qualify with the Department of State, Division of Elections. Section 105.011, F.S., defines judicial office to include justices of the Supreme Court, and judges of the District Courts of Appeal, circuit courts, and county courts.

Section 105.035, F.S., allows candidates for judicial office to qualify by petition if they are unable to pay the qualifying fee without undue burden.

Candidates for judicial offices qualify between noon of the 50th day and noon of the 46th day prior to the first primary. During this 5 day period county judges usually come to Tallahassee to qualify in person. This allows them to correct any mistakes in their papers rather than risk mailing them and being notified later of some mistake that needs to be corrected.

B. Effect of Proposed Changes:

The bill amends s. 105.031, F.S., to require that candidates for the office of county court judge qualify with the county Supervisor of Elections. Conforming amendments are made to s. 105.035, F.S., to provide for candidates who qualify by petition. In addition, candidates for judicial office would no longer be required to swear that they have not violated any state election laws. Thus, their oath is conformed to the same oath other candidates take.

Section 105.08, F.S., is amended to provide that judicial candidates for retention would not have to file campaign reports if they have neither received contributions nor made any expenditures. Instead they would file a sworn statement at the time of qualifying that they do not anticipate receiving any contributions or making any expenditures in connection with their candidacy for retention in office. However, such candidates would have to file a final report pursuant to 106.141, F.S., within 90 days following the general election for which the candidates name appeared on the ballot.

If the candidate for judicial office files a sworn statement and later makes an expenditure or receives a contribution, he must immediately file a statement to this effect and begin filing the usual campaign reports required by s. 106.07.

The effective date is January 1, 1990.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

First time candidates for county judge would have less expense by being able to qualify locally.

B. Government:

Incumbent candidates would save time and money by being able to qualify locally. Candidates for retention to judicial office would spend less time and expense filing reports. Likewise, DOS monitoring of these reports would decrease.

III. COMMENTS:

The companion bill is HB 431.

IV. AMENDMENTS:

None.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 609

The Committee Substitute for Senate Bill 609 conforms the oath of office for judicial candidates to the oath taken by other candidates.

Judges who are candidates for retention are not required to file campaign reports unless they anticipate campaign contributions or expenditures. However, in the event such contributions or expenditures are made the candidate would have to submit the required reports. In either event the candidate would still have to file a final report within 90 days following the general election.

Committee on Ethics & Elections



Staff Director

(FILE THREE COPIES WITH THE SECRETARY OF THE SENATE)

AS PASSED BY THE 1989 LEGISLATURE

STORAGE NAME: H431-f.hee
DATE: June 27, 1989

HOUSE OF REPRESENTATIVES
COMMITTEE ON ETHICS AND ELECTIONS
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: CS/HB 431 (Passed as CS/SB 609)

RELATING TO: Judicial candidates; qualifying; reporting

SPONSOR(S): Committee on Ethics and Elections and Rep. Crotty

EFFECTIVE DATE: January 1, 1990

DATE BECAME LAW: June 27, 1989

CHAPTER #: 89-152, Laws of Florida

COMPANION BILL(S): CS/SB 609

OTHER COMMITTEES OF REFERENCE: (1) Appropriations
(2)

I. SUMMARY:

A. PRESENT SITUATION:

Section 105.031, F.S., requires all candidates for judicial office to qualify with the Division of Elections of the Department of State.

Chapter 106, F.S., requires candidates to file reports of contributions and expenditures from the time the campaign treasurer is appointed until the election. Provisions are made for unopposed candidates to file a final report within 90 days after the date such candidate became unopposed. The definition of unopposed candidate excludes candidates seeking retention as justice of the Supreme Court or judge of a district court of appeal.

B. EFFECT OF PROPOSED CHANGES:

CS/HB 431 amends Chapter 105, to provide that candidates for the office of county court judge qualify with the supervisor of elections in the county of the office sought, rather than with the Division of Elections. In addition, the judicial candidate's oath is amended to conform to the oath taken by other candidates.

A new subsection is created to allow a candidate for retention as justice of the Supreme Court or judge of a district court of appeal to file only one final campaign report, as long as the candidate does not accept any contributions or make any expenditures.

C. SECTION-BY-SECTION ANALYSIS:

Section 1. Provides that candidates for the office of county court judge shall qualify with the supervisor of elections rather than with the Division of Elections. Conforms the judicial candidate's oath to the oath taken by other candidates.

Section 2. Conforming language for candidates for the office of county court judge who qualify by the alternative method.

Section 3. Provides that a candidate for retention who has not accepted contributions or made expenditures may file a sworn statement at the time he qualifies stating he does not anticipate accepting contributions or making expenditures in relation to his candidacy. Such candidate would then be required to file only one final campaign report within 90 days of the general election. Any such candidate who after filing the statement, receives contributions or makes expenditures must immediately file a statement to that effect and begin filing reports as an opposed candidate.

Section 4. Provides an effective date of January 1, 1990.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

4. Appropriations Consequences:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise, and Employment Markets:

None

D. FISCAL COMMENTS:

Since there is no change to the current law which provides for the filing fees of candidates for the office of county court judge to be remitted to the state for deposit in the General Revenue Fund, there will be no fiscal impact with regard to the filing fees. As the new filing officer for candidates for county court judge, the supervisors of elections will have some additional responsibilities with regard to the campaign treasurer's reports required by these candidates. However, this amount is estimated to be minimal.

III. LONG RANGE CONSEQUENCES:

None

IV. COMMENTS:

The concept of county court judges qualifying with the supervisor of elections is supported by the Association of County Court Judges.

Last Action: CS/SB 609, the companion to CS/HB 431, passed the Legislature.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

Sarah Jane Bradshaw
Sarah Jane Bradshaw

Staff Director:

Wayne R. Malaney
Wayne R. Malaney

SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director: