

Notice of Development of Rulemaking

**DEPARTMENT OF STATE**  
**Division of Elections**

RULE NO.: RULE TITLE:

1S-2.0001: Designation of Division of Elections as Filing Office for Department of State; Requirements for Candidate Qualifying Papers; Withdrawal of Candidacy

PURPOSE AND EFFECT: To conform to statutory changes made by sections 15-16 of Ch. 2023-120, Laws of Florida, and sections 91-92 of Ch. 2022-157, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Candidate qualifying.

RULEMAKING AUTHORITY: 97.012(1), 99.061(10), 105.031 F.S.

LAW IMPLEMENTED: 99.021, 99.061, 99.095, 103.022, 103.022, 105.031(1), 105.035 F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: June 28, 2023 at 11:00 a.m.

PLACE: Heritage Hall, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399; 1-888-585-9008 (201-297-717).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Ashley E. Davis at [ashley.davis@dos.myflorida.com](mailto:ashley.davis@dos.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ashley E. Davis at [ashley.davis@dos.myflorida.com](mailto:ashley.davis@dos.myflorida.com).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

**1S-2.0001 Designation of Division of Elections as Filing Office for Department of State; Requirements for Candidate Qualifying Papers; Withdrawal of Candidacy.**

(1) Designation of Qualifying Office.

(a) The Department of State has designated the Division of Elections as the filing or qualifying office for candidates who must qualify with the Department of State. All qualifying items required to be filed with the Department of State shall be filed in hardcopy form with the Division of Election at its official physical location: Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250. Items may not be submitted via email or fax.

(b) Each supervisor or elections and other qualifying officer shall designate one or more specific official locations that will serve as a qualifying office and publish the address of each office on the qualifying officer's website.

(2) Filing Timeline.

(a) Timely filing is of the essence in qualifying as a candidate. In order to be deemed timely filed with the qualifying office, qualifying items must actually be present at the qualifying office's official physical location by the close of the qualifying period. Candidates who file with the Division of Elections are advised that the U.S. Postal Service does not deliver mail directly to the Division and the U.S. Postal Service's designated hours for mail pick-up by the Division do not correspond to the qualifying deadline. To ensure that the items are timely received, it is

advisable for candidates or someone on their behalf to hand-deliver directly to the qualifying office or use a delivery service that timely delivers directly to the qualifying office.

(b) Qualifying items shall be deemed filed with the qualifying office upon the date of actual receipt by the qualifying office, except for those qualifying items accepted and held during the 14-day period before the beginning of the qualifying period pursuant to Sections 99.061(8) and 105.031(6), F.S. The qualifying items that are received and held during the 14-day period before the beginning of the qualifying period shall not be deemed filed until the beginning of the qualifying period.

(3) Qualifying items.

(a) Qualifying items do not need to be originals.

(b) A current full and public disclosure ~~or statement~~ of financial interests or statement of financial interests, as applicable, or receipt of such filing with the Florida Commission on Ethics, is one that covers the immediately preceding calendar or tax year ~~and is on the applicable Florida Commission on Ethics' form for that year~~. For example, for a qualifying period that occurs in 2018, the current full and public disclosure or statement of financial interests form would be one that covers the 2017 calendar or tax year.

(c) The following qualifying forms, which for candidates are hereby incorporated by reference and are available by hyperlink below, or from the Division of Elections at: R.A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250, or (850)245-6200; or by download from the Division's webpage at: <http://dos.myflorida.com/elections/forms-publications/forms/>:

1. DS-DE 9 (10/10) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00292>), entitled, "Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates."
2. DS-DE 301A (~~8/21~~) (/23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-13354>), entitled, "Candidate Oath – State and Local Partisan Office – With Party Affiliation."
3. DS-DE 301B (~~8/21~~) (/23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-13355>), entitled, "Candidate Oath – State and Local Partisan Office – Without Party Affiliation."
4. DE-DE 301C (~~8/21~~) (/23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-13356>), entitled, "Candidate Oath-State and Local Partisan Office-Write-In Candidate."
5. DS-DE 305CM (~~8/21~~) (/23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-13360>), entitled, "Candidate Oath – Committeemen and Committeewomen."
6. DS-DE 302NP (~~8/21~~) (/23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-13357>), entitled, "Candidate Oath – Nonpartisan Office."
7. DS-DE 304SB (~~8/21~~) (/23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-13359>), entitled "Candidate Oath – School Board Nonpartisan Office."
8. DS-DE 303JU (~~8/21~~) (/23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-13358>), entitled, "Candidate Oath – Judicial Office."

9. DS-DE 300A ~~(8/21)~~ ( /23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-13351>), entitled “Candidate Oath – Federal Office – With Party Affiliation.”

10. DS-DE 300B ~~(8/21)~~ ( /23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-13352>), entitled, “Candidate Oath – Federal Office – Without Party Affiliation.”

11. DE-DE 300C ~~(8/21)~~ ( /23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-13353>), entitled, “Candidate Oath – Federal Office – Write-In Candidate.”

12. DS-DE 306WP ~~(8/21)~~ ( /23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-13361>), entitled, “Candidate Oath – Write-In for President and Vice President.”

(4) Candidate withdrawal. A candidate may withdraw his or her candidacy by submitting a document specifying the candidate’s withdrawal from the particular public office he or she seeks to the qualifying office before which he or she qualifies (or has qualified) by mail, facsimile, email, photocopy, scanned copy or other type of electronic transmission that contains the signature of the candidate. The withdrawal is not effective until it is received by the qualifying office.

*Rulemaking Authority 20.05(1)(e), 20.10(3), 97.012(1), 99.061(10), 103.022 FS. Law Implemented 20.05(1)(b), 99.021, 99.061, 99.095, 103.022, 105.031(1), 105.035 FS. History–New 12-6-84, Formerly 1C-7.001, 1C-7.0001, Amended 2-13-90, 11-7-10, 9-7-11, 1-1-14, 1-2-18, 8-25-21.*