

Notice of Proposed Rule

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, Ch. 2023-46, Laws of Florida, and sections 91-92 of Ch. 2022-157, Laws of Florida.

SUMMARY: Updates Oath Forms to incorporate new nickname affidavit and statement of fines, fees, and penalties. Collateral formatting changes are also made.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Department used a checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory costs associated with this rule that exceeds the criteria in section 120.541(2)(a), F.S. Based on this information, the department determined there will be no adverse impact to small businesses and the potential regulatory costs of the proposed rule chapter does not exceed any of the criteria established in Section 120.541(2)(a), F.S. Additionally, no interested party submitted additional information regarding the economic impact.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Use of the checklist established that no ratification is expected.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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 WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

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

PLACE: Heritage Hall, RA Gray Bldg., 500 S. Bronough St., Tallahassee, FL 32399; or 1(888)585-9008 (conf. room # 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: . 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 IS: Ashley E. Davis at ashley.davis@dos.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE 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) through (2) No change.

(3) Qualifying items.

(a) Qualifying items ~~may be copies or contain copied portions of the 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 ~~2024~~ 2018, the current full and public disclosure or statement of financial interests form would be one that covers the ~~2023~~ 2017 calendar or tax year.

(c) The following qualifying forms ~~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 ~~(4/4)~~ (/23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX00292>), entitled, “Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates.”
2. DS-DE 301A ~~(8/24)~~ (/23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX43354>), entitled, “Candidate Oath – State and Local Partisan Office – With Party Affiliation.”
3. DS-DE 301B ~~(8/24)~~ (/23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX43355>), entitled, “Candidate Oath – State and Local Partisan Office – Without Party Affiliation.”
4. DE-DE 301C ~~(8/24)~~ (/23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX43356>), entitled, “Candidate Oath-State and Local Partisan Office-Write-In Candidate.”
5. DS-DE 305CM ~~(8/24)~~ (/23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX43360>), entitled, “Candidate Oath – Committeemen and Committeewomen.”
6. DS-DE 302NP ~~(8/24)~~ (/23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX43357>), entitled, “Candidate Oath – Nonpartisan Office.”
7. DS-DE 304SB ~~(8/24)~~ (/23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX43359>), entitled “Candidate Oath – School Board Nonpartisan Office.”
8. DS-DE 303JU ~~(8/24)~~ (/23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX43358>), entitled, “Candidate Oath – Judicial Office.”
9. DS-DE 300A ~~(8/24)~~ (/23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX43354>), entitled “Candidate Oath – Federal Office – With Party Affiliation.”
10. DS-DE 300B ~~(8/24)~~ (/23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX43352>), entitled, “Candidate Oath – Federal Office – Without Party Affiliation.”
11. DE-DE 300C ~~(8/24)~~ (/23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX43353>), entitled, “Candidate Oath – Federal Office – Write-In Candidate.”
12. DS-DE 306WP ~~(8/24)~~ (/23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX43364>), entitled, “Candidate Oath – Write-In for President and Vice President.”

(4) No change.

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, - 23.

NAME OF PERSON ORIGINATING PROPOSED RULE: Maria Matthews

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cord Byrd

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 13, 2023