

STATE OF FLORIDA
DEPARTMENT OF STATE

DEPARTMENT OF STATE,
DIVISION OF ELECTIONS,

Petitioner,

v.

People's Party (79665),

Respondent.

RECEIVED

OCT 22 2024

Office of the General Counsel

Final Order No. DOS 24-____ DE

FINAL ORDER

The Petitioner, Division of Elections, Florida Department of State (the "Division") having jurisdiction over this matter pursuant to Section 103.095(5), Florida Statutes, and Rule 1S-2.050, Florida Administrative Code, hereby enters its Final Order canceling People's Party's ("Respondent") filings as a minor political party in the State of Florida.

FINDINGS OF FACT

1. Respondent is a registered political party. Respondent's registration number is 79665.
2. On January 16, 2024, the Division mailed an Initial Notice of Intent to Cancel (attached and incorporated by reference) to the most recent address on file for Respondent's Treasurer. The notice stated that Respondent had failed to comply with requirements of Rule 1S-2.050(2)(f), Florida Administrative Code, when it failed to provide the Division with the name and address of a replacement officer after the resignation of the party's chairperson.

3. The Initial Notice of Intent to Cancel informed Respondent of the opportunity to provide documentation to the Division showing that Respondent's filings should not be canceled.

4. Respondent did not respond to the Initial Notice of Intent to Cancel.

5. On April 12, 2024, the Division mailed Respondent a Final Notice of Intent to Cancel (attached and incorporated by reference) to the most recent address on file for Respondent's Treasurer. The final notice informed Respondent of the right to a hearing and advised Respondent that if a request for hearing was not filed within 30 days of the date of the Final Notice of Intent to Cancel, the right to a hearing would be waived, and final action taken by the Division.

6. Respondent did not timely request a hearing.

7. On May 17, 2024, the Division mailed an Initial Notice of Intent to Cancel (attached and incorporated by reference) to the most recent address on file for Respondent's Treasurer. The notice stated that Respondent had failed to comply with the 2023 annual public audit requirements of Section 103.121(2), Florida Statutes, as required by Rule 1S-2.050(2)(c), Florida Administrative Code. This Initial Notice also stated Respondent failed to comply with Rule 1S-2.050(2)(d), Florida Administrative Code, when Respondent's aggregate reported financial activity during 2023 calendar year was \$500 or less,

8. The Initial Notice of Intent to Cancel informed Respondent of the opportunity to provide documentation to the Division showing that Respondent's filings should not be canceled.

9. Respondent did not respond to the Initial Notice of Intent to Cancel.

10. On July 3, 2024, the Division mailed Respondent a Final Notice of Intent to Cancel (attached and incorporated by reference) to the most recent address on file for the Respondent's Treasurer. The final notice informed Respondent of the right to a hearing and advised Respondent

that if a request for hearing was not filed within 30 days of the date of the Final Notice of Intent to Cancel, the right to a hearing would be waived, and final action taken by the Division.

11. Respondent did not timely request a hearing.

CONCLUSIONS OF LAW

12. As provided in Section 103.095(5), Florida Statutes, the Division is the agency having jurisdiction to administer and enforce the provisions of this section.

13. Rule 1S-2.050, Florida Administrative Code, establishes procedures for the Division to cancel the filings of a party. Subsection (2)(f) provides that the Division may cancel the filings of a party, to include its registration and approved status as a party, when “[t]he party fails to file with the division the name and address of any replacement officer within 5 days after the death, resignation or removal of a party’s officer.”

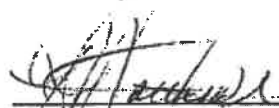
14. Rule 1S-2.050(2)(c), Florida Administrative Code, provides that the Division may cancel the filings of a party, to include its registration and approved status as a party, when “[t]he party fails to comply with the annual public audit requirements of Section 103.121(2), F.S.”

15. Rule 1S-2.050((2)(d), Florida Administrative Code, provides that the Division may cancel the filings of a party, to include its registration and approved status as a party, when “[t]he party’s aggregate reported contributions and expenditures reported pursuant to Chapter 106, F.S., during the calendar year ... are \$500 or less. F.S.”

CONCLUSION

Based on the foregoing and a complete review of the record, it is ORDERED that the filings of People's Party as an approved minor political party in the State of Florida, is hereby CANCELED pursuant to Section 103.095(5), Florida Statutes, and Rule 1S-2.050, Florida Administrative Code.

DONE AND ORDERED at Tallahassee, Florida, this 20th day of September 2024.



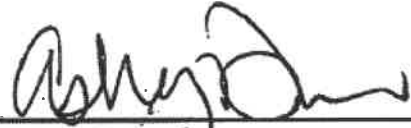
Maria I. Matthews, Director
Division of Elections

NOTICE OF RIGHTS

This Order constitutes final agency action. Judicial review may be sought pursuant to Section 120.68, Florida Statutes, by filing a notice of appeal in the First District Court of Appeal, and a copy with the clerk of the Department of State. Such notice must be filed within 30 calendar days of the date indicated in the Certificate of Service.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order was hand-delivered to the Agency Clerk, Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250 and that a true and correct copy of the foregoing final order was mailed on this 22 day of October, 2024, by certified U.S. mail to Morgan Fernandez, Treasurer, People's Party, 2322 East 110th Avenue, Tampa, Florida 33612.



Ashley E. Davis
Chief Deputy General Counsel
Florida Department of State
Florida Bar No. 48032
500 S. Bronough Street
Tallahassee, Florida 32399



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

January 16, 2024

Morgan Fernandez, Treasurer
People's Party (79665)
2322 East 110th Avenue
Tampa, Florida 33612

RE: INITIAL NOTICE OF INTENT TO CANCEL REGISTRATION

Dear Ms. Fernandez:

This Initial Notice of Intent to Cancel Registration of your party's certification is based on the following pursuant to Rule 1S-2.05D, Florida Administrative Code:

- Failure to file with the Division the name and address of any replacement officer within 5 days after the death, resignation or removal of the party's officer.

If you object to this cancellation, you have 5 days from the date of this notice to provide documentation showing why the party's certification should not be canceled. Alternatively, you may choose to voluntarily terminate your party's certification before the end of the 5 days.

All further notices regarding cancellation of this committee's registration will be sent only to the treasurer's most recent address on file.

If you have any questions, please call (850) 245-6280.

Sincerely,

Donna S. Brown, Chief
Bureau of Election Records

DSB/dlh

Enclosure

Division of Elections
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6240 • 850.245.6260 (Fax) • DOS.MyFlorida.com/elections



18-2.050 Cancellation of Political Party Filings.

(1) Definitions.

(a) "Division" means the Division of Elections.

(b) "Most recent address on file" means, as applicable, the last address provided to the filing officer for the party's chairperson or other officer as contained in any written filing or statement of change to a filing.

(c) "Party" means, except where the context clearly indicates otherwise in this rule, any political party, to include a minor political party.

(2) Cancellation. The division may cancel the filings by a party, to include its registration and approved status as a party, when:

(a) The party fails to have any voters registered as party members;

(b) The party fails to file campaign finance reports for more than 6 months;

(c) The party fails to comply with the annual public audit requirements of Section 103.121(2), F.S.;

(d) The party's aggregate reported contributions and expenditures reported pursuant to Chapter 106, F.S., during the calendar year, other than the calendar year in which the party was organized, are \$500 or less;

(e) The party fails to maintain a public website;

(f) The minor political party fails to file with the division the name and address of any replacement officer within 5 days after the death, resignation or removal of a party's officer;

(g) The minor political party fails to file with the division changes to its filing certificate within 5 days after such change; or

(h) The minor political party fails to adopt and file with the division the governing documents containing the provisions specified in Section 103.095(2), F.S.

(3)(a) Initial notice of intent to cancel. The division shall send notice to the party's chairperson of the intent to cancel the party's filings to the most recent address on file with the division for the chairperson. If the notice is returned undeliverable, the division shall send the notice to another officer of the party at the most recent address on file with the division. Within 30 days of the date of the division's mailing of the initial notice of intent to cancel to the chairperson, the party may provide additional documentation to the division showing why the party's filings should not be canceled.

(b) Final notice of cancellation. After receiving the documentation under paragraph (a), or after the 30-day deadline to provide additional information, whichever occurs first, the division will determine if the filings should still be canceled and will notify the party of its decision. If the division determines that the filings should be canceled, it shall mail a final notice of cancellation including notice of right to appeal to the most recent address for the party or a party officer on file with the division.

(4) Appeal of cancellation. If the party objects to such final notice of cancellation, it must file an appeal within 30 days of the date of the division's mailing of the final notice of cancellation. The appeal may be accompanied by any documentation or evidence supporting the claim. The appeal must be filed with the division. The division will forward the appeal to the Florida Elections Commission.

(5) Waiver. Failure to timely file an appeal as described herein shall constitute a waiver of any such entitlement.

(6) Hearing request. A party desiring a hearing before the commission must include in the appeal a separate request for hearing.

(7) Appeal not confidential. Appeals under this rule are exempt from the confidentiality provisions of Section 106.25, F.S.



FLORIDA DEPARTMENT OF STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

April 12, 2024

Morgan Fernandez, Treasurer
People's Party (79665)
2322 East 110th Avenue
Tampa, Florida 33612

RE: FINAL NOTICE OF INTENT TO CANCEL

Dear Ms. Fernandez:

On January 16, 2024, the Division sent you a Notice of Intent to Cancel pursuant to Rule 1S-2.050, Florida Administrative Code. The notice informed you of the Division's intent to cancel your party's certification as an active political party based on the following:

Failure to file with the Division the name and address of any replacement officer within 5 days after the death, resignation or removal of the party's officer.

You did not provide a response within 30 days of the Initial Notice to show why the party's registration should not be canceled. Accordingly, the Division hereby issues a Final Notice of Intent to Cancel.

If you object to this cancellation, you must file a request for hearing within 30 days of the date of this Final Notice of Intent to Cancel. The request must be filed with the Department of State, Division of Elections, Bureau of Election Records (use the address listed below). The request for hearing will be forwarded to the Florida Elections Commission (FEC). The FEC will conduct a hearing based on your request and any supporting documentation. If you want to appear personally in the hearing, you must ask to appear in the request for the hearing. If you fail to request a hearing, you waive your right to a hearing and a final order will be issued canceling the party's registration.

If you have any questions, please call Malcolm Chellman at (850) 245-6280.

Sincerely,

A handwritten signature in black ink that reads "Donna S. Brown".

Donna S. Brown, Chief
Bureau of Election Records

DSB/mcc

Division of Elections
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6240 • 850.245.6260 (Fax) • DOS.MyFlorida.com/elections





FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

May 17, 2024

Morgan Fernandez, Treasurer
People's Party (79665)
2322 East 110th Avenue
Tampa, Florida 33612

RE: INITIAL NOTICE OF INTENT TO CANCEL

Dear Ms. Fernandez:

Pursuant to Rule 1S-2.050, Florida Administrative Code, you are hereby notified of the Division's intent to cancel your political party's registration based on the following:

Failure to comply with the 2023 annual public audit requirements of Section 103.121(2), Florida Statutes; and

The political party's aggregate reported financial activity during 2023 calendar year was \$500 or less.

If you object to this cancellation, you must provide documentation showing that the party's registration and approved status as a political party should not be canceled. Documentation must be provided within 30 days of the date of this letter to Department of State, Division of Elections, Bureau of Election Records, The R.A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

If you have any questions, please call (850) 245-6280.

Sincerely,

Donna S. Brown, Chief
Bureau of Election Records

DSB/asr

Division of Elections
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6240 • 850.245.6260 (Fax) • [DOS.MyFlorida.com/elections](https://dos.myflorida.com/elections)





FLORIDA DEPARTMENT OF STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

July 3, 2024

Morgan Fernandez, Treasurer
People's Party (79665)
2322 East 110th Avenue
Tampa, Florida 33612

RE: FINAL NOTICE OF INTENT TO CANCEL

Dear Ms. Fernandez:

On May 17, 2024, the Division sent you a Notice of Intent to Cancel pursuant to Rule 1S-2.050, Florida Administrative Code. The notice informed you of the Division's intent to cancel your party's certification as an active political party based on the following:

The political party's aggregate reported financial activity during the 2023 calendar year was \$500 or less.

Failure to comply with the 2023 annual public audit requirements of Section 103.121(2), Florida Statutes.

You did not provide a response within 30 days of the Initial Notice to show why the party's registration should not be canceled. Accordingly, the Division hereby issues a Final Notice of Intent to Cancel.

If you object to this cancellation, you must file a request for hearing within 30 days of the date of this Final Notice of Intent to Cancel. The request must be filed with the Department of State, Division of Elections, Bureau of Election Records (use the address listed below). The request for hearing will be forwarded to the Florida Elections Commission (FEC). The FEC will conduct a hearing based on your request and any supporting documentation. If you want to appear personally in the hearing, you must ask to appear in the request for the hearing. If you fail to request a hearing, you waive your right to a hearing and a final order will be issued canceling the party's registration.

If you have any questions, please call (850) 245-6280.

Sincerely,


Donna S. Brown, Chief
Bureau of Election Records

DSB/asr

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