

Notice of Proposed Rule

DEPARTMENT OF STATE

Division of Elections

RULE NO.: RULE TITLE:

1S-2.010 Advisory Opinions

PURPOSE AND EFFECT: Updating the advisory opinion process including creating a form for felon advisory opinions.

SUMMARY: Updating the advisory opinion process including creating a form for felon advisory opinions.

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: Upon completion of the SERC checklist, it was determined that this rule amendment will not have a direct or indirect adverse impact on small businesses and will not require legislative ratification.

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: 106.22(9), F.S.

LAW IMPLEMENTED: 106.23(2), 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:

DATE AND TIME: September 13, 2024, at 11:00 a.m.

PLACE: Heritage Hall, RA Gray Bldg., 500 S. Bronough St., Tallahassee, FL, 32399 or 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: Jenna McLanahan at jenna.mclanahan@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 IS: Ashley Davis at ashley.davis@dos.fl.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.010 Advisory Opinions.

(1) through (4) No change.

(5) For felons requesting an advisory opinion concerning their eligibility to register or to vote, Form DS-DE 500 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-16986>, eff. /2024), entitled “Felon Eligibility Opinion Request” complies with the requirements of subsection (4). Felons using the form shall email the form as a .pdf attachment to dos.generalcounsel@dos.myflorida.com, or send or deliver the form to Office of General Counsel, R.A. Gray Building, 500 South Bronough Street, Suite 100, Tallahassee, Florida 32399-0250.

(a) Within 14 days of receiving a request through Form DS-DE 500, the Division shall assess whether the form is complete. If the form is not complete, or the Division determines that additional information is needed, the Division shall notify the felon within 14 days of receiving Form DS-DE 500 of the specific deficiency or the need

for any specific, additional information.

(b) The Division shall respond to a request using Form DS-DE 500 within 90 days of receiving a complete Form DS-DE 500 and all information requested by the Division.

(c) The Division's advisory opinion shall include one of the following responses:

(i) You are eligible to register and to vote.

(ii) You are ineligible to register or to vote.

(iii) The Division lacks credible and reliable information concerning your eligibility to register or to vote; therefore, based on your good faith belief that all terms of the sentence have been satisfied, the information available to the Division, and the Division's review of available information, nothing precludes you from registering and voting.

(6)(5) Division Disposition for all requests other than those made pursuant to subsection (5).

(a) through (b) No change.

(7)(6) Indexing.

(a) No change.

(b) Opinions shall be numbered sequentially. The first two digits of the advisory opinion shall be the last two digits of the year in which the opinion was rendered. Following the year shall be a dash and the number of the opinion. Opinions issued pursuant to subsection (5) shall also begin with "F-" and be numbered separately from other opinions.

(7) renumbered (8) No change.

Rulemaking Authority 106.22(9) FS. Law Implemented 106.23(2) FS. History--New 9-17-79, Amended 1-31-80, Formerly 1C-7.10, 1C-7.010, Amended 12-9-03, - -24.

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: August 20, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 10, 2024