

1S-2.020 Revocation of Certification for Committees of Continuous Existence.

(1) The Division of Elections shall revoke the certification of a committee of continuous existence (hereinafter committee) when review of the annual report, required by Section 106.04(4), F.S., indicates that the committee fails to meet the following criteria:

(a) The committee is organized and operated in accordance with a written charter or set of bylaws which contains procedures for the election of officers and directors and which clearly defines membership in the organization; or

(b) At least 25 percent of the income of the committee is derived from dues or assessments payable on a regular basis by its membership pursuant to provisions contained in the charter or bylaws. The written charter or bylaws must set forth the time period for which membership dues are assessed so that the Division of Elections may make this assessment. If the written charter or bylaws do not set forth the time period, the membership dues will be deemed to be for a calendar year.

(2) The certification shall be revoked until such time as the criteria are again met.

(3) The Division of Elections shall send notification to the treasurer of the committee of the Division's preliminary intent to revoke the certification of the committee. Within 30 days of receipt of the Division's preliminary notice of intent to revoke, the committee may provide additional documentation to the Division showing that the committee's certification should not be revoked. Upon review of such documentation, if the Division determines that the committee certification should not be revoked, the committee will be notified that it is in compliance. If after review of the additional documentation provided, the Division determines that the committee certification should be revoked, a final notice of intent to revoke the certification of the committee shall be issued by the Division. If no additional documentation is provided by the committee within 30 days of receipt of the preliminary notice, the Division shall issue a final notice of intent to revoke the certification of the committee.

(4) If the committee objects to such revocation, the committee must file a notice of appeal within 30 days of receipt of the Division's final notice of intent to revoke. The notice of appeal may be accompanied by any documentation or evidence supporting the claim. Notice of appeal shall be filed with the Division of Elections, Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250. The Division will forward the appeal to the Florida Elections Commission.

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

(6) A committee desiring a hearing before the commission must include in the notice of appeal a separate request for hearing.

(7) Appeals under this rule are exempt from the confidentiality provisions of Section 106.25, F.S.