

FLORIDA ELECTIONS COMMISSION
Rules Review Summary Pursuant to s. 120.5435, F.S.
2026

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FLORIDA ELECTIONS COMMISSION
Rule Review & Report Pursuant to s. 120.5435, F.S.

Rule Number: 2B-1.003
Program: Minor Violations
Reviewer(s): Tim Vaccaro
Date Review Completed: 11/18/2025

Instructions: Please complete each question. Where explanations are needed, please provide concise and clear explanations.

1. **What are the statutes the program relies upon for the statutory authority for this rule?** "Rulemaking authority" means statutory language that explicitly authorizes or requires an agency to adopt, develop, establish, or otherwise create any statement coming within the definition of the term "rule."

- a. **Is that statutory authority current** (i.e., have the statutes authorizing this rule been changed or repealed)? Ss. 120.5435(4)(b), F.S.

Yes ☒

No ☐

If no, explain: Click or tap here to enter text.

- b. **Does the rule reiterate or paraphrase statutory material?** Ss. 120.5435(4)(c), F.S.

Yes ☐

If yes, provide an explanation and precise statutory citation that is paraphrased:

No ☒

- c. **Does this rule reference any statutes?**

Yes, the rule contains statutory references. ☒

Are the statutory citations current, and correct? Yes ☒ No ☐

If any statutory references are incorrect, please explain which references are incorrect and what those statutory references should be: Click or tap here to enter text.

No, the rule does not contain any statutory references. ☐

2. **Is the rule a valid exercise of delegated legislative authority?** Answer each. Compare the statutes in the history notes with each rule. Ss. 120.5435(4)(a), F.S.

- (a) **Did AGENCY materially fail to follow the applicable rulemaking procedures or requirements?**

Yes ☐

If yes, please explain: Click or tap here to enter text.

No ☒

- (b) **Does the rule exceed its grant of rulemaking authority?**

Yes ☐

If yes, please explain: Click or tap here to enter text.

No ☒

- (c) **Does the rule enlarge, modify, or contravene the specific provisions of law implemented?**

Yes ☐

If yes, please explain:

No ☒

- (d) **Is the rule vague, fail to establish adequate standards for agency decisions, or vest unbridled discretion in the agency?**

Yes ☐

If yes, please explain: Click or tap here to enter text.

No ☒

- (e) **Is the rule arbitrary or capricious?** A rule is arbitrary if it is not supported by logic or the necessary facts; a rule is capricious if it is adopted without thought or reason or is irrational.

Yes ☐

If yes, please explain: Click or tap here to enter text.

No ☒

- (f) **Does the rule impose regulatory costs on the regulated person, county, or city which could be reduced by the adoption of less costly alternatives that substantially accomplish the statutory objectives?**

Yes ☐

If yes, please explain: Click or tap here to enter text.

No ☒

3. **Is the rule consistent with expressed legislative intent pertaining to the specific provisions of the law which the rule implements? Ss. 120.5435(4)(e), F.S.**

Yes ☒

No ☐

If no, please explain: Click or tap here to enter text.

4. **Are the technical or substantive parts of the rule up to date to reflect current use of the rule? Ss. 120.5435(4)(f), F.S.**

Yes ☐

No ☒

If no, please explain: The rule provides a minor violation fine for a violation of Section 106.143(3), F.S., which prohibits campaigning based upon party affiliation in a nonpartisan election. The Commission is permanently enjoined from enforcing that provision per *Kells Hetherington v. Ginger Bowden Madden, et al.* (Case No. 3:21-cv-671-MCR-EMT)

5. **Is the rule in the proper form pursuant to Rule 1-1, Fla. Admin. Code and Section 120.54, F.S.? ss. 120.5435(4)(d), F.S.**

Yes ☒

No ☐

If no, please explain: Click or tap here to enter text.

6. **Are all documents appropriately incorporated by reference (i.e., forms, instructions, and regulatory documents) and available for free public access through an existing electronic hyperlink (unless doing so would constitute a violation of federal copyright law)? Ss. 120.5435(4)(g), F.S.**

Yes ☐

No ☐

If no, please explain: Click or tap here to enter text.

Not Applicable ☒

**BASED UPON THE ANSWERS TO THE QUESTIONS ABOVE, THIS RULE
REQUIRES: Substantive Changes**

FLORIDA ELECTIONS COMMISSION
Rule Review & Report Pursuant to s. 120.5435, F.S.

Rule Number: 2B-1.0045
Program: Award of Attorney's Fees
Reviewer(s): Tim Vaccaro
Date Review Completed: 11/18/2025

Instructions: Please complete each question. Where explanations are needed, please provide concise and clear explanations.

1. **What are the statutes the program relies upon for the statutory authority for this rule?** "Rulemaking authority" means statutory language that explicitly authorizes or requires an agency to adopt, develop, establish, or otherwise create any statement coming within the definition of the term "rule."

a. **Is that statutory authority current** (i.e., have the statutes authorizing this rule been changed or repealed)? Ss. 120.5435(4)(b), F.S.

Yes ☒

No ☐

If no, explain: Click or tap here to enter text.

b. **Does the rule reiterate or paraphrase statutory material?** Ss. 120.5435(4)(c), F.S.

Yes ☐

If yes, provide an explanation and precise statutory citation that is paraphrased:

No ☒

c. **Does this rule reference any statutes?**

Yes, the rule contains statutory references. ☐

Are the statutory citations current, and correct? Yes ☐ No ☐

If any statutory references are incorrect, please explain which references are incorrect and what those statutory references should be: Click or tap here to enter text.

No, the rule does not contain any statutory references. ☒

2. **Is the rule a valid exercise of delegated legislative authority?** Answer each.
Compare the statutes in the history notes with each rule. Ss. 120.5435(4)(a), F.S.

- (a) **Did AGENCY materially fail to follow the applicable rulemaking procedures or requirements?**

Yes ☐

If yes, please explain: Click or tap here to enter text.

No ☒

- (b) **Does the rule exceed its grant of rulemaking authority?**

Yes ☐

If yes, please explain: Click or tap here to enter text.

No ☒

- (c) **Does the rule enlarge, modify, or contravene the specific provisions of law implemented?**

Yes ☐

If yes, please explain:

No ☒

- (d) **Is the rule vague, fail to establish adequate standards for agency decisions, or vest unbridled discretion in the agency?**

Yes ☐

If yes, please explain: Click or tap here to enter text.

No ☒

- (e) **Is the rule arbitrary or capricious?** A rule is arbitrary if it is not supported by logic or the necessary facts; a rule is capricious if it is adopted without thought or reason or is irrational.

Yes ☐

If yes, please explain: Click or tap here to enter text.

No ☒

- (f) **Does the rule impose regulatory costs on the regulated person, county, or city which could be reduced by the adoption of less costly alternatives that substantially accomplish the statutory objectives?**

Yes ☐

If yes, please explain: Click or tap here to enter text.

No ☒

3. **Is the rule consistent with expressed legislative intent pertaining to the specific provisions of the law which the rule implements? Ss. 120.5435(4)(e), F.S.**

Yes ☒

No ☐

If no, please explain: Click or tap here to enter text.

4. **Are the technical or substantive parts of the rule up to date to reflect current use of the rule? Ss. 120.5435(4)(f), F.S.**

Yes ☐

No ☒

If no, please explain: The Law Implemented reference noted below the body of the rule requires a technical update to reflect s. 106.265(7), F.S.

5. **Is the rule in the proper form pursuant to Rule 1-1, Fla. Admin. Code and Section 120.54, F.S.? ss. 120.5435(4)(d), F.S.**

Yes ☒

No ☐

If no, please explain: Click or tap here to enter text.

6. **Are all documents appropriately incorporated by reference (i.e., forms, instructions, and regulatory documents) and available for free public access through an existing electronic hyperlink (unless doing so would constitute a violation of federal copyright law)? Ss. 120.5435(4)(g), F.S.**

Yes ☐

No ☐

If no, please explain: Click or tap here to enter text.

Not Applicable ☒

**BASED UPON THE ANSWERS TO THE QUESTIONS ABOVE, THIS RULE
REQUIRES: Technical Changes**

FLORIDA ELECTIONS COMMISSION
Rule Review & Report Pursuant to s. 120.5435, F.S.

Rule Number: 2B-1.005

Program: Appeal of Fines Imposed by Filing Officers

Reviewer(s): Tim Vaccaro

Date Review Completed: 11/18/2025

Instructions: Please complete each question. Where explanations are needed, please provide concise and clear explanations.

1. **What are the statutes the program relies upon for the statutory authority for this rule?** "Rulemaking authority" means statutory language that explicitly authorizes or requires an agency to adopt, develop, establish, or otherwise create any statement coming within the definition of the term "rule."

- a. **Is that statutory authority current** (i.e., have the statutes authorizing this rule been changed or repealed)? Ss. 120.5435(4)(b), F.S.

Yes ☒

No ☐

If no, explain: Click or tap here to enter text.

- b. **Does the rule reiterate or paraphrase statutory material?** Ss. 120.5435(4)(c), F.S.

Yes ☐

If yes, provide an explanation and precise statutory citation that is paraphrased:

No ☒

- c. **Does this rule reference any statutes?**

Yes, the rule contains statutory references. ☒

Are the statutory citations current, and correct? Yes ☐ No ☒

If any statutory references are incorrect, please explain which references are incorrect and what those statutory references should be: The reference to Section 106.04(8), F.S., should be deleted, as the statute was repealed in 2013.

No, the rule does not contain any statutory references. ☐

2. **Is the rule a valid exercise of delegated legislative authority?** Answer each. Compare the statutes in the history notes with each rule. Ss. 120.5435(4)(a), F.S.

- (a) **Did AGENCY materially fail to follow the applicable rulemaking procedures or requirements?**

Yes ☐

If yes, please explain: Click or tap here to enter text.

No ☒

- (b) **Does the rule exceed its grant of rulemaking authority?**

Yes ☐

If yes, please explain: Click or tap here to enter text.

No ☒

- (c) **Does the rule enlarge, modify, or contravene the specific provisions of law implemented?**

Yes ☐

If yes, please explain:

No ☒

- (d) **Is the rule vague, fail to establish adequate standards for agency decisions, or vest unbridled discretion in the agency?**

Yes ☐

If yes, please explain: Click or tap here to enter text.

No ☒

- (e) **Is the rule arbitrary or capricious?** A rule is arbitrary if it is not supported by logic or the necessary facts; a rule is capricious if it is adopted without thought or reason or is irrational.

Yes ☐

If yes, please explain: Click or tap here to enter text.

No ☒

- (f) **Does the rule impose regulatory costs on the regulated person, county, or city which could be reduced by the adoption of less costly alternatives that substantially accomplish the statutory objectives?**

Yes ☐

If yes, please explain: Click or tap here to enter text.

No ☒

3. **Is the rule consistent with expressed legislative intent pertaining to the specific provisions of the law which the rule implements? Ss. 120.5435(4)(e), F.S.**

Yes ☒

No ☐

If no, please explain: Click or tap here to enter text.

4. **Are the technical or substantive parts of the rule up to date to reflect current use of the rule? Ss. 120.5435(4)(f), F.S.**

Yes ☐

No ☒

If no, please explain: As noted in Question 1c. above, technical changes are required to delete the reference to Section 106.04(8), F.S.

5. **Is the rule in the proper form pursuant to Rule 1-1, Fla. Admin. Code and Section 120.54, F.S.? ss. 120.5435(4)(d), F.S.**

Yes ☒

No ☐

If no, please explain: Click or tap here to enter text.

6. **Are all documents appropriately incorporated by reference (i.e., forms, instructions, and regulatory documents) and available for free public access through an existing electronic hyperlink (unless doing so would constitute a violation of federal copyright law)? Ss. 120.5435(4)(g), F.S.**

Yes ☐

No ☐

If no, please explain: Click or tap here to enter text.

Not Applicable ☒

**BASED UPON THE ANSWERS TO THE QUESTIONS ABOVE, THIS RULE
REQUIRES: Technical Changes**

FLORIDA ELECTIONS COMMISSION
Rule Review & Report Pursuant to s. 120.5435, F.S.

Rule Number: 2B-1.0055

Program: Late-filed Reports; Unusual Circumstances

Reviewer(s): Tim Vaccaro

Date Review Completed: 11/18/2025

Instructions: Please complete each question. Where explanations are needed, please provide concise and clear explanations.

1. **What are the statutes the program relies upon for the statutory authority for this rule?** "Rulemaking authority" means statutory language that explicitly authorizes or requires an agency to adopt, develop, establish, or otherwise create any statement coming within the definition of the term "rule."

- a. **Is that statutory authority current** (i.e., have the statutes authorizing this rule been changed or repealed)? Ss. 120.5435(4)(b), F.S.

Yes ☒

No ☐

If no, explain: Click or tap here to enter text.

- b. **Does the rule reiterate or paraphrase statutory material?** Ss. 120.5435(4)(c), F.S.

Yes ☐

If yes, provide an explanation and precise statutory citation that is paraphrased:

No ☒

- c. **Does this rule reference any statutes?**

Yes, the rule contains statutory references. ☐

Are the statutory citations current, and correct? Yes ☐ No ☐

If any statutory references are incorrect, please explain which references are incorrect and what those statutory references should be: Click or tap here to enter text.

No, the rule does not contain any statutory references. ☒

2. **Is the rule a valid exercise of delegated legislative authority?** Answer each. Compare the statutes in the history notes with each rule. Ss. 120.5435(4)(a), F.S.

- (a) **Did AGENCY materially fail to follow the applicable rulemaking procedures or requirements?**

Yes ☐

If yes, please explain: Click or tap here to enter text.

No ☒

- (b) **Does the rule exceed its grant of rulemaking authority?**

Yes ☐

If yes, please explain: Click or tap here to enter text.

No ☒

- (c) **Does the rule enlarge, modify, or contravene the specific provisions of law implemented?**

Yes ☐

If yes, please explain:

No ☒

- (d) **Is the rule vague, fail to establish adequate standards for agency decisions, or vest unbridled discretion in the agency?**

Yes ☐

If yes, please explain: Click or tap here to enter text.

No ☒

- (e) **Is the rule arbitrary or capricious?** A rule is arbitrary if it is not supported by logic or the necessary facts; a rule is capricious if it is adopted without thought or reason or is irrational.

Yes ☐

If yes, please explain: Click or tap here to enter text.

No ☒

- (f) **Does the rule impose regulatory costs on the regulated person, county, or city which could be reduced by the adoption of less costly alternatives that substantially accomplish the statutory objectives?**

Yes ☐

If yes, please explain: Click or tap here to enter text.

No ☒

3. **Is the rule consistent with expressed legislative intent pertaining to the specific provisions of the law which the rule implements? Ss. 120.5435(4)(e), F.S.**

Yes ☒

No ☐

If no, please explain: Click or tap here to enter text.

4. **Are the technical or substantive parts of the rule up to date to reflect current use of the rule? Ss. 120.5435(4)(f), F.S.**

Yes ☐

No ☒

If no, please explain: The Law Implemented reference noted below the body of the rule requires a technical update to delete s. 104.04(8), F.S., which was repealed in 2013.

5. **Is the rule in the proper form pursuant to Rule 1-1, Fla. Admin. Code and Section 120.54, F.S.? ss. 120.5435(4)(d), F.S.**

Yes ☒

No ☐

If no, please explain: Click or tap here to enter text.

6. **Are all documents appropriately incorporated by reference (i.e., forms, instructions, and regulatory documents) and available for free public access through an existing electronic hyperlink (unless doing so would constitute a violation of federal copyright law)? Ss. 120.5435(4)(g), F.S.**

Yes ☐

No ☐

If no, please explain: Click or tap here to enter text.

Not Applicable ☒

**BASED UPON THE ANSWERS TO THE QUESTIONS ABOVE, THIS RULE
REQUIRES: Technical Changes**