

CHAPTER 2011-148

Senate Bill No. 330

An act relating to violations of the Florida Election Code; creating s. 104.2715, F.S.; providing that a candidate who, in a primary or other election, falsely represents that he or she served or is currently serving in the military, commits a violation of the Florida Election Code; permitting any person to file a complaint with the Florida Elections Commission alleging that a candidate has falsely represented his or her military service; requiring that the commission adopt rules to provide for an expedited hearing for complaints filed with the commission; requiring that the Director of the Division of Administrative Hearings assign an administrative law judge to provide an expedited hearing in certain cases; requiring the commission or administrative law judge to assess a civil penalty of up to a specified amount against a candidate who is found to have falsely misrepresented his or her military service; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 104.2715, Florida Statutes, is created to read:

104.2715 False representations of military service; penalty.—

(1) A candidate who, in a primary or other election, falsely represents, directly or indirectly, that he or she served or is currently serving in the military, whether active duty, reserve, or National Guard, commits a violation of the Florida Election Code.

(2) Any person may file a complaint with the Florida Elections Commission pursuant to s. 106.25 alleging a violation of subsection (1).

(3) The commission shall adopt rules to provide an expedited hearing of complaints filed under subsection (2), or, in cases referred to the Division of Administrative Hearings pursuant to s. 106.25(5), the director shall assign an administrative law judge to provide an expedited hearing.

(4) Notwithstanding any other law, the commission or administrative law judge shall assess a civil penalty of up to \$5,000 against any candidate who is found to have violated subsection (1), which shall be deposited into the General Revenue Fund.

Section 2. This act shall take effect July 1, 2011.

Approved by the Governor June 17, 2011.

Filed in Office Secretary of State June 17, 2011.