

By Senator Smith

14-548-05

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled

An act relating to the Florida Elections Commission; amending s. 106.25, F.S.; requiring the commission to report certain findings to the Division of Elections which relate to violations that could have been, but were not, alleged in a complaint; providing an effective date.

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

Section 1. Subsection (2) of section 106.25, Florida Statutes, is amended to read:

106.25 Reports of alleged violations to Florida Elections Commission; disposition of findings.--

(2) The commission shall investigate all violations of this chapter and chapter 104, but only after having received either a sworn complaint or information reported to it under this subsection by the Division of Elections. Any person, other than the division, having information of any violation of this chapter or chapter 104 shall file a sworn complaint with the commission. The commission shall investigate only those alleged violations specifically contained within the sworn complaint. If any complainant fails to allege all violations that arise from the facts or allegations alleged in a complaint, the commission shall be barred from investigating a subsequent complaint from such complainant which ~~that~~ is based upon such facts or allegations that were raised or could have been raised in the first complaint; however, the commission shall report all such findings to the Division of Elections for further proceedings in accordance with s.

1 106.22(7). Such sworn complaint shall state whether a
2 complaint of the same violation has been made to any state
3 attorney. Within 5 days after receipt of a sworn complaint,
4 the commission shall transmit a copy of the complaint to the
5 alleged violator. All sworn complaints alleging violations of
6 the Florida Election Code over which the commission has
7 jurisdiction shall be filed with the commission within 2 years
8 after the alleged violations. The period of limitations is
9 tolled on the day a sworn complaint is filed with the
10 commission.

11 Section 2. This act shall take effect July 1, 2005.

12

13

14

SENATE SUMMARY

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

31