

By Senator Gaetz

4-00306B-11

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1 A bill to be entitled
2 An act relating to violations of the Florida Election
3 Code; creating s. 104.2715, F.S.; providing that a
4 candidate who, in a primary or other election, falsely
5 represents that he or she served or is currently
6 serving in the military, commits a violation of the
7 Florida Election Code; permitting any person to file a
8 complaint with the Florida Elections Commission
9 alleging that a candidate has falsely represented his
10 or her military service; requiring that the commission
11 adopt rules to provide for an expedited hearing for
12 complaints filed with the commission; requiring that
13 the Director of the Division of Administrative
14 Hearings assign an administrative law judge to provide
15 an expedited hearing in certain cases; requiring the
16 commission or administrative law judge to assess a
17 civil penalty of up to a specified amount against a
18 candidate who is found to have falsely misrepresented
19 his or her military service; providing an effective
20 date.

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

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

26 104.2715 False representations of military service;
27 penalty.-

28 (1) A candidate who, in a primary or other election,
29 falsely represents, directly or indirectly, that he or she

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30 served or is currently serving in the military, whether active
31 duty, reserve, or National Guard, commits a violation of the
32 Florida Election Code.

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

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

41 (4) Notwithstanding any other law, the commission or
42 administrative law judge shall assess a civil penalty of up to
43 \$5,000 against any candidate who is found to have violated
44 subsection (1), which shall be deposited into the General
45 Revenue Fund.

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