

HB 553

2011

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 serving
6 in the military, commits a violation of the Florida
7 Election Code; permitting any person to file a complaint
8 with the Florida Elections Commission alleging that a
9 candidate has falsely represented his or her military
10 service; requiring that the commission adopt rules to
11 provide for an expedited hearing for complaints filed with
12 the commission; requiring that the Director of the
13 Division of Administrative Hearings assign an
14 administrative law judge to provide an expedited hearing
15 in certain cases; requiring the commission or
16 administrative law judge to assess a civil penalty of up
17 to a specified amount against a candidate who is found to
18 have falsely misrepresented his or her military service;
19 providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 104.2715, Florida Statutes, is created
24 to read:

25 104.2715 False representations of military service;
26 penalty.-

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

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

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

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

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

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