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LEGISLATIVE ACTION

Senate

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House

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03/03/2022 02:12 PM

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Senator Jones moved the following:

Senate Amendment

Delete lines 156 - 207

and insert:

Section 3. Section 97.022, Florida Statutes, is created to read:

97.022 Office of Election Crimes and Security; creation; purpose and duties.-

(1) The Office of Election Crimes and Security is created within the Department of State. The purpose of the office is to aid the Secretary of State in completion of his or her duties



254940

12 under s. 97.012(12) and (15) by:

13 (a) Receiving and reviewing notices and reports generated
14 by government officials or any other person regarding alleged
15 occurrences of election law violations or election
16 irregularities in this state.

17 (b) Initiating independent inquiries and conducting
18 preliminary investigations into allegations of election law
19 violations or election irregularities in this state.

20 (c) Initiating independent inquiries and conducting
21 preliminary investigations into frivolous or unsubstantiated
22 allegations of election law violations in this state.

23 (2) The office may review complaints and conduct
24 preliminary investigations into alleged violations of the
25 Florida Election Code or any rule adopted pursuant thereto and
26 any election irregularities. The office may also initiate
27 investigations related to frivolous and unsubstantiated
28 allegations of violations of the Florida Election Code, and
29 recommend sanctions and penalties for frivolous complaints.

30 (3) The secretary shall appoint a director of the office.

31 (4) The office shall be based in Tallahassee and shall
32 employ nonsworn investigators to conduct any investigations. The
33 positions and resources necessary for the office to accomplish
34 its duties shall be established through and subject to the
35 legislative appropriations process.

36 (5) The office shall oversee the department's voter fraud
37 hotline.

38 (6) This section does not limit the jurisdiction of any
39 other office or agency of the state empowered by law to
40 investigate, act upon, or dispose of alleged election law



254940

41 violations, including any frivolous or unsubstantiated
42 complaints.

43 (7) By January 15 of each year, the department shall submit
44 a report to the Governor, the President of the Senate, and the
45 Speaker of the House of Representatives detailing information on
46 investigations of alleged election law violations or election
47 irregularities conducted during the prior calendar year as well
48 as information and investigations of frivolous complaints
49 related to election law violations. The report must include the
50 total number of complaints received and independent
51 investigations initiated and the number of complaints referred
52 to another agency for further investigation or prosecution, as
53 well as the total number of complaints that were deemed to be
54 frivolous or unsubstantiated, including the total number of
55 those matters sent to a special officer pursuant to s. 102.091.
56 For each alleged violation, irregularity or frivolous complaint
57 investigated, the report must include:

58 (a) The source of the alleged violation or irregularity,
59 and an identification of the person who reported the alleged
60 violation or irregularity;

61 (b) The law allegedly violated or the nature of the
62 irregularity reported;

63 (c) The county in which the alleged violation or
64 irregularity occurred;

65 (d) Whether the alleged violation or irregularity was
66 referred to another agency for further investigation or
67 prosecution, and if so, to which agency;

68 (e) The current status of the investigation or resulting
69 criminal case; and



254940

70 (f) Whether the alleged violation or irregularity was
71 deemed to be frivolous or unsubstantiated and any recommended
72 sanctions or penalties in response to the report of frivolous or
73 unsubstantiated violation or irregularity.