

## Rules Subcommittee on Ethics and Elections

### **SB 330 — Violations of the Florida Election Code**

by Senators Gaetz, Altman, and Oelrich

Senate Bill 330 subjects candidates to a civil fine of up to \$5,000 for falsely representing in an election that they have served, or are serving, in the nation's military. It provides for the expedited hearing of complaints by the Florida Elections Commission or an Administrative Law Judge (ALJ) at the Division of Administrative Hearings (DOAH), as appropriate, and further authorizes the Commission to adopt rules to provide for such expedited hearing.

The bill authorizes any person to file a complaint with the Florida Elections Commission, and any fine assessed is deposited in the State's General Revenue Fund.

The bill grants specific penalty power to the ALJ at DOAH to account for the recent First District Court of Appeals decision in *Davis v. Florida Elections Commission*.<sup>1</sup>

If approved by the Governor, these provisions take effect July 1, 2011.

*Vote: Senate 37-0; House 111-4*

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<sup>1</sup> 44 So.3d 1211 (Fla. 1<sup>st</sup> DCA 2010) (ALJ has no statutory authority to institute penalties for election violations originating with the Florida Elections Commission) .