

By Senator Bankhead

41-1779-98

See HB

1 A bill to be entitled
 2 An act relating to the Joint Legislative Claims
 3 Committee; creating s. 11.80, F.S.;
 4 establishing the Joint Legislative Claims
 5 Committee; providing for membership and
 6 appointment; providing for governance of the
 7 committee by joint rules; creating s. 11.81,
 8 F.S.; providing powers of the Joint Legislative
 9 Claims Committee; providing for the appointment
 10 and authority of special masters; providing
 11 penalties for contemptuous conduct before the
 12 committee or special master; providing for the
 13 crime of false swearing; providing penalties;
 14 providing for the enforcement of subpoenas
 15 during and between legislative sessions;
 16 authorizing the payment of expenses to
 17 witnesses; providing an effective date.

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

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 21 Section 1. Section 11.80, Florida Statutes, is created
 22 to read:

23 11.80 Joint Legislative Claims Committee.--
 24 (1) There is created a standing joint committee of the
 25 Legislature designated the Joint Legislative Claims Committee,
 26 composed of ten members as follows: five members of the
 27 Senate at least two of which must be a member of the minority
 28 party, to be appointed by the President of the Senate, and
 29 five members of the House of Representatives at least two of
 30 which shall be a member of the minority party, to be appointed
 31 by the Speaker of the House of Representatives. The terms of

1 members shall be for 2 years and shall run from the
2 organization of one Legislature to the organization of the
3 next Legislature. Vacancies occurring during the interim
4 period shall be filled in the same manner as the original
5 appointment. The President of the Senate shall appoint the
6 chair in the odd years and the vice chair in even years, and
7 the Speaker of the House of Representatives shall appoint the
8 chair in even years and the vice chair in odd years, from
9 among the committee membership.

10 (2) The committee shall be governed by joint rules of
11 the Senate and House of Representatives which shall remain in
12 effect until repealed or amended by concurrent resolution.

13 Section 2. Section 11.81, Florida Statutes, is created
14 to read:

15 11.81 Powers of the Joint Legislative Claims
16 Committee.--

17 (1) The Joint Legislative Claims Committee or a
18 special master appointed by the committee is authorized to
19 invite public officials and employees and private individuals
20 to appear before the committee or the special master for the
21 purpose of submitting information to the committee or the
22 special master.

23 (2) In order to carry out its duties, the committee,
24 or a special master appointed by the committee, is empowered
25 with the right and authority to inspect and investigate the
26 books, records, papers, documents, data, operation, and
27 physical plant of any public agency in this state, including
28 any confidential information.

29 (3)(a) In order to carry out its duties, the
30 committee, or a special master appointed by the committee,
31 whenever required, may issue subpoena and other necessary

1 process to compel the attendance of witnesses before such
2 committee or special master, and the chair of the committee or
3 the special master shall issue the process on behalf of the
4 committee, in accordance with the rules of the committee. The
5 chair, any other member of the committee, or the special
6 master may administer all oaths and affirmations in the manner
7 prescribed by law to witnesses who appear before the committee
8 for the purpose of testifying in any matter concerning which
9 the committee desires evidence.

10 (b) The committee or the special master, whenever
11 required, may also compel by subpoena duces tecum the
12 production of any books, letters, or other documentary
13 evidence, including any confidential information, the
14 committee or special master desires to examine in reference to
15 any matter before the committee or special master.

16 (c) Either house during the session may punish by fine
17 or imprisonment any person not a member who has been guilty of
18 disorderly or contemptuous conduct in the presence of the
19 committee or special master or guilty of a refusal to obey the
20 lawful summons, but such imprisonment must not extend beyond
21 the final adjournment of the session.

22 (d) The sheriffs in the several counties or a duly
23 constituted agent of the committee who is 18 years of age or
24 older shall make such service and execute all process or
25 orders when required by the committee or special master.
26 Sheriffs shall be paid as provided for in s. 30.231.

27 (4)(a) Whoever willfully affirms or swears falsely in
28 regard to any material matter or thing before the committee or
29 special master is guilty of false swearing, which constitutes
30 a felony of the second degree, punishable as provided in s.
31 775.082, s. 775.083, or s. 775.084.

1 (b) If a witness fails to respond to the lawful
2 subpoena of the committee or special master at a time when the
3 Legislature is not in session or, having responded, fails to
4 answer all lawful inquiries or to turn over evidence that has
5 been subpoenaed, the committee may file a complaint before any
6 circuit court of the state setting up such failure on the part
7 of the witness. On the filing of such complaint, the court
8 shall take jurisdiction of the witness and the subject matter
9 of the complaint and shall direct the witness to respond to
10 all lawful questions and to produce all documentary evidence
11 in the possession of the witness which is lawfully demanded.
12 The failure of a witness to comply with such order of the
13 court constitutes a direct and criminal contempt of court, and
14 the court shall punish the witness accordingly.

15 (5) All witnesses summoned before the committee or
16 special master may receive reimbursement for travel expenses
17 and per diem at the rates provided in s. 112.061. However,
18 the fact that such reimbursement is not tendered at the time
19 the subpoena is served does not excuse the witness from
20 appearing as directed therein.

21 Section 3. This act shall take effect upon becoming
22 law.

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25 HOUSE SUMMARY

26 Provides for the creation of the Joint Legislative Claims
27 Committee. Provides for the appointment of special
28 masters. Provides subpoena powers to the committee and
29 special masters. Provides penalties for contemptuous
30 conduct and for false swearing. Authorizes the payment
31 of witness costs. Provides for the application of joint
 rules.