

1                                   A bill to be entitled  
 2       An act relating to the Legislature; providing a short  
 3       title; amending s. 11.143, F.S.; eliminating authority for  
 4       members of a legislative committee to administer certain  
 5       oaths and affirmations to witnesses; eliminating penalties  
 6       for false swearing before a legislative committee;  
 7       conforming to the creation of new provision relating to  
 8       oaths and affirmations before a legislative committee;  
 9       creating s. 11.1435, F.S.; requiring persons who address a  
 10      legislative committee to take an oath or affirmation of  
 11      truthfulness; providing exceptions; requiring a member of  
 12      the legislative committee to administer the oath or  
 13      affirmation; providing criminal penalties for certain  
 14      false statements before a legislative committee;  
 15      authorizing the use of a signed appearance card in lieu of  
 16      an oral oath or affirmation; prescribing conditions  
 17      related to the use of the card; providing for penalties  
 18      for making a false statement after signing the card;  
 19      providing an effective date.

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

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 23           Section 1. This act may be cited as the "Truth in  
 24 Government Act."

25           Section 2. Section 11.143, Florida Statutes, is amended to  
 26 read:

27           11.143 Standing or select committees; powers.--

28           (1) (a) Each standing or select committee, or subcommittee

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29 | thereof, is authorized to invite public officials and employees  
30 | and private individuals to appear before the committee for the  
31 | purpose of submitting information to it.

32 |       (b) Each such committee is authorized to maintain a  
33 | continuous review of the work of the state agencies concerned  
34 | with its subject area and the performance of the functions of  
35 | government within each such subject area and for this purpose to  
36 | request reports from time to time, in such form as the committee  
37 | designates, concerning the operation of any state agency and  
38 | presenting any proposal or recommendation such agency may have  
39 | with regard to existing laws or proposed legislation in its  
40 | subject area.

41 |       (2) In order to carry out its duties, each such committee  
42 | is empowered with the right and authority to inspect and  
43 | investigate the books, records, papers, documents, data,  
44 | operation, and physical plant of any public agency in this  
45 | state, including any confidential information.

46 |       (3)(a) In order to carry out its duties, each such  
47 | committee, whenever required, may issue subpoena and other  
48 | necessary process to compel the attendance of witnesses before  
49 | such committee, and the chair thereof shall issue the process on  
50 | behalf of the committee, in accordance with the rules of the  
51 | respective house. ~~The chair or any other member of such~~  
52 | ~~committee may administer all oaths and affirmations in the~~  
53 | ~~manner prescribed by law to witnesses who appear before the~~  
54 | ~~committee for the purpose of testifying in any matter concerning~~  
55 | ~~which the committee desires evidence.~~

56 |       (b) Each such committee, whenever required, may also

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57 | compel by subpoena duces tecum the production of any books,  
58 | letters, or other documentary evidence, including any  
59 | confidential information, it desires to examine in reference to  
60 | any matter before it.

61 | (c) Either house during the session may punish by fine or  
62 | imprisonment any person not a member who has been guilty of  
63 | disorderly or contemptuous conduct in its presence or of a  
64 | refusal to obey its lawful summons, but such imprisonment must  
65 | not extend beyond the final adjournment of the session.

66 | (d) The sheriffs in the several counties or a duly  
67 | constituted agent of a Florida legislative committee 18 years of  
68 | age or older shall make such service and execute all process or  
69 | orders when required by such committees. Sheriffs shall be paid  
70 | as provided for in s. 30.231.

71 | ~~(4)(a) Whoever willfully affirms or swears falsely in~~  
72 | ~~regard to any material matter or thing before any such committee~~  
73 | ~~is guilty of false swearing, which constitutes a felony of the~~  
74 | ~~second degree, punishable as provided in s. 775.082, s. 775.083,~~  
75 | ~~or s. 775.084.~~

76 | ~~(b)~~ If a witness fails to respond to the lawful subpoena  
77 | of any such committee at a time when the Legislature is not in  
78 | session or, having responded, fails to answer all lawful  
79 | inquiries or to turn over evidence that has been subpoenaed,  
80 | such committee may file a complaint before any circuit court of  
81 | the state setting up such failure on the part of the witness. On  
82 | the filing of such complaint, the court shall take jurisdiction  
83 | of the witness and the subject matter of the complaint and shall  
84 | direct the witness to respond to all lawful questions and to

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85 produce all documentary evidence in the possession of the  
86 witness which is lawfully demanded. The failure of a witness to  
87 comply with such order of the court constitutes a direct and  
88 criminal contempt of court, and the court shall punish the  
89 witness accordingly.

90 (5) All witnesses summoned before any such committee shall  
91 receive reimbursement for travel expenses and per diem at the  
92 rates provided in s. 112.061. However, the fact that such  
93 reimbursement is not tendered at the time the subpoena is served  
94 does not excuse the witness from appearing as directed therein.

95 Section 3. Section 11.1435, Florida Statutes, is created  
96 to read:

97 11.1435 Oath or affirmation; penalty.--

98 (1) (a) Any person who addresses a standing or select  
99 committee, or subcommittee thereof, shall first declare that he  
100 or she will speak truthfully, by taking an oath or affirmation  
101 in substantially the following form: "Do you swear or affirm  
102 that the information you are about to share will be the truth,  
103 the whole truth, and nothing but the truth?" The person's answer  
104 shall be noted in the record.

105 (b) Paragraph (a) does not apply to:

106 1. A member of the Legislature in his or her official  
107 capacity.

108 2. An employee of the Legislature in his or her capacity  
109 as an employee.

110 3. A minor, if the chair of the committee determines the  
111 minor understands the duty to tell the truth or the duty not to  
112 lie.

113       (c) The chair or any other member of the committee shall  
114 administer the oath or affirmation required under paragraph (a).

115       (2) (a) Except as provided in paragraph (b), whoever makes  
116 a false statement, which he or she does not believe to be true,  
117 under the oath or affirmation required by this section in regard  
118 to any material matter, commits a felony of the third degree,  
119 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

120       (b) Whoever is compelled by subpoena as a witness before a  
121 committee under s. 11.143(3) and who makes a false statement,  
122 which he or she does not believe to be true, under the oath or  
123 affirmation required by this section in regard to any material  
124 matter, commits a felony of the second degree, punishable as  
125 provided in s. 775.082, s. 775.083, or s. 775.084.

126       (3) In lieu of the oral oath or affirmation required by  
127 this section, the Senate or the House of Representatives may by  
128 the rules of each respective house require any person, as  
129 prescribed in subsection (1), who addresses a committee to  
130 complete and sign an appearance form. The form must be signed  
131 before the person addresses the committee. Signing the form  
132 constitutes a written affirmation to speak the truth, the whole  
133 truth, and nothing but the truth, and subjects the person to the  
134 penalties as provided in this section. The form must include a  
135 statement notifying the person that signing the form constitutes  
136 an affirmation and notifying the person of the penalty  
137 provisions.

138       Section 4. This act shall take effect July 1, 2007.