

1 and employees and private individuals to appear before the
2 committee for the purpose of submitting information to it.

3 (b) Each such committee is authorized to maintain a
4 continuous review of the work of the state agencies concerned
5 with its subject area and the performance of the functions of
6 government within each such subject area and for this purpose
7 to request reports from time to time, in such form as the
8 committee designates, concerning the operation of any state
9 agency and presenting any proposal or recommendation such
10 agency may have with regard to existing laws or proposed
11 legislation in its subject area.

12 (2) In order to carry out its duties, each such
13 committee is empowered with the right and authority to inspect
14 and investigate the books, records, papers, documents, data,
15 operation, and physical plant of any public agency in this
16 state, including any confidential information.

17 (3)(a) In order to carry out its duties, each such
18 committee, whenever required, may issue subpoena and other
19 necessary process to compel the attendance of witnesses before
20 such committee, and the chair thereof shall issue the process
21 on behalf of the committee, in accordance with the rules of
22 the respective house. ~~The chair or any other member of such~~
23 ~~committee may administer all oaths and affirmations in the~~
24 ~~manner prescribed by law to witnesses who appear before the~~
25 ~~committee for the purpose of testifying in any matter~~
26 ~~concerning which the committee desires evidence.~~

27 (b) Each such committee, whenever required, may also
28 compel by subpoena duces tecum the production of any books,
29 letters, or other documentary evidence, including any
30 confidential information, it desires to examine in reference
31 to any matter before it.

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

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

11 ~~(4)(a) Whoever willfully affirms or swears falsely in~~
12 ~~regard to any material matter or thing before any such~~
13 ~~committee is guilty of false swearing, which constitutes a~~
14 ~~felony of the second degree, punishable as provided in s.~~
15 ~~775.082, s. 775.083, or s. 775.084.~~

16 ~~(b)~~ If a witness fails to respond to the lawful
17 subpoena of any such committee at a time when the Legislature
18 is not in session or, having responded, fails to answer all
19 lawful inquiries or to turn over evidence that has been
20 subpoenaed, such committee may file a complaint before any
21 circuit court of the state setting up such failure on the part
22 of the witness. On the filing of such complaint, the court
23 shall take jurisdiction of the witness and the subject matter
24 of the complaint and shall direct the witness to respond to
25 all lawful questions and to produce all documentary evidence
26 in the possession of the witness which is lawfully demanded.
27 The failure of a witness to comply with such order of the
28 court constitutes a direct and criminal contempt of court, and
29 the court shall punish the witness accordingly.

30 (5) All witnesses summoned before any such committee
31 shall receive reimbursement for travel expenses and per diem

1 at the rates provided in s. 112.061. However, the fact that
2 such reimbursement is not tendered at the time the subpoena is
3 served does not excuse the witness from appearing as directed
4 therein.

5 Section 2. Section 11.1435, Florida Statutes, is
6 created to read:

7 11.1435 Oath or affirmation; penalty.--

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

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

16 1. A member of the Legislature in his or her official
17 capacity.

18 2. An employee of the Legislature in his or her
19 capacity as an employee.

20 3. A minor, if the chair of the committee determines
21 the minor understands the duty to tell the truth or the duty
22 not to lie.

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

26 (2)(a) Except as provided in paragraph (b), whoever
27 makes a false statement, which he or she does not believe to
28 be true, under the oath or affirmation required by this
29 section in regard to any material matter, commits a felony of
30 the third degree, punishable as provided in s. 775.082, s.
31 775.083, or s. 775.084.

1 (b) Whoever is compelled by subpoena as a witness
2 before a committee under s. 11.143(3) and who makes a false
3 statement, which he or she does not believe to be true, under
4 the oath or affirmation required by this section in regard to
5 any material matter, commits a felony of the second degree,
6 punishable as provided in s. 775.082, s. 775.083, or s.
7 775.084.

8 (3) In lieu of the oral oath or affirmation required
9 by this section, the Senate or the House of Representatives
10 may by the rules of each respective house require any person,
11 as prescribed in subsection (1), who addresses a committee to
12 complete and sign an appearance form. The form must be signed
13 before the person addresses the committee. Signing the form
14 constitutes a written affirmation to speak the truth, the
15 whole truth, and nothing but the truth, and subjects the
16 person to the penalties as provided in this section. The form
17 must include a statement notifying the person that signing the
18 form constitutes an affirmation and notifying the person of
19 the penalty provisions.

20 Section 3. This act shall take effect July 1, 2007.

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23 SENATE SUMMARY

24 Revises provisions requiring that persons who address a
25 legislative committee take an oath or affirmation of
26 truthfulness. Provides for the use of a signed appearance
27 card in lieu of an oral oath or affirmation. Provides
28 penalties for making a false statement after signing such
29 a card.
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