

By the Committee on Judiciary; and Senator Villalobos

590-2226-07

1 A bill to be entitled
 2 An act relating to the Legislature; providing a
 3 short title; amending s. 11.143, F.S.;
 4 eliminating authority for members of a
 5 legislative committee to administer certain
 6 oaths and affirmations to witnesses;
 7 eliminating penalties for false swearing before
 8 a legislative committee; conforming to the
 9 creation of new provisions relating to oaths
 10 and affirmations before a legislative
 11 committee; creating s. 11.1435, F.S.; requiring
 12 persons who address a legislative committee to
 13 take an oath or affirmation of truthfulness;
 14 providing exceptions; requiring a member of the
 15 legislative committee to administer the oath or
 16 affirmation; providing criminal penalties for
 17 certain false statements before a legislative
 18 committee; authorizing the use of a signed
 19 appearance card in lieu of an oral oath or
 20 affirmation; prescribing conditions related to
 21 the use of the card; providing for penalties
 22 for making a false statement after signing the
 23 card; providing an effective date.
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 25 Be It Enacted by the Legislature of the State of Florida:
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 27 Section 1. This act may be cited as the "Truth in
 28 Government Act."
 29 Section 2. Section 11.143, Florida Statutes, is
 30 amended to read:
 31 11.143 Standing or select committees; powers.--

1 (1)(a) Each standing or select committee, or
2 subcommittee thereof, is authorized to invite public officials
3 and employees and private individuals to appear before the
4 committee for the purpose of submitting information to it.

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

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

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

29 (b) Each such committee, whenever required, may also
30 compel by subpoena duces tecum the production of any books,
31 letters, or other documentary evidence, including any

1 confidential information, it desires to examine in reference
2 to any matter before it.

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

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

13 ~~(4)(a) Whoever willfully affirms or swears falsely in~~
14 ~~regard to any material matter or thing before any such~~
15 ~~committee is guilty of false swearing, which constitutes a~~
16 ~~felony of the second degree, punishable as provided in s.~~
17 ~~775.082, s. 775.083, or s. 775.084.~~

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

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

7 Section 3. Section 11.1435, Florida Statutes, is
8 created to read:

9 11.1435 Oath or affirmation; penalty.--

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

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

18 1. A member of the Legislature in his or her official
19 capacity.

20 2. An employee of the Legislature in his or her
21 capacity as an employee.

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

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

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

1 the third degree, punishable as provided in s. 775.082, s.
2 775.083, or s. 775.084.

3 (b) Whoever is compelled by subpoena as a witness
4 before a committee under s. 11.143(3) and who makes a false
5 statement, which he or she does not believe to be true, under
6 the oath or affirmation required by this section in regard to
7 any material matter, commits a felony of the second degree,
8 punishable as provided in s. 775.082, s. 775.083, or s.
9 775.084.

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

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

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24 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
25 COMMITTEE SUBSTITUTE FOR
26 SB 2196

27 The committee substitute creates a short title, providing that
28 the act may be cited as the "Truth in Government Act."
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