

By Senators Villalobos and Ring

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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 provisions 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
29 thereof, is authorized to invite public officials and employees

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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 state,
45 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 committee
52 may administer all oaths and affirmations in the manner
53 prescribed by law to witnesses who appear before the committee
54 for the purpose of testifying in any matter concerning which the
55 committee desires evidence.~~

56 (b) Each such committee, whenever required, may also compel
57 by subpoena duces tecum the production of any books, letters, or
58 other documentary evidence, including any confidential

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59 information, it desires to examine in reference to any matter
60 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 of
77 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, such
80 committee may file a complaint before any circuit court of the
81 state setting up such failure on the part of the witness. On the
82 filing of such complaint, the court shall take jurisdiction of
83 the witness and the subject matter of the complaint and shall
84 direct the witness to respond to all lawful questions and to
85 produce all documentary evidence in the possession of the witness
86 which is lawfully demanded. The failure of a witness to comply
87 with such order of the court constitutes a direct and criminal

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88 contempt of court, and the court shall punish the witness
89 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 to
96 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 in
101 substantially the following form: "Do you swear or affirm that
102 the information you are about to share will be the truth, the
103 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 general public who is not a registered
107 lobbyist and who is not being paid to appear before the committee
108 on the issue he or she is addressing.

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

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

114 (2) (a) Except as provided in paragraph (b), whoever makes a
115 false statement, which he or she does not believe to be true,
116 under the oath or affirmation required by this section in regard

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117 to any material matter, commits a felony of the third degree,
118 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

140 Section 4. This act shall take effect July 1, 2008.