

By the Committee on Criminal Justice; and Senators Villalobos,
Ring and Gaetz

591-04498-08

2008268c1

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; requiring a member of the legislative
12 committee to administer the oath or affirmation; providing
13 criminal penalties for certain false statements before a
14 legislative committee; authorizing the use of a signed
15 appearance card in lieu of an oral oath or affirmation;
16 prescribing conditions related to the use of the card;
17 providing for penalties for making a false statement after
18 signing the card; providing an effective date.

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

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

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

26 11.143 Standing or select committees; powers.--

27 (1) (a) Each standing or select committee, or subcommittee
28 thereof, is authorized to invite public officials and employees
29 and private individuals to appear before the committee for the

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30 purpose of submitting information to it.

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

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

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

55 (b) Each such committee, whenever required, may also compel
56 by subpoena duces tecum the production of any books, letters, or
57 other documentary evidence, including any confidential
58 information, it desires to examine in reference to any matter

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59 before it.

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

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

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

75 ~~(b)~~ If a witness fails to respond to the lawful subpoena of
76 any such committee at a time when the Legislature is not in
77 session or, having responded, fails to answer all lawful
78 inquiries or to turn over evidence that has been subpoenaed, such
79 committee may file a complaint before any circuit court of the
80 state setting up such failure on the part of the witness. On the
81 filing of such complaint, the court shall take jurisdiction of
82 the witness and the subject matter of the complaint and shall
83 direct the witness to respond to all lawful questions and to
84 produce all documentary evidence in the possession of the witness
85 which is lawfully demanded. The failure of a witness to comply
86 with such order of the court constitutes a direct and criminal
87 contempt of court, and the court shall punish the witness

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88 | accordingly.

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

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

96 | 11.1435 Oath or affirmation; penalty.--

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

104 | (b) The chair or any other member of the committee shall
105 | administer the oath or affirmation required under paragraph (a).

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

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

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

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