

A bill to be entitled

An act relating to the Legislature; providing a short title; amending s. 11.143, F.S.; eliminating authority for members of a legislative committee to administer certain oaths and affirmations to witnesses; eliminating penalties for false swearing before a legislative committee; conforming to the creation of new provisions relating to oaths and affirmations before a legislative committee; creating s. 11.1435, F.S.; requiring persons who address a legislative committee to take an oath or affirmation of truthfulness; providing exceptions; requiring a member of the legislative committee to administer the oath or affirmation; providing criminal penalties for certain false statements before a legislative committee; authorizing the use of a signed appearance card in lieu of an oral oath or affirmation; prescribing conditions related to the use of the card; providing for penalties for making a false statement after signing the card; providing an effective date.

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

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

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

11.143 Standing or select committees; powers.--

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

HB 95

2008

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

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

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 general public who is not a registered
 107 lobbyist and who is not being paid to appear before the
 108 committee 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
 115 a false statement, which he or she does not believe to be true,
 116 under the oath or affirmation required by this section in regard
 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 notify the
 134 person of the penalty provisions and include a statement
 135 informing the person that signing the form constitutes an
 136 affirmation. 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.