

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 the authority  
 4           of members of a legislative committee to administer  
 5           certain oaths and affirmations to witnesses; eliminating  
 6           penalties for false swearing before a legislative  
 7           committee; conforming to the creation of new provisions  
 8           relating to oaths and affirmations before a legislative  
 9           committee; creating s. 11.1435, F.S.; requiring that  
 10          persons addressing a legislative committee take an oath or  
 11          affirmation of truthfulness; providing exceptions;  
 12          requiring that a member of the legislative committee  
 13          administer the oath or affirmation; providing criminal  
 14          penalties for certain false statements before a  
 15          legislative committee; authorizing the use of a signed  
 16          appearance form in lieu of an oral oath or affirmation;  
 17          prescribing conditions related to the use of such form;  
 18          providing for penalties for making a false statement after  
 19          signing such form; providing an effective date.

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

22  
 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

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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

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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.  
82 | On the filing of such complaint, the court shall take  
83 | jurisdiction of the witness and the subject matter of the  
84 | complaint and shall direct the witness to respond to all lawful

85 | questions and to produce all documentary evidence in the  
 86 | possession of the witness which is lawfully demanded. The  
 87 | failure of a witness to comply with such order of the court  
 88 | constitutes a direct and criminal contempt of court, and the  
 89 | court shall punish the 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 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 Legislature in his or her official  
 107 | capacity or an employee of the Legislature in his or her  
 108 | capacity as an employee; however, the member or employee shall  
 109 | be subject to discipline by the presiding officer of the  
 110 | applicable house of the Legislature for making a false statement  
 111 | that he or she does not believe to be true.

112 | 2. A child, if the chair of the committee determines the

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113 child understands the duty to tell the truth or the duty not to  
114 lie.

115  
116 Notwithstanding the exceptions prescribed in this paragraph, a  
117 standing or select committee, or any subcommittee thereof, may,  
118 if it deems necessary, require any person who addresses the  
119 committee to take an oath or affirmation of truthfulness as  
120 provided in this section and subject to the penalties provided  
121 in this section.

122 (c) The chair or any other member of the committee shall  
123 administer the oath or affirmation required under this section.

124 (2) (a) Except as provided in paragraph (b), whoever makes  
125 a false statement that he or she does not believe to be true,  
126 under the oath or affirmation required by this section in regard  
127 to any material matter, commits a felony of the third degree,  
128 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

129 (b) Whoever is compelled by subpoena as a witness before a  
130 committee under s. 11.143(3) and makes a false statement that he  
131 or she does not believe to be true, under the oath or  
132 affirmation required by this section in regard to any material  
133 matter, commits a felony of the second degree, punishable as  
134 provided in s. 775.082, s. 775.083, or s. 775.084.

135 (3) In lieu of the oral oath or affirmation required by  
136 this section, the Senate or the House of Representatives may by  
137 the rules of each respective house require any person, as  
138 prescribed in subsection (1), who addresses a committee to  
139 complete and sign an appearance form. The form must be signed  
140 before the person addresses the committee. Signing the form

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141 constitutes a written affirmation to speak the truth, the whole  
142 truth, and nothing but the truth and subjects the person to the  
143 penalties provided in this section. The form must include a  
144 statement notifying the person that signing the form constitutes  
145 an affirmation and notifying the person of the penalty  
146 provisions.

147 Section 4. This act shall take effect July 1, 2010.