

1                                   A bill to be entitled  
 2           An act relating to ethics; amending s. 11.143, F.S.;  
 3           conforming a provision to changes made by the act;  
 4           creating s. 11.1435, F.S.; prohibiting a person,  
 5           including a member of the Legislature, from engaging  
 6           in disorderly or contemptuous conduct; providing  
 7           penalties; providing a procedure for investigating and  
 8           punishing disorderly or contemptuous conduct while the  
 9           Legislature is in session; requiring certain fines to  
 10          be deposited in the Lobbyist Registration Trust Fund;  
 11          providing applicability; amending s. 99.021, F.S.;  
 12          revising the form of oath required for certain  
 13          candidates to qualify for nomination or election to  
 14          office; amending s. 104.271, F.S.; prohibiting a  
 15          candidate from knowingly making or causing to be made  
 16          a materially false statement about an opposing  
 17          candidate; providing penalties; requiring certain  
 18          fines to be deposited in the General Revenue Fund;  
 19          providing an effective date.

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

22  
 23           Section 1. Paragraph (c) of subsection (3) of section  
 24   11.143, Florida Statutes, is amended to read:  
 25           11.143 Standing or select committees; powers.—

26 (3)  
 27 (c) Either house during the session may punish by fine or  
 28 imprisonment any person not a member who has been guilty of  
 29 ~~disorderly or contemptuous conduct in its presence or of a~~  
 30 refusal to obey its lawful summons, but such imprisonment must  
 31 not extend beyond the final adjournment of the session.

32 Section 2. Section 11.1435, Florida Statutes, is created  
 33 to read:

34 11.1435 Disorderly or contemptuous conduct before  
 35 legislative committees.-

36 (1) A person, including a member of the Legislature, may  
 37 not engage in disorderly or contemptuous conduct before a  
 38 standing committee or select committee or subcommittee of the  
 39 Legislature. Disorderly or contemptuous conduct includes  
 40 knowingly making a materially false statement, whether or not  
 41 under oath or affirmation, before a legislative committee.

42 (a) A person, including a member of the Legislature, who  
 43 engages in disorderly or contemptuous conduct while the  
 44 Legislature is in session may be punished by the house in which  
 45 the misconduct occurred. The punishment may not exceed a fine of  
 46 \$1,000 or imprisonment in the county jail for up to 90 days, or  
 47 by both, upon the order of the presiding officer of the house in  
 48 which the misconduct occurred.

49 (b) A person, including a member of the Legislature, who  
 50 engages in disorderly or contemptuous conduct during an interim

51 meeting of a legislative committee commits a misdemeanor of the  
52 second degree, punishable as provided in s. 775.082 or s.  
53 775.083.

54 (2) If a violation of this section occurs while the  
55 Legislature is in session, a member of the committee before  
56 which the violation occurs may file a complaint with the rules  
57 chair of the appropriate house of the Legislature. The complaint  
58 must identify the disorderly or contemptuous conduct, state the  
59 facts showing that the conduct was made in violation of this  
60 section, and include relevant supporting documentation or  
61 evidence.

62 (3) If the rules chair determines that the complaint fails  
63 to support a finding of a violation of this section, the  
64 complaint must be dismissed. If the rules chair determines that  
65 the complaint states facts that, if true, would be a violation  
66 of this section, the complaint must be referred to a special  
67 master or a standing or select committee to expeditiously  
68 determine whether probable cause of a violation exists.

69 (4) The special master or a standing or select committee  
70 shall give reasonable notice to the person who is alleged to  
71 have engaged in disorderly or contemptuous conduct, shall  
72 conduct an investigation, and shall give the person an  
73 opportunity to be heard. Following such actions, the special  
74 master or standing or select committee shall prepare a report  
75 and recommendation regarding the alleged violation.

76        (5) If the report and recommendation of the special master  
77 or standing or select committee conclude that the facts do not  
78 support a finding of probable cause, the rules chair must  
79 dismiss the complaint. If the report and recommendation find  
80 probable cause that the person violated this section, the report  
81 and recommendation must be taken up and acted upon by the  
82 appropriate house in which the disorderly or contemptuous  
83 conduct occurred.

84        (6) If the appropriate house determines that a person  
85 engaged in disorderly or contemptuous conduct and determines a  
86 punishment for the conduct, the presiding officer must issue an  
87 order imposing the punishment. An order imposing imprisonment  
88 must direct the Leon County Sheriff or the sheriff of the  
89 person's county of residence to take the person into custody for  
90 confinement in the county jail for the time period specified in  
91 the order. Any fines assessed pursuant to subsection (1) must be  
92 deposited in the Lobbyist Registration Trust Fund.

93        (7) This section applies in the absence of legislative  
94 rules establishing a procedure to address the misconduct  
95 prohibited by this section.

96        Section 3. Paragraph (a) of subsection (1) of section  
97 99.021, Florida Statutes, is amended to read:

98        99.021 Form of candidate oath.—

99        (1)(a)1. Each candidate, whether a party candidate, a  
100 candidate with no party affiliation, or a write-in candidate, in

101 order to qualify for nomination or election to any office other  
 102 than a judicial office as defined in chapter 105 or a federal  
 103 office, shall take and subscribe to an oath or affirmation in  
 104 writing. A copy of the oath or affirmation shall be made  
 105 available to the candidate by the officer before whom such  
 106 candidate seeks to qualify and shall be substantially in the  
 107 following form:

108 State of Florida  
 109 County of....

110 Before me, an officer authorized to administer oaths,  
 111 personally appeared ...(please print name as you wish it to  
 112 appear on the ballot)..., to me well known, who, being sworn,  
 113 says that he or she is a candidate for the office of ....; that  
 114 he or she is a qualified elector of .... County, Florida; that  
 115 he or she is qualified under the Constitution and the laws of  
 116 Florida to hold the office to which he or she desires to be  
 117 nominated or elected; that he or she has qualified for no other  
 118 public office in the state, the term of which office or any part  
 119 thereof runs concurrent with that of the office he or she seeks;  
 120 that he or she has resigned from any office from which he or she  
 121 is required to resign pursuant to s. 99.012, Florida Statutes;  
 122 that he or she will speak the truth, the whole truth, and  
 123 nothing but the truth during his or her campaign for office; and  
 124 that he or she will support the Constitution of the United  
 125 States and the Constitution of the State of Florida.

126 | ... (Signature of candidate) ...

127 | ... (Address) ...

128 | Sworn to and subscribed before me this .... day of ....,

129 | ... (year) ..., at .... County, Florida.

130 | ... (Signature and title of officer administering oath) ...

131 | 2. Each candidate for federal office, whether a party  
 132 | candidate, a candidate with no party affiliation, or a write-in  
 133 | candidate, in order to qualify for nomination or election to  
 134 | office shall take and subscribe to an oath or affirmation in  
 135 | writing. A copy of the oath or affirmation shall be made  
 136 | available to the candidate by the officer before whom such  
 137 | candidate seeks to qualify and shall be substantially in the  
 138 | following form:

139 | State of Florida

140 | County of ....

141 | Before me, an officer authorized to administer oaths,  
 142 | personally appeared ... (please print name as you wish it to  
 143 | appear on the ballot) ..., to me well known, who, being sworn,  
 144 | says that he or she is a candidate for the office of ....; that  
 145 | he or she is qualified under the Constitution and laws of the  
 146 | United States to hold the office to which he or she desires to  
 147 | be nominated or elected; that he or she has qualified for no  
 148 | other public office in the state, the term of which office or  
 149 | any part thereof runs concurrent with that of the office he or  
 150 | she seeks; that he or she will speak the truth, the whole truth,

151 and nothing but the truth during his or her campaign for office;  
 152 and that he or she will support the Constitution of the United  
 153 States.

154 ... (Signature of candidate)...

155 ... (Address)...

156 Sworn to and subscribed before me this .... day of ....,

157 ... (year)...., at .... County, Florida.

158 ... (Signature and title of officer administering oath)...

159 Section 4. Section 104.271, Florida Statutes, is amended  
 160 to read:

161 104.271 False or malicious charges against, or false  
 162 statements about, opposing candidates; penalty.—

163 (1) Any candidate who, in a primary election or other  
 164 election, willfully charges an opposing candidate participating  
 165 in such election with a violation of any provision of this code,  
 166 which charge is known by the candidate making such charge to be  
 167 false or malicious, commits ~~is guilty of~~ a felony of the third  
 168 degree, punishable as provided in s. 775.082 or s. 775.083 and,  
 169 in addition, after conviction shall be disqualified to hold  
 170 office.

171 (2) Any candidate who, in a primary election or other  
 172 election, with actual malice makes or causes to be made any  
 173 statement about an opposing candidate which is false commits ~~is~~  
 174 ~~guilty of~~ a violation of this code. An aggrieved candidate may  
 175 file a complaint with the Florida Elections Commission pursuant

176 to s. 106.25. The commission shall adopt rules to provide an  
177 expedited hearing of complaints filed under this subsection.  
178 Notwithstanding any other provision of law, the commission shall  
179 assess a civil penalty of up to \$5,000 against any candidate  
180 found in violation of this subsection, which shall be deposited  
181 in to the account of the General Revenue Fund of the state.

182 (3) Any candidate who, in a primary election or other  
183 election, knowingly makes or causes to be made any statement  
184 about an opposing candidate which is materially false commits a  
185 misdemeanor of the second degree, punishable as provided in s.  
186 775.082 or s. 775.083. An aggrieved candidate may file a  
187 complaint with the Florida Elections Commission pursuant to s.  
188 106.25. The commission shall adopt rules to provide an expedited  
189 hearing of complaints filed under this subsection.  
190 Notwithstanding any other provision of law, the commission shall  
191 assess a civil penalty of up to \$1,000 against any candidate  
192 found in violation of this subsection, which shall be deposited  
193 in the General Revenue Fund.

194 Section 5. This act shall take effect July 1, 2019.