



122310

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/23/2019	.	
	.	
	.	
	.	

The Committee on Judiciary (Book) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 11.143, Florida Statutes, is amended to
read:

11.143 Standing or select committees; powers.—

(1) Each standing or select committee, or subcommittee
thereof, is authorized to invite public officials and employees
and private individuals to appear before the committee for the
purpose of submitting information to it. Each such committee is



122310

12 authorized to maintain a continuous review of the work of the
13 state agencies concerned with its subject area and the
14 performance of the functions of government within each such
15 subject area and for this purpose to request reports from time
16 to time, in such form as the committee designates, concerning
17 the operation of any state agency and presenting any proposal or
18 recommendation such agency may have with regard to existing laws
19 or proposed legislation in its subject area.

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

25 (3) (a) In order to carry out its duties, each such
26 committee, whenever required, may issue subpoena and other
27 necessary process to compel the attendance of witnesses before
28 such committee, and the chair thereof shall issue the process on
29 behalf of the committee, in accordance with the rules of the
30 respective house. The chair or any other member of such
31 committee may administer all oaths and affirmations in the
32 manner prescribed by law to witnesses who appear before the
33 committee for the purpose of testifying in any matter concerning
34 which the committee desires evidence. Upon motion of any member
35 of the committee, a witness shall be placed under oath.

36 (b) Each such committee, whenever required, may also compel
37 by subpoena duces tecum the production of any books, letters, or
38 other documentary evidence, including any confidential
39 information, it desires to examine in reference to any matter
40 before it.



122310

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

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

51 (4) (a) Whoever willfully affirms or swears falsely in
52 regard to any material matter or thing before any such committee
53 is guilty of false swearing, which constitutes a felony of the
54 second degree, punishable as provided in s. 775.082, s. 775.083,
55 or s. 775.084.

56 (b) If a witness fails to respond to the lawful subpoena of
57 any such committee at a time when the Legislature is not in
58 session or, having responded, fails to answer all lawful
59 inquiries or to turn over evidence that has been subpoenaed,
60 such committee may file a complaint before any circuit court of
61 the state setting up such failure on the part of the witness. On
62 the filing of such complaint, the court shall take jurisdiction
63 of the witness and the subject matter of the complaint and shall
64 direct the witness to respond to all lawful questions and to
65 produce all documentary evidence in the possession of the
66 witness which is lawfully demanded. The failure of a witness to
67 comply with such order of the court constitutes a direct and
68 criminal contempt of court, and the court shall punish the
69 witness accordingly.



122310

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

75 Section 2. Section 11.1435, Florida Statutes, is created to
76 read:

77 11.1435 Contempt and disorderly conduct before legislative
78 committees.-

79 (1) A person, including a member of the Legislature, may
80 not engage in disorderly or contemptuous conduct before a
81 standing committee or select committee or subcommittee of the
82 Legislature. Contemptuous conduct includes knowingly making a
83 materially false statement, whether or not under oath or
84 affirmation, before a legislative committee.

85 (a) A person, including a member of the Legislature, who
86 engages in disorderly or contemptuous conduct while the
87 Legislature is in session may be punished by the house in which
88 the misconduct occurred. The punishment may not exceed a fine of
89 \$1,000 or imprisonment in the county jail for up to 90 days, or
90 by both, upon the order of the presiding officer of the house in
91 which the misconduct occurred.

92 (b) A person, including a member of the Legislature, who
93 engages in disorderly or contemptuous conduct during an interim
94 meeting of a legislative committee commits a misdemeanor of the
95 second degree, punishable as provided in s. 775.082 or s.
96 775.083.

97 (2) If a violation of this section occurs while the
98 Legislature is in session, a member of the committee before



122310

99 which a violation occurs may file a complaint with the rules
100 chair of the appropriate house of the Legislature. The complaint
101 must identify the disorderly or contemptuous conduct, state the
102 facts showing that the conduct was made in violation of this
103 section, and include relevant supporting documentation or
104 evidence.

105 (3) If the rules chair determines that the complaint fails
106 to support a finding of a violation of this section, the
107 complaint must be dismissed. If the rules chair determines that
108 the complaint states facts that, if true, would be a violation
109 of this section, the complaint must be referred to a special
110 master or a standing or select committee to expeditiously
111 determine whether probable cause of a violation exists.

112 (4) The special master or a standing or select committee
113 shall give reasonable notice to the person who is alleged to
114 have engaged in disorderly or contemptuous conduct, shall
115 conduct an investigation, and shall give the person an
116 opportunity to be heard. Following such actions, the special
117 master or standing or select committee shall prepare a report
118 and recommendation regarding the alleged violation.

119 (5) If the report and recommendation of the special master
120 or standing or select committee conclude that the facts do not
121 support a finding of probable cause, the rules chair must
122 dismiss the complaint. If the report and recommendation find
123 probable cause that the person violated this section, the report
124 and recommendation must be taken up and acted upon by the
125 appropriate house where the disorderly or contemptuous conduct
126 occurred.

127 (6) If the appropriate house determines that a person



122310

128 engaged in disorderly or contemptuous conduct and determines a
129 punishment for the conduct, the presiding officer must issue an
130 order imposing the punishment. An order imposing imprisonment
131 must direct the Leon County Sheriff or the sheriff of the
132 person's county of residence to take the person into custody for
133 confinement in the county jail for the time period specified in
134 the order. Any fines must be deposited into the Lobbyist
135 Registration Trust Fund.

136 (7) This section applies in the absence of legislative
137 rules establishing a procedure to address the misconduct
138 prohibited by this section.

139 Section 3. This act shall take effect July 1, 2019.

141 ===== T I T L E A M E N D M E N T =====

142 And the title is amended as follows:

143 Delete everything before the enacting clause
144 and insert:

145 A bill to be entitled
146 An act relating to contempt and disorderly conduct
147 before a legislative committee; amending s. 11.143,
148 F.S.; requiring a witness to be placed under oath upon
149 motion of any committee member; conforming a provision
150 to changes made by the act; creating s. 11.1435, F.S.;
151 prohibiting a person, including a member of the
152 Legislature, from engaging in disorderly or
153 contemptuous conduct; specifying applicable penalties,
154 including fines and imprisonment; providing a
155 procedure for investigating and punishing disorderly
156 or contemptuous conduct while the Legislature is in



157
158
159

session; providing that the procedures apply in the
absence of certain legislative rules; providing an
effective date.