

By the Committee on Judiciary; and Senator Book

590-01174-19

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1                   A bill to be entitled  
2       An act relating to contempt and disorderly conduct  
3       before a legislative committee; amending s. 11.143,  
4       F.S.; conforming a provision to changes made by the  
5       act; creating s. 11.1435, F.S.; prohibiting a person,  
6       including a member of the Legislature, from engaging  
7       in disorderly or contemptuous conduct; specifying  
8       applicable penalties, including fines and  
9       imprisonment; providing a procedure for investigating  
10      and punishing disorderly or contemptuous conduct while  
11      the Legislature is in session; providing that the  
12      procedures apply in the absence of certain legislative  
13      rules; providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

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

19       11.143 Standing or select committees; powers.—

20       (1) Each standing or select committee, or subcommittee  
21       thereof, is authorized to invite public officials and employees  
22       and private individuals to appear before the committee for the  
23       purpose of submitting information to it. Each such committee is  
24       authorized to maintain a continuous review of the work of the  
25       state agencies concerned with its subject area and the  
26       performance of the functions of government within each such  
27       subject area and for this purpose to request reports from time  
28       to time, in such form as the committee designates, concerning  
29       the operation of any state agency and presenting any proposal or

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30 recommendation such agency may have with regard to existing laws  
31 or proposed legislation in its subject area.

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

37 (3) (a) In order to carry out its duties, each such  
38 committee, whenever required, may issue subpoena and other  
39 necessary process to compel the attendance of witnesses before  
40 such committee, and the chair thereof shall issue the process on  
41 behalf of the committee, in accordance with the rules of the  
42 respective house. The chair or any other member of such  
43 committee may administer all oaths and affirmations in the  
44 manner prescribed by law to witnesses who appear before the  
45 committee for the purpose of testifying in any matter concerning  
46 which the committee desires evidence.

47 (b) Each such committee, whenever required, may also compel  
48 by subpoena duces tecum the production of any books, letters, or  
49 other documentary evidence, including any confidential  
50 information, it desires to examine in reference to any matter  
51 before it.

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

57 (d) The sheriffs in the several counties or a duly  
58 constituted agent of a Florida legislative committee 18 years of

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59 age or older shall make such service and execute all process or  
60 orders when required by such committees. Sheriffs shall be paid  
61 as provided for in s. 30.231.

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

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

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

86 Section 2. Section 11.1435, Florida Statutes, is created to  
87 read:

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88 11.1435 Disorderly or contemptuous conduct before  
89 legislative committees.-

90 (1) A person, including a member of the Legislature, may  
91 not engage in disorderly or contemptuous conduct before a  
92 standing committee or select committee or subcommittee of the  
93 Legislature. Contemptuous conduct includes knowingly making a  
94 materially false statement, whether or not under oath or  
95 affirmation, before a legislative committee.

96 (a) A person, including a member of the Legislature, who  
97 engages in disorderly or contemptuous conduct while the  
98 Legislature is in session may be punished by the house in which  
99 the misconduct occurred. The punishment may not exceed a fine of  
100 \$1,000 or imprisonment in the county jail for up to 90 days, or  
101 by both, upon the order of the presiding officer of the house in  
102 which the misconduct occurred.

103 (b) A person, including a member of the Legislature, who  
104 engages in disorderly or contemptuous conduct during an interim  
105 meeting of a legislative committee commits a misdemeanor of the  
106 second degree, punishable as provided in s. 775.082 or s.  
107 775.083.

108 (2) If a violation of this section occurs while the  
109 Legislature is in session, a member of the committee before  
110 which a violation occurs may file a complaint with the rules  
111 chair of the appropriate house of the Legislature. The complaint  
112 must identify the disorderly or contemptuous conduct, state the  
113 facts showing that the conduct was made in violation of this  
114 section, and include relevant supporting documentation or  
115 evidence.

116 (3) If the rules chair determines that the complaint fails

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117 to support a finding of a violation of this section, the  
118 complaint must be dismissed. If the rules chair determines that  
119 the complaint states facts that, if true, would be a violation  
120 of this section, the complaint must be referred to a special  
121 master or a standing or select committee to expeditiously  
122 determine whether probable cause of a violation exists.

123 (4) The special master or a standing or select committee  
124 shall give reasonable notice to the person who is alleged to  
125 have engaged in disorderly or contemptuous conduct, shall  
126 conduct an investigation, and shall give the person an  
127 opportunity to be heard. Following such actions, the special  
128 master or standing or select committee shall prepare a report  
129 and recommendation regarding the alleged violation.

130 (5) If the report and recommendation of the special master  
131 or standing or select committee conclude that the facts do not  
132 support a finding of probable cause, the rules chair must  
133 dismiss the complaint. If the report and recommendation find  
134 probable cause that the person violated this section, the report  
135 and recommendation must be taken up and acted upon by the  
136 appropriate house where the disorderly or contemptuous conduct  
137 occurred.

138 (6) If the appropriate house determines that a person  
139 engaged in disorderly or contemptuous conduct and determines a  
140 punishment for the conduct, the presiding officer must issue an  
141 order imposing the punishment. An order imposing imprisonment  
142 must direct the Leon County Sheriff or the sheriff of the  
143 person's county of residence to take the person into custody for  
144 confinement in the county jail for the time period specified in  
145 the order. Any fines must be deposited into the Lobbyist

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146 Registration Trust Fund.

147 (7) This section applies in the absence of legislative  
148 rules establishing a procedure to address the misconduct  
149 prohibited by this section.

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