

A bill to be entitled

An act relating to the Legislature; 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 provision 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. 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 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.

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29 (b) Each such committee is authorized to maintain a
30 continuous review of the work of the state agencies concerned
31 with its subject area and the performance of the functions of
32 government within each such subject area and for this purpose to
33 request reports from time to time, in such form as the committee
34 designates, concerning the operation of any state agency and
35 presenting any proposal or recommendation such agency may have
36 with regard to existing laws or proposed legislation in its
37 subject area.

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

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

53 (b) Each such committee, whenever required, may also
54 compel by subpoena duces tecum the production of any books,
55 letters, or other documentary evidence, including any
56 confidential information, it desires to examine in reference to

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57 any matter before it.

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

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

68 ~~(4)(a) Whoever willfully affirms or swears falsely in~~
69 ~~regard to any material matter or thing before any such committee~~
70 ~~is guilty of false swearing, which constitutes a felony of the~~
71 ~~second degree, punishable as provided in s. 775.082, s. 775.083,~~
72 ~~or s. 775.084.~~

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

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85 criminal contempt of court, and the court shall punish the
86 witness accordingly.

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

92 Section 2. Section 11.1435, Florida Statutes, is created
93 to read:

94 11.1435 Oath or affirmation; penalty.--

95 (1) (a) Any person who addresses a standing or select
96 committee, or subcommittee thereof, shall first declare that he
97 or she will speak truthfully, by taking an oath or affirmation
98 in substantially the following form: "Do you swear or affirm
99 that the information you are about to share will be the truth,
100 the whole truth, and nothing but the truth?" The person's answer
101 shall be noted in the record.

102 (b) Paragraph (a) does not apply to:

103 1. A member of the Legislature in his or her official
104 capacity.

105 2. An employee of the Legislature in his or her capacity
106 as an employee.

107 3. A minor, if the chair of the committee determines the
108 minor understands the duty to tell the truth or the duty not to
109 lie.

110 (c) The chair or any other member of the committee shall
111 administer the oath or affirmation required under paragraph (a).

112 (2) (a) Except as provided in paragraph (b), whoever makes

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113 a false statement, which he or she does not believe to be true,
114 under the oath or affirmation required by this section in regard
115 to any material matter, commits a felony of the third degree,
116 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

117 (b) Whoever is compelled by subpoena as a witness before a
118 committee under s. 11.143(3) and who makes a false statement,
119 which he or she does not believe to be true, under the oath or
120 affirmation required by this section in regard to any material
121 matter, commits a felony of the second degree, punishable as
122 provided in s. 775.082, s. 775.083, or s. 775.084.

123 (3) In lieu of the oral oath or affirmation required by
124 this section, the Senate or the House of Representatives may by
125 the rules of each respective house require any person, as
126 prescribed in subsection (1), who addresses a committee to
127 complete and sign an appearance form. The form must be signed
128 before the person addresses the committee. Signing the form
129 constitutes a written affirmation to speak the truth, the whole
130 truth, and nothing but the truth, and subjects the person to the
131 penalties as provided in this section. The form must include a
132 statement notifying the person that signing the form constitutes
133 an affirmation and notifying the person of the penalty
134 provisions.

135 Section 3. This act shall take effect July 1, 2007.