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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/26/2010 12:38 PM

Senator Villalobos moved the following:

Senate Amendment (with title amendment)

Between lines 80 and 81

insert:

Section 1. This act may be cited as the "Truth in Government Act."

Section 2. 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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14 (b) Each such committee is authorized to maintain a
15 continuous review of the work of the state agencies concerned
16 with its subject area and the performance of the functions of
17 government within each such subject area and for this purpose to
18 request reports from time to time, in such form as the committee
19 designates, concerning the operation of any state agency and
20 presenting any proposal or recommendation such agency may have
21 with regard to existing laws or proposed legislation in its
22 subject area.

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

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

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



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

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

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

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



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

77 Section 3. Section 11.1435, Florida Statutes, is created to
78 read:

79 11.1435 Oath or affirmation; penalty.-

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

87 (b) Paragraph (a) does not apply to a child, if the chair
88 of the committee determines the child understands the duty to
89 tell the truth or the duty not to lie. Notwithstanding the
90 exception prescribed in this paragraph, a standing or select
91 committee, or any subcommittee thereof, may, if it deems
92 necessary, require a child who addresses the committee to take
93 an oath or affirmation of truthfulness as provided in this
94 section and subject to the penalties provided in this section.

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

97 (2) (a) Except as provided in paragraph (b), whoever makes a
98 false statement that he or she does not believe to be true,
99 under the oath or affirmation required by this section in regard
100 to any material matter, commits a felony of the third degree,



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101 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

108 (3) In lieu of the oral oath or affirmation required by
109 this section, the Senate or the House of Representatives may by
110 the rules of each respective house require any person, as
111 prescribed in subsection (1), who addresses a committee to
112 complete and sign an appearance form. The form must be signed
113 before the person addresses the committee. Signing the form
114 constitutes a written affirmation to speak the truth, the whole
115 truth, and nothing but the truth, and subjects the person to the
116 penalties as provided in this section. The form must include a
117 statement notifying the person that signing the form constitutes
118 an affirmation and notifying the person of the penalty
119 provisions.

120
121 ===== T I T L E A M E N D M E N T =====

122 And the title is amended as follows:

123 Delete line 2

124 and insert:

125 An act relating to the public trust; providing a short
126 title; amending s. 11.143, F.S.; eliminating the
127 authority of members of a legislative committee to
128 administer certain oaths and affirmations to
129 witnesses; eliminating penalties for false swearing



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130 before a legislative committee; conforming to the
131 creation of new provisions relating to oaths and
132 affirmations before a legislative committee; creating
133 s. 11.1435, F.S.; requiring that persons addressing a
134 legislative committee take an oath or affirmation of
135 truthfulness; providing an exception; requiring that a
136 member of the legislative committee administer the
137 oath or affirmation; providing criminal penalties for
138 certain false statements before a legislative
139 committee; authorizing the use of a signed appearance
140 card in lieu of an oral oath or affirmation;
141 prescribing conditions related to the use of such
142 card; providing for penalties for making a false
143 statement after signing such card; amending s.