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LEGISLATIVE ACTION

Senate

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House

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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.

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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



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