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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/11/2014	.	
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The Committee on Appropriations (Hays) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 11.93, Florida Statutes, is created to
read:

11.93 Short title.—Sections 11.93-11.9352 may be cited as
the "Article V Constitutional Convention Act."

Section 2. Section 11.931, Florida Statutes, is created to
read:



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11 11.931 Applicability.—Sections 11.93-11.9352 shall apply
12 when an Article V convention is called for the purpose of
13 proposing amendments to the Constitution of the United States.

14 Section 3. Section 11.932, Florida Statutes, is created to
15 read:

16 11.932 Definitions.—As used in ss. 11.93-11.9352, the term:

17 (1) "Alternate delegate" means an individual who is
18 appointed as an alternate delegate as provided by law.

19 (2) "Article V convention" means a convention called for by
20 the states under Article V of the Constitution of the United
21 States for the purpose of proposing amendments to the
22 Constitution of the United States.

23 (3) "Chamber" means either the Senate or the House of
24 Representatives.

25 (4) "Delegate" means an individual appointed to represent
26 Florida at an Article V convention.

27 (5) "Paired delegate" means the delegate with whom an
28 alternate delegate is paired.

29 Section 4. Section 11.933, Florida Statutes, is created to
30 read:

31 11.933 Qualifications of delegates and alternate
32 delegates.—

33 (1) To be appointed as a delegate or alternate delegate to
34 an Article V convention, a person must:

35 (a) Reside in this state.

36 (b) Be a registered voter in this state.

37 (c) Not be registered or required to be registered as a
38 lobbyist under the laws of this state.

39 (2) A person may not be appointed as a delegate if he or



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40 she holds a federal office.

41 Section 5. Section 11.9331, Florida Statutes, is created to
42 read:

43 11.9331 Appointment of delegates by Legislature.-

44 (1) Whenever an Article V convention is called, the Senate
45 and House of Representatives shall appoint, under rules adopted
46 jointly by the Senate and House of Representatives:

47 (a) The number of delegates allocated to represent Florida.

48 (b) An equal number of alternate delegates.

49 (2) Unless otherwise established by the rules of procedure
50 of an Article V convention, it is presumed that Florida has two
51 delegates and two alternate delegates designated to represent
52 the state.

53 (3) If the Legislature is not in session when delegates
54 must be appointed, the President of the Senate and the Speaker
55 of the House of Representatives shall call the Legislature into
56 special session pursuant to s. 11.011 for the purpose of
57 appointing delegates and alternate delegates.

58 Section 6. Section 11.9332, Florida Statutes, is created to
59 read:

60 11.9332 Appointment by majority vote of each chamber;
61 pairing delegates and alternate delegates.-

62 (1) To be appointed as a delegate or an alternate delegate,
63 a person must receive, in each chamber, the vote of a majority
64 of all the members elected to that chamber.

65 (2) At the time of appointment, each alternate delegate
66 must be paired with a delegate as provided by a concurrent
67 resolution adopted by the Legislature.

68 Section 7. Section 11.9333, Florida Statutes, is created to



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69 read:

70 11.9333 Recall; filling a vacancy; special legislative
71 session.—

72 (1) The Legislature may, at any time, recall a delegate or
73 alternate delegate and replace that delegate or alternate
74 delegate with an individual appointed under s. 11.9331.

75 (2) The Legislature may, at any time, fill a vacancy in the
76 office of delegate or alternate delegate with a person appointed
77 under s. 11.9331. If the Legislature is not in session when a
78 vacancy occurs with respect to both a delegate and the paired
79 alternate delegate, the President of the Senate and the Speaker
80 of the House of Representatives shall call the Legislature into
81 special session pursuant to s. 11.011 for the purpose of
82 appointing a delegate and an alternate delegate to fill the
83 vacancies.

84 Section 8. Section 11.9334, Florida Statutes, is created to
85 read:

86 11.9334 Method of appointment and recall.—The Legislature
87 shall appoint or recall delegates or alternate delegates by
88 concurrent resolution.

89 Section 9. Section 11.9335, Florida Statutes, is created to
90 read:

91 11.9335 Reimbursement of per diem and travel expenses.—A
92 delegate or alternate delegate shall serve without compensation
93 but may be reimbursed for per diem and travel expenses pursuant
94 to s. 112.061.

95 Section 10. Section 11.9336, Florida Statutes, is created
96 to read:

97 11.9336 Oath.—Each delegate and alternate delegate shall,



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98 before exercising any function of the position, execute an oath
99 in the state and in writing that the delegate or alternative
100 delegate will:

101 (1) Support the Constitution of the United States and the
102 State Constitution.

103 (2) Faithfully abide by and execute any instructions to
104 delegates and alternate delegates adopted by the Legislature.

105 (3) Otherwise faithfully discharge the duties of a delegate
106 or alternate delegate.

107 Section 11. Section 11.9337, Florida Statutes, is created
108 to read:

109 11.9337 Filing of oath; issuance of commission.—The
110 executed oath of a delegate or alternate delegate shall be filed
111 with the Secretary of State. After the oath is filed, the
112 Governor shall issue a commission to the delegate or alternate
113 delegate.

114 Section 12. Section 11.934, Florida Statutes, is created to
115 read:

116 11.934 Instructions to delegates.—

117 (1) When delegates and alternate delegates are appointed,
118 the Legislature shall adopt a concurrent resolution to provide
119 instructions to the delegates and alternate delegates regarding
120 the rules of procedure and any other matter relating to the
121 Article V convention that the Legislature considers necessary.

122 (2) The Legislature may amend the instructions at any time
123 by concurrent resolution.

124 Section 13. Section 11.9341, Florida Statutes, is created
125 to read:

126 11.9341 Duties of alternate delegates.—An alternate



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127 delegate:

128 (1) Shall act in the place of the paired delegate when the
129 paired delegate is absent from the Article V convention.

130 (2) Replaces the paired delegate if the alternate
131 delegate's paired delegate vacates the office.

132 Section 14. Section 11.9342, Florida Statutes, is created
133 to read:

134 11.9342 Vote cast outside the scope of instructions or
135 limits; status of vote.—A vote cast by a delegate or an
136 alternate delegate at an Article V convention is void if the
137 vote is outside the scope of:

138 (1) The instructions established by a concurrent resolution
139 adopted pursuant to s. 11.934; or

140 (2) The limits placed by the Legislature in a concurrent
141 resolution or memorial that calls for an Article V convention
142 for the purpose of proposing one or more amendments to the
143 Constitution of the United States on the subjects and amendments
144 that may be considered by the Article V Convention.

145 Section 15. Section 11.9343, Florida Statutes, is created
146 to read:

147 11.9343 Vote cast outside the scope of instructions or
148 limits; appointment forfeited.—

149 (1) A delegate or alternate delegate forfeits his or her
150 appointment by virtue of a vote or attempt to vote that is
151 outside the scope of:

152 (a) The instructions established by a concurrent resolution
153 adopted pursuant to s. 11.934; or

154 (b) The limits placed by the Legislature in a concurrent
155 resolution or memorial that calls for an Article V convention



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156 for the purpose of proposing one or more amendments to the
157 Constitution of the United States on the subjects and amendments
158 that may be considered by the Article V convention.

159 (2) If a delegate forfeits an appointment under subsection
160 (1), the paired alternate delegate of the delegate becomes the
161 delegate at the time the forfeiture of the appointment occurs.

162 Section 16. Section 11.9344, Florida Statutes, is created
163 to read:

164 11.9344 Vote cast outside the scope of instructions or
165 limits; status of application.—The application of the
166 Legislature to call an Article V convention for proposing
167 amendments to the Constitution of the United States ceases to be
168 a continuing application and shall be treated as having no
169 effect if all of the delegates and alternate delegates vote or
170 attempt to vote outside the scope of:

171 (1) The instructions established by a concurrent resolution
172 adopted pursuant to s. 11.934; or

173 (2) The limits placed by the Legislature in a concurrent
174 resolution or memorial that calls for an Article V convention
175 for the purpose of proposing one or more amendments to the
176 Constitution of the United States on the subjects and amendments
177 that may be considered by the Article V convention.

178 Section 17. Section 11.9345, Florida Statutes, is created
179 to read:

180 11.9345 Vote cast outside the scope of instructions;
181 criminal liability.—A delegate or alternate delegate commits a
182 felony of the third degree, punishable as provided in s. 775.082
183 or s. 775.083, who signs an oath of office as required by s.
184 11.9336 in the state and who thereafter violates the oath by



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185 knowingly or intentionally voting or attempting to vote outside
186 the scope of:

187 (1) The instructions established by a concurrent resolution
188 adopted pursuant to s. 11.934; or

189 (2) The limits placed by the Legislature in a concurrent
190 resolution or memorial that calls for an Article V convention
191 for the purpose of proposing one or more amendments to the
192 Constitution of the United States on the subjects and amendments
193 that may be considered by the Article V convention.

194 Section 18. Section 11.935, Florida Statutes, is created to
195 read:

196 11.935 Article V convention advisory group.—

197 (1) As used in this section, the term "advisory group"
198 means the Article V convention delegate advisory group.

199 (2) The advisory group consists of the following members:

200 (a) An attorney appointed by the President of the Senate.

201 (b) An attorney appointed by the Speaker of the House of
202 Representatives.

203 (c) An attorney selected by agreement of the attorneys
204 appointed under paragraphs (a) and (b), who shall serve as chair
205 of the advisory group.

206 (3) The advisory group shall meet at the call of the chair
207 and shall establish the policies and procedures that the
208 advisory group determines necessary to carry out ss. 11.93-
209 11.9352.

210 (4) Upon the request of a delegate or alternate delegate,
211 the advisory group shall advise the delegate or alternate
212 delegate whether there is reason to believe that an action or an
213 attempt to take an action by a delegate or alternate delegate



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214 would:

215 (a) Violate the instructions established by a concurrent
216 resolution adopted by the Legislature under s. 11.934; or

217 (b) Exceed the limits placed by the Legislature in a
218 concurrent resolution or memorial that calls for an Article V
219 convention for the purpose of proposing one or more amendments
220 to the Constitution of the United States on the subjects and
221 amendments that may be considered by the Article V convention.

222 (5) The advisory group:

223 (a) May render an advisory determination under this section
224 in any summary manner considered appropriate by the advisory
225 group.

226 (b) Shall render an advisory determination under this
227 section within 24 hours after receiving a request for a
228 determination.

229 (c) Shall transmit a copy of an advisory determination
230 under this section in the most expeditious manner possible to
231 the delegate or alternate delegate who requested the advisory
232 determination.

233 (d) If the advisory group renders an advisory determination
234 under this section, the advisory group may also take an action
235 permitted under s. 11.9351.

236 Section 19. Section 11.9351, Florida Statutes, is created
237 to read:

238 11.9351 Oversight of delegates with respect to
239 instructions.—

240 (1) The advisory group, on its own motion, or upon the
241 request of the President of the Senate, the Speaker of the House
242 of Representatives, or the Attorney General, shall advise the



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243 Attorney General whether there is reason to believe that a vote
244 or an attempt to vote by a delegate or alternate delegate has:

245 (a) Violated the instructions established by a concurrent
246 resolution adopted by the Legislature under s. 11.934; or

247 (b) Exceeded the limits placed by the Legislature in a
248 concurrent resolution or memorial that calls for an Article V
249 convention for the purpose of proposing one or more amendments
250 to the Constitution of the United States on the subjects and
251 amendments that may be considered by the Article V convention.

252 (2) The advisory group shall issue the advisory
253 determination under this section by one of the following summary
254 procedures:

255 (a) Without notice or an evidentiary proceeding; or

256 (b) After a hearing conducted by the advisory group.

257 (3) The advisory group shall render an advisory
258 determination under this section within 24 hours after receiving
259 a request for an advisory determination.

260 (4) The advisory group shall transmit a copy of an advisory
261 determination in the most expeditious manner possible to the
262 Attorney General.

263 Section 20. Section 11.9352, Florida Statutes, is created
264 to read:

265 11.9352 Advisory determination concerning a vote outside
266 the scope of instructions.—Immediately, upon receipt of an
267 advisory determination that finds that a vote or attempt to vote
268 by a delegate or alternate delegate is a violation as described
269 in s. 11.9351 or in excess of the authority of the delegate or
270 alternate delegate, the Attorney General shall inform the
271 delegates, alternate delegates, the President of the Senate, the



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272 Speaker of the House of Representatives, and the Article V
273 convention that:

274 (1) The vote or attempt to vote did not comply with Florida
275 law, is void, and has no effect.

276 (2) The credentials of the delegate or alternate delegate
277 who is the subject of the determination are revoked.

278 Section 21. This act shall take effect July 1, 2014.

279

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

281 And the title is amended as follows:

282 Delete everything before the enacting clause

283 and insert:

284 A bill to be entitled

285 An act relating to Article V constitutional

286 conventions; creating s. 11.93, F.S.; providing a

287 short title; creating s. 11.931, F.S.; providing for

288 applicability; creating s. 11.932, F.S.; providing

289 definitions; creating s. 11.933, F.S.; establishing

290 qualifications of delegates and alternate delegates to

291 an Article V constitutional convention; creating s.

292 11.9331, F.S.; providing for the appointment of

293 delegates by the Legislature; creating s. 11.9332,

294 F.S.; requiring majority vote approval in each chamber

295 for the appointment of delegates; creating s. 11.9333,

296 F.S.; authorizing the Legislature to recall a delegate

297 and fill a vacancy; authorizing the presiding officers

298 of the Legislature to call for a special legislative

299 session to fill a vacancy; creating s. 11.9334, F.S.;

300 establishing a legislative method for appointments and



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301 recalls; creating s. 11.9335, F.S.; providing for the
302 reimbursement of delegates and alternate delegates for
303 per diem and travel expenses; creating s. 11.9336,
304 F.S.; requiring delegates and alternate delegates to
305 execute a written oath of responsibilities; creating
306 s. 11.9337, F.S.; providing for the filing of
307 delegates' oaths and the issuance of commissions;
308 creating s. 11.934, F.S.; providing for instructions
309 to delegates and alternate delegates; creating s.
310 11.9341, F.S.; establishing duties of alternate
311 delegates; creating s. 11.9342, F.S.; establishing
312 circumstances under which a convention vote is
313 declared void; creating s. 11.9343, F.S.; providing
314 circumstances under which a delegate or alternate
315 delegate's appointment is forfeited; creating s.
316 11.9344, F.S.; establishing circumstances under which
317 the application to call an Article V convention ceases
318 to be a continuing application and is deemed to have
319 no effect; creating s. 11.9345, F.S.; providing
320 penalties for a delegate or alternate delegate who
321 votes or attempts to vote outside the scope of the
322 Legislature's instructions or the limits of the call
323 for a constitutional convention; creating ss. 11.935,
324 11.9351, and 11.9352, F.S.; establishing a delegate
325 advisory group, its membership, duties, and
326 responsibilities; providing an effective date.