

1 A bill to be entitled

2 An act relating to Article V constitutional
3 conventions; creating s. 11.93, F.S.; providing a
4 short title; creating s. 11.931, F.S.; providing for
5 applicability; creating s. 11.932, F.S.; providing
6 definitions; creating s. 11.933, F.S.; establishing
7 qualifications of delegates and alternate delegates to
8 an Article V constitutional convention; creating s.
9 11.9331, F.S.; providing for the appointment of
10 delegates by the Legislature; creating s. 11.9332,
11 F.S.; requiring majority vote approval in each chamber
12 for the appointment of delegates; creating s. 11.9333,
13 F.S.; authorizing the Legislature to recall a delegate
14 and fill a vacancy; authorizing the Governor to call a
15 special legislative session to fill a vacancy;
16 creating s. 11.9334, F.S.; establishing a legislative
17 method for appointments and recalls; creating s.
18 11.9335, F.S.; providing for the reimbursement of
19 delegates and alternate delegates for per diem and
20 travel expenses; creating s. 11.9336, F.S.; requiring
21 delegates and alternate delegates to execute a written
22 oath of responsibilities; creating s. 11.9337, F.S.;
23 providing for the filing of delegates' oaths and the
24 issuance of commissions; creating s. 11.934, F.S.;
25 providing for instructions to delegates and alternate
26 delegates; creating s. 11.9341, F.S.; establishing

27 | duties of alternate delegates; creating s. 11.9342,
 28 | F.S.; establishing circumstances under which a
 29 | convention vote is declared void; creating s. 11.9343,
 30 | F.S.; providing circumstances under which a delegate
 31 | or alternate delegate's appointment is forfeited;
 32 | creating s. 11.9344, F.S.; establishing circumstances
 33 | under which the application to call an Article V
 34 | convention ceases to be a continuing application and
 35 | is deemed to have no effect; creating s. 11.9345,
 36 | F.S.; providing penalties for a delegate or alternate
 37 | delegate who votes or attempts to vote outside the
 38 | scope of the Legislature's instructions or the limits
 39 | of the call for a constitutional convention; creating
 40 | ss. 11.935, 11.9351, and 11.9352, F.S.; establishing a
 41 | delegate advisory group, its membership, duties, and
 42 | responsibilities; providing an effective date.

43 |

44 | Be It Enacted by the Legislature of the State of Florida:

45 |

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

48 | 11.93 Short title.—Sections 11.93-11.9352 may be cited as
 49 | the "Article V Constitutional Convention Act."

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

52 | 11.931 Applicability.—Sections 11.93-11.9352 shall apply

53 when an Article V convention is called for the purpose of
 54 proposing amendments to the Constitution of the United States.

55 Section 3. Section 11.932, Florida Statutes, is created to
 56 read:

57 11.932 Definitions.—As used in ss. 11.93-11.9352, the
 58 term:

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

61 (2) "Article V convention" means a convention called for
 62 by the states under Article V of the Constitution of the United
 63 States for the purpose of proposing amendments to the
 64 Constitution of the United States.

65 (3) "Chamber" means either the Senate or the House of
 66 Representatives.

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

69 (5) "Paired delegate" means the delegate with whom an
 70 alternate delegate is paired.

71 Section 4. Section 11.933, Florida Statutes, is created to
 72 read:

73 11.933 Qualifications of delegates and alternate
 74 delegates.—

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

77 (a) Reside in this state.

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

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

81 (2) A person may not be appointed as a delegate if he or
 82 she holds a federal office.

83 Section 5. Section 11.9331, Florida Statutes, is created
 84 to read:

85 11.9331 Appointment of delegates by Legislature.—

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

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

91 (b) An equal number of alternate delegates.

92 (2) Unless otherwise established by the rules of procedure
 93 of an Article V convention, it is presumed that Florida has two
 94 delegates and two alternate delegates designated to represent
 95 the state.

96 (3) If the Legislature is not in session when delegates
 97 must be appointed, the Governor shall call the Legislature into
 98 special session pursuant to s. 3(c), Art. III of the State
 99 Constitution for the purpose of appointing delegates and
 100 alternate delegates.

101 Section 6. Section 11.9332, Florida Statutes, is created
 102 to read:

103 11.9332 Appointment by majority vote of each chamber;
 104 pairing delegates and alternate delegates.—

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

108 (b) At the time of appointment, each alternate delegate
 109 must be paired with a delegate as provided by a concurrent
 110 resolution adopted by the Legislature.

111 Section 7. Section 11.9333, Florida Statutes, is created
 112 to read:

113 11.9333 Recall; filling a vacancy; special legislative
 114 session.—

115 (1) The Legislature may, at any time, recall a delegate or
 116 alternate delegate and replace that delegate or alternate
 117 delegate with an individual appointed under ss.11.93-11.9352.

118 (2) The Legislature may, at any time, fill a vacancy in
 119 the office of delegate or alternate delegate with a person
 120 appointed under ss. 11.93-11.9352. If the Legislature is not in
 121 session when a vacancy occurs with respect to both a delegate
 122 and the paired alternate delegate, the Governor shall call the
 123 Legislature into special session pursuant to s. 3(c), Art. III
 124 of the State Constitution for the purpose of appointing a
 125 delegate and an alternate delegate to fill the vacancies.

126 Section 8. Section 11.9334, Florida Statutes, is created
 127 to read:

128 11.9334 Method of appointment and recall.—The Legislature
 129 shall appoint or recall delegates or alternate delegates by
 130 concurrent resolution.

131 Section 9. Section 11.9335, Florida Statutes, is created
 132 to read:

133 11.9335 Reimbursement of per diem and travel expenses.—A
 134 delegate or alternate delegate shall serve without compensation
 135 but may be reimbursed for per diem and travel expenses pursuant
 136 to s. 112.061.

137 Section 10. Section 11.9336, Florida Statutes, is created
 138 to read:

139 11.9336 Oath.—Each delegate and alternate delegate shall,
 140 before exercising any function of the position, execute an oath
 141 in writing that the delegate or alternative delegate will:

142 (1) Support the Constitution of the United States and the
 143 State Constitution.

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

146 (3) Otherwise faithfully discharge the duties of a
 147 delegate or alternate delegate.

148 Section 11. Section 11.9337, Florida Statutes, is created
 149 to read:

150 11.9337 Filing of oath; issuance of commission.—The
 151 executed oath of a delegate or alternate delegate shall be filed
 152 with the Secretary of State. After the oath is filed, the
 153 Governor shall issue a commission to the delegate or alternate
 154 delegate.

155 Section 12. Section 11.934, Florida Statutes, is created
 156 to read:

157 11.934 Instructions to delegates.—

158 (1) When delegates and alternate delegates are appointed,
 159 the Legislature shall adopt a concurrent resolution to provide
 160 instructions to the delegates and alternate delegates regarding
 161 the rules of procedure and any other matter relating to the
 162 Article V convention that the Legislature considers necessary.

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

165 Section 13. Section 11.9341, Florida Statutes, is created
 166 to read:

167 11.9341 Duties of alternate delegates.—An alternate
 168 delegate:

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

171 (2) Replaces the paired delegate if the alternate
 172 delegate's paired delegate vacates the office.

173 Section 14. Section 11.9342, Florida Statutes, is created
 174 to read:

175 11.9342 Vote cast outside the scope of instructions or
 176 limits; status of vote.—A vote cast by a delegate or an
 177 alternate delegate at an Article V convention is void if the
 178 vote is outside the scope of:

179 (1) The instructions established by a concurrent
 180 resolution adopted pursuant to ss. 11.93-11.9352; or

181 (2) The limits placed by the Legislature in a concurrent
 182 resolution or memorial that calls for an Article V convention

183 for the purpose of proposing one or more amendments to the
 184 Constitution of the United States on the subjects and amendments
 185 that may be considered by the Article V Convention.

186 Section 15. Section 11.9343, Florida Statutes, is created
 187 to read:

188 11.9343 Vote cast outside the scope of instructions or
 189 limits; appointment forfeited.—

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

193 (a) The instructions established by a concurrent
 194 resolution adopted pursuant to ss. 11.93-11.9352; or

195 (b) The limits placed by the Legislature in a concurrent
 196 resolution or memorial that calls for an Article V convention
 197 for the purpose of proposing one or more amendments to the
 198 Constitution of the United States on the subjects and amendments
 199 that may be considered by the Article V convention.

200 (2) If a delegate forfeits an appointment under subsection
 201 (1), the paired alternate delegate of the delegate becomes the
 202 delegate at the time the forfeiture of the appointment occurs.

203 Section 16. Section 11.9344, Florida Statutes, is created
 204 to read:

205 11.9344 Vote cast outside the scope of instructions or
 206 limits; status of application.—The application of the
 207 Legislature to call an Article V convention for proposing
 208 amendments to the Constitution of the United States ceases to be

209 a continuing application and shall be treated as having no
 210 effect if all of the delegates and alternate delegates vote or
 211 attempt to vote outside the scope of:

212 (1) The instructions established by a concurrent
 213 resolution adopted pursuant to ss. 11.93-11.9352; or

214 (2) The limits placed by the Legislature in a concurrent
 215 resolution or memorial that calls for an Article V convention
 216 for the purpose of proposing one or more amendments to the
 217 Constitution of the United States on the subjects and amendments
 218 that may be considered by the Article V convention.

219 Section 17. Section 11.9345, Florida Statutes, is created
 220 to read:

221 11.9345 Vote cast outside the scope of instructions;
 222 criminal liability.—A delegate or alternate delegate commits a
 223 felony of the third degree, punishable as provided in s. 775.082
 224 or s. 775.083, who knowingly or intentionally votes or attempts
 225 to vote outside the scope of:

226 (1) The instructions established by a concurrent
 227 resolution adopted pursuant to ss. 11.93-11.9352; or

228 (2) The limits placed by the Legislature in a concurrent
 229 resolution or memorial that calls for an Article V convention
 230 for the purpose of proposing one or more amendments to the
 231 Constitution of the United States on the subjects and amendments
 232 that may be considered by the Article V convention.

233 Section 18. Section 11.935, Florida Statutes, is created
 234 to read:

235 11.935 Article V convention advisory group.—
 236 (1) As used in this section, the term "advisory group"
 237 means the Article V convention delegate advisory group.
 238 (2) The advisory group consists of the following members:
 239 (a) The Chief Justice of the Supreme Court, who shall
 240 serve as the chair.
 241 (b) An attorney appointed by the President of the Senate.
 242 (c) An attorney appointed by the Speaker of the House of
 243 Representatives.
 244 (3) The advisory group shall meet at the call of the chair
 245 and shall establish the policies and procedures that the
 246 advisory group determines necessary to carry out ss. 11.93-
 247 11.9352.
 248 (4) Upon the request of a delegate or alternate delegate,
 249 the advisory group shall advise the delegate or alternate
 250 delegate whether there is reason to believe that an action or an
 251 attempt to take an action by a delegate or alternate delegate
 252 would:
 253 (a) Violate the instructions established by a concurrent
 254 resolution adopted by the Legislature under ss. 11.93-11.9352;
 255 or
 256 (b) Exceed the limits placed by the Legislature in a
 257 concurrent resolution or memorial that calls for an Article V
 258 convention for the purpose of proposing one or more amendments
 259 to the Constitution of the United States on the subjects and
 260 amendments that may be considered by the Article V convention.

261 (5) The advisory group:

262 (a) May render an advisory determination under this
 263 section in any summary manner considered appropriate by the
 264 advisory group.

265 (b) Shall render an advisory determination under this
 266 section within 24 hours after receiving a request for a
 267 determination.

268 (c) Shall transmit a copy of an advisory determination
 269 under this section in the most expeditious manner possible to
 270 the delegate or alternate delegate who requested the advisory
 271 determination.

272 (c) If the advisory group renders an advisory
 273 determination under this section, the advisory group may also
 274 take an action permitted under s. 11.9351.

275 Section 19. Section 11.9351, Florida Statutes, is created
 276 to read:

277 11.9351 Oversight of delegates with respect to
 278 instructions.—

279 (1) The advisory group, on its own motion, or upon the
 280 request of the President of the Senate, the Speaker of the House
 281 of Representatives, or the Attorney General, shall advise the
 282 Attorney General whether there is reason to believe that a vote
 283 or an attempt to vote by a delegate or alternate delegate has:

284 (a) Violated the instructions established by a concurrent
 285 resolution adopted by the Legislature under ss. 11.93-11.9352;
 286 or

287 (b) Exceeded the limits placed by the Legislature in a
 288 concurrent resolution or memorial that calls for an Article V
 289 convention for the purpose of proposing one or more amendments
 290 to the Constitution of the United States on the subjects and
 291 amendments that may be considered by the Article V convention.

292 (2) The advisory group shall issue the advisory
 293 determination under this section by one of the following summary
 294 procedures:

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

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

297 (3) The advisory group shall render an advisory
 298 determination under this section within 24 hours after receiving
 299 a request for an advisory determination.

300 (4) The advisory group shall transmit a copy of an
 301 advisory determination in the most expeditious manner possible
 302 to the Attorney General.

303 Section 20. Section 11.9352, Florida Statutes, is created
 304 to read:

305 11.9352 Advisory determination concerning a vote outside
 306 the scope of instructions.—Immediately, upon receipt of an
 307 advisory determination that finds that a vote or attempt to vote
 308 by a delegate or alternate delegate is a violation as described
 309 in s. 11.9351 or in excess of the authority of the delegate or
 310 alternate delegate, the Attorney General shall inform the
 311 delegates, alternate delegates, the President of the Senate, the
 312 Speaker of the House of Representatives, and the Article V

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313 convention that:

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

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

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