

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 presiding officers
15 of the Legislature to call for a special legislative
16 session to fill a vacancy; creating s. 11.9334, F.S.;
17 establishing a legislative method for appointments and
18 recalls; creating s. 11.9335, F.S.; providing for the
19 reimbursement of delegates and alternate delegates for
20 per diem and travel expenses; creating s. 11.9336,
21 F.S.; requiring delegates and alternate delegates to
22 execute a written oath of responsibilities; creating
23 s. 11.9337, F.S.; providing for the filing of
24 delegates' oaths and the issuance of commissions;
25 creating s. 11.934, F.S.; providing for instructions
26 to delegates and alternate delegates; creating s.

27 11.9341, F.S.; establishing duties of alternate
 28 delegates; creating s. 11.9342, F.S.; establishing
 29 circumstances under which a convention vote is
 30 declared void; creating s. 11.9343, F.S.; providing
 31 circumstances under which a delegate or alternate
 32 delegate's appointment is forfeited; creating s.
 33 11.9344, F.S.; establishing circumstances under which
 34 the application to call an Article V convention ceases
 35 to be a continuing application and is deemed to have
 36 no effect; creating s. 11.9345, F.S.; providing
 37 penalties for a delegate or alternate delegate who
 38 votes or attempts to vote outside the scope of the
 39 Legislature's instructions or the limits of the call
 40 for a constitutional convention; creating ss. 11.935,
 41 11.9351, and 11.9352, F.S.; establishing a delegate
 42 advisory group, its membership, duties, and
 43 responsibilities; providing an effective date.

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

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

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

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

53 11.931 Applicability.—Sections 11.93-11.9352 shall apply
 54 when an Article V convention is called for the purpose of
 55 proposing amendments to the Constitution of the United States.

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

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

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

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

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

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

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

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

74 11.933 Qualifications of delegates and alternate
 75 delegates.—

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

78 (a) Reside in this state.

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

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

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

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

86 11.9331 Appointment of delegates by Legislature.—

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

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

92 (b) An equal number of alternate delegates.

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

97 (3) If the Legislature is not in session when delegates
 98 must be appointed, the President of the Senate and the Speaker
 99 of the House of Representatives shall call the Legislature into
 100 special session pursuant to s. 11.011 for the purpose of
 101 appointing delegates and alternate delegates.

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

104 11.9332 Appointment by majority vote of each chamber;

105 pairing delegates and alternate delegates.-

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

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

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

114 11.9333 Recall; filling a vacancy; special legislative
 115 session.-

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

119 (2) The Legislature may, at any time, fill a vacancy in
 120 the office of delegate or alternate delegate with a person
 121 appointed under ss. 11.93-11.9352. If the Legislature is not in
 122 session when a vacancy occurs with respect to both a delegate
 123 and the paired alternate delegate, the President of the Senate
 124 and the Speaker of the House of Representatives shall call the
 125 Legislature into special session pursuant to s. 11.011 for the
 126 purpose of appointing a delegate and an alternate delegate to
 127 fill the vacancies.

128 Section 8. Section 11.9334, Florida Statutes, is created
 129 to read:

130 11.9334 Method of appointment and recall.-The Legislature

131 shall appoint or recall delegates or alternate delegates by
 132 concurrent resolution.

133 Section 9. Section 11.9335, Florida Statutes, is created
 134 to read:

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

139 Section 10. Section 11.9336, Florida Statutes, is created
 140 to read:

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

145 (1) Support the Constitution of the United States and the
 146 State Constitution.

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

149 (3) Otherwise faithfully discharge the duties of a
 150 delegate or alternate delegate.

151 Section 11. Section 11.9337, Florida Statutes, is created
 152 to read:

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

157 delegate.

158 Section 12. Section 11.934, Florida Statutes, is created
159 to read:

160 11.934 Instructions to delegates.—

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

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

168 Section 13. Section 11.9341, Florida Statutes, is created
169 to read:

170 11.9341 Duties of alternate delegates.—An alternate
171 delegate:

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

174 (2) Replaces the paired delegate if the alternate
175 delegate's paired delegate vacates the office.

176 Section 14. Section 11.9342, Florida Statutes, is created
177 to read:

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

182 (1) The instructions established by a concurrent

183 resolution adopted pursuant to ss. 11.93-11.9352; or

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

189 Section 15. Section 11.9343, Florida Statutes, is created
 190 to read:

191 11.9343 Vote cast outside the scope of instructions or
 192 limits; appointment forfeited.—

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

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

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

203 (2) If a delegate forfeits an appointment under subsection
 204 (1), the paired alternate delegate of the delegate becomes the
 205 delegate at the time the forfeiture of the appointment occurs.

206 Section 16. Section 11.9344, Florida Statutes, is created
 207 to read:

208 11.9344 Vote cast outside the scope of instructions or

209 limits; status of application.—The application of the
 210 Legislature to call an Article V convention for proposing
 211 amendments to the Constitution of the United States ceases to be
 212 a continuing application and shall be treated as having no
 213 effect if all of the delegates and alternate delegates vote or
 214 attempt to vote outside the scope of:

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

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

222 Section 17. Section 11.9345, Florida Statutes, is created
 223 to read:

224 11.9345 Vote cast outside the scope of instructions;
 225 criminal liability.—A delegate or alternate delegate commits a
 226 felony of the third degree, punishable as provided in s. 775.082
 227 or s. 775.083, who signs an oath of office as required by s.
 228 11.9336 in the state and who thereafter violates the oath by
 229 knowingly or intentionally voting or attempting to vote outside
 230 the scope of:

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

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

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

238 Section 18. Section 11.935, Florida Statutes, is created
239 to read:

240 11.935 Article V convention advisory group.—

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

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

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

245 (b) An attorney appointed by the Speaker of the House of
246 Representatives.

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

250 (3) The advisory group shall meet at the call of the chair
251 and shall establish the policies and procedures that the
252 advisory group determines necessary to carry out ss. 11.93-
253 11.9352.

254 (4) Upon the request of a delegate or alternate delegate,
255 the advisory group shall advise the delegate or alternate
256 delegate whether there is reason to believe that an action or an
257 attempt to take an action by a delegate or alternate delegate
258 would:

259 (a) Violate the instructions established by a concurrent
260 resolution adopted by the Legislature under ss. 11.93-11.9352;

261 or

262 (b) Exceed the limits placed by the Legislature in a
263 concurrent resolution or memorial that calls for an Article V
264 convention for the purpose of proposing one or more amendments
265 to the Constitution of the United States on the subjects and
266 amendments that may be considered by the Article V convention.

267 (5) The advisory group:

268 (a) May render an advisory determination under this
269 section in any summary manner considered appropriate by the
270 advisory group.

271 (b) Shall render an advisory determination under this
272 section within 24 hours after receiving a request for a
273 determination.

274 (c) Shall transmit a copy of an advisory determination
275 under this section in the most expeditious manner possible to
276 the delegate or alternate delegate who requested the advisory
277 determination.

278 (c) If the advisory group renders an advisory
279 determination under this section, the advisory group may also
280 take an action permitted under s. 11.9351.

281 Section 19. Section 11.9351, Florida Statutes, is created
282 to read:

283 11.9351 Oversight of delegates with respect to
284 instructions.-

285 (1) The advisory group, on its own motion, or upon the
286 request of the President of the Senate, the Speaker of the House

287 of Representatives, or the Attorney General, shall advise the
 288 Attorney General whether there is reason to believe that a vote
 289 or an attempt to vote by a delegate or alternate delegate has:

290 (a) Violated the instructions established by a concurrent
 291 resolution adopted by the Legislature under ss. 11.93-11.9352;
 292 or

293 (b) Exceeded the limits placed by the Legislature in a
 294 concurrent resolution or memorial that calls for an Article V
 295 convention for the purpose of proposing one or more amendments
 296 to the Constitution of the United States on the subjects and
 297 amendments that may be considered by the Article V convention.

298 (2) The advisory group shall issue the advisory
 299 determination under this section by one of the following summary
 300 procedures:

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

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

303 (3) The advisory group shall render an advisory
 304 determination under this section within 24 hours after receiving
 305 a request for an advisory determination.

306 (4) The advisory group shall transmit a copy of an
 307 advisory determination in the most expeditious manner possible
 308 to the Attorney General.

309 Section 20. Section 11.9352, Florida Statutes, is created
 310 to read:

311 11.9352 Advisory determination concerning a vote outside
 312 the scope of instructions.—Immediately, upon receipt of an

313 advisory determination that finds that a vote or attempt to vote
314 by a delegate or alternate delegate is a violation as described
315 in s. 11.9351 or in excess of the authority of the delegate or
316 alternate delegate, the Attorney General shall inform the
317 delegates, alternate delegates, the President of the Senate, the
318 Speaker of the House of Representatives, and the Article V
319 convention that:

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

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

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