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1  
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.

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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:

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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.

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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;

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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

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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

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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

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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



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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

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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;

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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

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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

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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.