

HM 137

2018

1 House Memorial

2 A memorial to the Congress of the United States,
3 urging Congress to propose to the states an amendment
4 to the United States Constitution that allows Congress
5 to deem a law that has been declared void by certain
6 federal courts active and operational and that allows
7 a state to deem a law that has been declared void by
8 that state's courts active and operational.
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10 WHEREAS, the judicial branch has taken on an increasingly
11 activist role aimed at molding legislation according to the
12 political beliefs of its members, and

13 WHEREAS, such an activist posture tends to excessively
14 consolidate power in one branch of government, and

15 WHEREAS, the United States Supreme Court and the states'
16 respective highest courts currently possess what operationally
17 amounts to ultimate and unchecked authority on matters of the
18 constitutionality of the United States' laws and the states'
19 respective laws, and

20 WHEREAS, the United States Congress may submit proposed
21 constitutional amendments for consideration and ratification by
22 the states, NOW, THEREFORE,

23
24 Be It Resolved by the Legislature of the State of Florida:
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26 That the Florida Legislature respectfully petitions the
27 United States Congress to propose to the states an amendment to
28 the United States Constitution providing that any law,
29 resolution, or other legislative act declared void by the United
30 States Supreme Court or a United States court of appeals may be
31 deemed active and operational, notwithstanding the court's
32 ruling, if agreed to by Congress pursuant to a joint resolution
33 adopted by a 60 percent vote of each chamber of Congress within
34 5 years after the date the ruling becomes final, and that any
35 state law, resolution, or other legislative act declared void by
36 the respective state's appellate or highest court may be deemed
37 active and operational, notwithstanding the court's ruling, if
38 agreed to by such respective state's legislature pursuant to a
39 joint resolution adopted by a 60 percent vote of each chamber of
40 such state's legislature within 5 years after the date the
41 ruling becomes final, unless such 60 percent vote threshold is
42 revised by such state through its constitutional amendment
43 process. Such a joint resolution shall take effect immediately
44 upon passage.

45 BE IT FURTHER RESOLVED that copies of this memorial be
46 dispatched to the President of the United States, to the
47 President of the United States Senate, to the Speaker of the
48 United States House of Representatives, and to each member of
49 the Florida delegation to the United States Congress.