

By Representatives Sanderson, Albright, Wise, K. Pruitt,  
Feeney, Merchant, Byrd, Safley, Stabins, Littlefield, Jones  
and Maygarden

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House Memorial

A memorial requesting the United States  
Congress to prepare and submit to the states an  
amendment to the United States Constitution  
prohibiting federal courts from ordering a  
state to levy or increase taxes.

WHEREAS, separation of powers is fundamental to the  
United States Constitution, and the power of the Federal  
Government is strictly limited, and

WHEREAS, under the United States Constitution, the  
states are to determine public policy, and

WHEREAS, it is the duty of the judiciary to interpret  
the law, not to create law, and

WHEREAS, our present Federal Government has strayed  
from the intent of our founding fathers and the United States  
Constitution through inappropriate federal mandates, and

WHEREAS, these mandates, by way of statute, rule, or  
judicial decision, have forced state governments to serve as  
the mere administrative arm of the Federal Government, and

WHEREAS, federal district courts, with the acquiescence  
of the United States Supreme Court, continue to order states  
to levy or increase taxes to comply with federal mandates, and

WHEREAS, these court actions violate the United States  
Constitution and the legislative process, and

WHEREAS, the time has come for the people of this great  
Nation and their duly elected representatives in state  
government to reaffirm, in no uncertain terms, that the  
authority to tax under the Constitution of the United States  
is retained by the people who, by their consent alone, do  
delegate such power to tax explicitly to those duly elected

1 representatives in the legislative branch of government whom  
2 they choose, such representatives being directly responsible  
3 and accountable to those who have elected them, and

4 WHEREAS, several states have petitioned the United  
5 States Congress to propose an amendment to the Constitution of  
6 the United States of America, and

7 WHEREAS, the amendment was previously introduced in  
8 Congress, and

9 WHEREAS, the amendment seeks to prevent federal courts  
10 from levying or increasing taxes without representation of the  
11 people and against the people's wishes, NOW, THEREFORE,

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13 Be It Resolved by the Legislature of the State of Florida:

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15 That the Congress of the United States prepare and  
16 submit to the several states an amendment to the Constitution  
17 of the United States to add a new article providing as  
18 follows:

19 Neither the Supreme Court nor any inferior  
20 court of the United States shall have the power  
21 to instruct or order a state or a political  
22 subdivision thereof, or an official of such a  
23 state or political subdivision, to levy or  
24 increase taxes.

25 That this application constitutes a continuing  
26 application in accordance with Article V of the Constitution  
27 of the United States.

28 That the Legislature of the State of Florida also  
29 proposes that the legislatures of each of the several states  
30 comprising the United States that have not yet made a similar  
31 request apply to the United States Congress requesting

1 enactment of an appropriate amendment to the United States  
2 Constitution, and apply to the United States Congress to  
3 propose such an amendment to the United States Constitution.  
4         That the Secretary of State of the State of Florida  
5 transmit copies of this memorial to the President and Vice  
6 President of the United States, the presiding officer in each  
7 house of the legislature in each of the states in the Union,  
8 the Speaker of the United States House of Representatives, the  
9 President of the United States Senate, and to each member of  
10 the Florida delegation to the United States Congress.

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