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See HM 1261

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Senate Memorial No. ____

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 have the prerogative 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

WHEREAS, the time has come for the people of this great Nation and their duly elected representatives in state government to reassert, 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, 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 urges
29 the legislatures of each of the several states comprising the
30 United States which have not yet made a similar request to

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1 request that the United States Congress propose such an
2 amendment to the United States Constitution.

3 That the Secretary of State of the State of Florida
4 dispatch copies of this memorial to the President and Vice
5 President of the United States, to the presiding officer in
6 each house of the legislature in each of the states in the
7 Union, to the Speaker of the United States House of
8 Representatives, to the President of the United States Senate,
9 and to each member of the Florida delegation to the United
10 States Congress.

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