

HM 1601

2006

## 1 House Memorial

2 A memorial to the Congress of the United States, urging  
3 Congress to restore, protect, and enhance intellectual and  
4 physical property rights in federal law and trade  
5 agreements as the Florida Legislature resolves to restore,  
6 protect, and enhance intellectual and physical property  
7 rights in Florida law.

8  
9 WHEREAS, the Fifth Amendment of the United States  
10 Constitution states, in part, "...nor shall private property be  
11 taken for public use, without just compensation", and

12 WHEREAS, the decision of the Supreme Court of the United  
13 States in *Kelo v. City of New London* gave local governments and  
14 municipalities the power to seize private property for private  
15 enterprises in order to increase tax revenue and stimulate  
16 economic development, not for any public use or purpose, and

17 WHEREAS, this interpretation of the eminent domain power  
18 infringes upon the most fundamental of rights and endangers  
19 property owners across the nation, and

20 WHEREAS, Article I, Section 8 of the United States  
21 Constitution states, in part, "The Congress shall have Power  
22 To...promote the Progress of Science and useful Arts, by  
23 securing for limited Times to Authors and Inventors the  
24 exclusive Right to their respective Writings and  
25 Discoveries...", and

26 WHEREAS, the exclusive right of authors and inventors to  
27 their intellectual property is being subjected to increasing  
28 infringement and threats of infringement by both public and

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29 private entities, ranging from global piracy to illegal sharing  
30 of content files on college campuses to governmental abrogation,  
31 and

32 WHEREAS, state legislatures have the duty to limit both  
33 public and private infringements of private entities' rights to  
34 use and enjoyment of physical and intellectual property on  
35 matters within their authority, and to oppose such violations on  
36 matters beyond their authority, NOW, THEREFORE,

37  
38 Be It Resolved by the Legislature of the State of Florida:

39  
40 That the Florida Legislature finds and declares that  
41 governmental takings of either physical or intellectual property  
42 for nonpublic uses or purposes, governmental abrogation of  
43 physical or intellectual property rights without compensation,  
44 and illegal use of physical or intellectual property by private  
45 entities are violations of the fundamental rights of the owners  
46 of physical and intellectual property.

47 BE IT FURTHER RESOLVED that the Florida Legislature shall  
48 work to restore, protect, and enhance intellectual and physical  
49 property rights in Florida law by reviewing current state law  
50 and pending legislation and revising such law and legislation  
51 accordingly.

52 BE IT FURTHER RESOLVED that the Florida Legislature urges  
53 Congress likewise to restore, protect, and enhance intellectual  
54 and physical property rights in federal law and all trade  
55 agreements by reviewing current federal law and trade agreements  
56 and pending federal legislation and trade agreements and

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57 | revising such law, legislation, and current or pending trade  
58 | agreements accordingly.

59 |       BE IT FURTHER RESOLVED that copies of this memorial be  
60 | dispatched to the President of the United States, to the  
61 | President of the United States Senate, to the Speaker of the  
62 | United States House of Representatives, and to each member of  
63 | the Florida delegation to the United States Congress.