

By Senator Benacquisto

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Senate Concurrent Resolution

A concurrent resolution calling for the Congress of the United States to call a convention pursuant to Article V of the United States Constitution to propose a constitutional amendment permitting repeal of any federal law or regulation by vote of two-thirds of the state legislatures.

WHEREAS, Article I of the United States Constitution begins "All legislative powers herein granted shall be vested in a Congress," and

WHEREAS, the Congress has exceeded the legislative powers granted in the Constitution thereby encroaching on the powers that are "reserved to the states respectively, or to the people" as the Tenth Amendment affirms and the rights "retained by the people" to which the Ninth Amendment refers, and

WHEREAS, this encroachment includes the accumulation of federal debt, which combined with interest represents a future tax, and is of such great proportion that responsibility for its payment will be passed to future, unborn generations of Americans to assume without their consent, thereby disparaging their rights, and

WHEREAS, this encroachment also includes compelling state and local governments to comply with federal laws and regulations without accompanying funding for such mandates, and

WHEREAS, in Federalist No. 85, Alexander Hamilton wrote in reference to Article V of the Constitution and the calling of a convention for the purpose of proposing amendments that, "We may safely rely on the disposition of the State legislatures to

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30 erect barriers against the encroachments of the national
31 authority," and

32 WHEREAS, the Constitution should be amended in order to
33 halt federal encroachment and restore a proper balance between
34 the powers of Congress and those of the several states, and to
35 prevent the denial or disparagement of the rights retained by
36 the people, NOW, THEREFORE,

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38 Be It Resolved by the Senate of the State of Florida, the House
39 of Representatives Concurring:

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41 That the State of Florida hereby applies and makes
42 application to the Congress of the United States to call a
43 convention pursuant to Article V of the United States
44 Constitution for the limited purpose of proposing a
45 constitutional amendment that permits the repeal of any federal
46 law or regulation by vote of two-thirds of the state
47 legislatures, and the Florida delegation to such convention,
48 when called, shall propose the following amendment: "Any
49 provision of law or regulation of the United States may be
50 repealed by the several states, and such repeal shall be
51 effective when the legislatures of two-thirds of the several
52 states approve resolutions for this purpose that particularly
53 describe the same provision or provisions of law or regulation
54 to be repealed," and

55 BE IT FURTHER RESOLVED that this resolution is revoked and
56 withdrawn, nullified, and superseded to the same effect as if it
57 had never been passed, and retroactive to the date of passage,
58 if it is used for the purpose of calling a convention or used in

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59 support of conducting a convention to amend the Constitution of
60 the United States for any purpose other than consideration of
61 the amendment proposed in this resolution, and

62 BE IT FURTHER RESOLVED that the State of Florida reserves
63 its right to add future amendments as the Legislature deems
64 warranted to this application, and

65 BE IT FURTHER RESOLVED that delegates to such convention,
66 when called, be selected according to procedures established by
67 the legislatures of the several states, and

68 BE IT FURTHER RESOLVED that certified copies of the
69 foregoing resolution be immediately forwarded by the Secretary
70 of State of the State of Florida, under the great seal, to the
71 President of the United States, the Secretary of State of the
72 United States, the President of the Senate of the United States,
73 the Speaker of the House of Representatives of the United
74 States, and the Administrator of General Services of the United
75 States, and to each member of the Florida delegation to the
76 United States Congress so that they may be apprised of the sense
77 of the Florida Legislature in this matter.