

By Senator Bean

4-00537A-16

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Senate Memorial

A memorial to the Congress of the United States, applying to Congress to call a convention under Article V of the Constitution of the United States with the sole agenda of proposing an amendment to the Constitution of the United States to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives and to set a limit on the number of terms that a person may be elected as a member of the United States Senate.

WHEREAS, Article V of the Constitution of the United States requires Congress to call a convention for the sole purpose of proposing amendments to the Constitution upon application of two-thirds of the states, and

WHEREAS, a continuous and growing concern has been expressed that the best interests of the nation will be served by limiting the terms of members of Congress, and

WHEREAS, the voters of the State of Florida, by the gathering of petition signatures, placed on the general election ballot of 1992 a measure to limit the consecutive years of service for several offices, including the offices of United States Representative and United States Senator, and

WHEREAS, the voters of Florida incorporated this limitation into the State Constitution as Section 4 of Article VI, by an approval vote that exceeded 76 percent in the general election of 1992, and

WHEREAS, in 1995, the United States Supreme Court ruled in

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30 *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995), a five-
31 to-four decision, that the individual states did not possess the
32 requisite authority to establish term limits, or additional
33 qualifications, for persons elected to the United States House
34 of Representatives or the United States Senate, and

35 WHEREAS, upon reflecting on the intent of the voters of
36 this state and their overwhelming support for congressional term
37 limits, the Legislature, in its 114th Regular Session since
38 statehood in 1845, did express through a memorial to Congress
39 the desire to receive an amendment to the Constitution of the
40 United States to limit the number of consecutive terms that a
41 person may serve in the United States House of Representatives
42 or the United States Senate, and

43 WHEREAS, the Legislature, in its 118th Regular Session
44 since statehood in 1845, does desire to see a convention called
45 under Article V of the Constitution of the United States with
46 the sole agenda of proposing an amendment to the Constitution of
47 the United States on the subject of congressional term limits as
48 specified in this memorial, NOW, THEREFORE,

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

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52 (1) That the Legislature of the State of Florida does
53 hereby make application to Congress, pursuant to Article V of
54 the Constitution of the United States, to call an Article V
55 convention with the sole agenda of proposing an amendment to the
56 Constitution of the United States to set a limit on the number
57 of terms that a person may be elected as a member of the United
58 States House of Representatives and to set a limit on the number

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59 of terms that a person may be elected as a member of the United
60 States Senate.

61 (2) That this application does not revoke or supersede
62 Senate Memorial 476 as passed by the 2014 Florida Legislature,
63 but constitutes a separate, independent application addressing
64 congressional term limits as specified in this application.

65 (3) That this application is revoked and withdrawn,
66 nullified, and superseded to the same effect as if it had never
67 been passed, and retroactive to the date of passage, if it is
68 used for the purpose of calling a convention or used in support
69 of conducting a convention to amend the Constitution of the
70 United States with any agenda other than to set a limit on the
71 number of terms that a person may be elected as a member of the
72 United States House of Representatives and to set a limit on the
73 number of terms that a person may be elected as a member of the
74 United States Senate.

75 (4) That this application constitutes a continuing
76 application in accordance with Article V of the Constitution of
77 the United States until the legislatures of at least two-thirds
78 of the several states have made application on the subject of
79 congressional term limits as specified in this application.

80 (5) That this application be aggregated with the
81 applications from other states on the same subject for the
82 purpose of attaining the two-thirds majority needed to require
83 Congress to call a limited Article V convention as specified in
84 this application, but not be aggregated with any other
85 applications on any other subject.

86 BE IT FURTHER RESOLVED that copies of this application be
87 dispatched to the President of the United States, to the

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88 President of the United States Senate, to the Speaker of the
89 United States House of Representatives, to each member of the
90 Florida delegation to the United States Congress, and to the
91 presiding officer of each house of the legislature of each
92 state.