

By the Committee on Fiscal Policy

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Senate Concurrent Resolution

A concurrent resolution applying to the Congress of the United States to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States stating that the United States Congress shall make no law applying to the citizens of the United States that does not also equally apply to all United States Representatives, United States Senators, and all members of the federal legislative branch.

WHEREAS, one of the fundamental underpinnings of a democracy is the rule of law; and

WHEREAS, in order for the rule of law to be respected and adhered to by the citizenry, it must be applied fairly and in an equal manner; and

WHEREAS, Section One of the Fourteenth Amendment to the United States Constitution reads in part "...nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."; and

WHEREAS, the United States Supreme Court has held that the Due Process Clause of the Fifth Amendment to the United States Constitution requires equal protection under the laws of the federal government; and

WHEREAS, in spite of the Equal Protection Clause and the Due Process Clause within the Constitution, over time the United States Congress has chosen on a number of occasions to exempt its members and the federal legislative branch from the

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30 requirements of laws it has enacted that apply to all others
31 throughout the United States; and

32 WHEREAS, the United States Congress acknowledged this issue
33 and decided to address it in part by passing the Congressional
34 Accountability Act of 1995, which applied to Congress and its
35 agencies to adhere to the requirements of several laws that it
36 had previously exempted itself from; and

37 WHEREAS, at present, Congress and the federal legislative
38 branch remain exempt from the requirements of many laws Congress
39 has passed; and

40 WHEREAS, having laws passed by the United States Congress
41 apply differently to the general public versus members of
42 Congress and the federal legislative branch is a fundamental
43 unfairness under the rule of law, and violates the spirit of the
44 Constitution's Equal Protection and Due Process Clauses; and

45 WHEREAS, under Article V of the United States Constitution,
46 on the application of the legislatures of two-thirds of the
47 several states, the Congress shall call a Constitutional
48 Convention for the purpose of proposing amendments, NOW,
49 THEREFORE,

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51 Be It Resolved by the Senate of the State of Florida, the House
52 of Representatives Concurring:

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54 That the Legislature of the State of Florida applies to
55 Congress, under Article V of the Constitution of the United
56 States, to call a convention limited to proposing an amendment
57 to the Constitution which would prohibit the United States
58 Congress from making any law applying to the citizens of the

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59 United States that does not also equally apply to all United
60 States Representatives, United States Senators, and all members
61 of the federal legislative branch; and

62 That this application constitutes a continuing application
63 in accordance with Article V until the legislatures of at least
64 two-thirds of the states have made applications on the same
65 subject.

66 BE IT FURTHER RESOLVED that this Legislature also proposes
67 that the legislatures of the states comprising the United States
68 apply to the Congress to call a constitutional convention for
69 proposing such an amendment to the Constitution.

70 BE IT FURTHER RESOLVED that this concurrent resolution is
71 revoked and withdrawn, nullified, and superseded to the same
72 effect as if it had never been passed, and retroactive to the
73 date of passage, if it is used for the purpose of calling a
74 convention or used in support of conducting a convention to
75 amend the Constitution of the United States with any agenda
76 other than to propose an amendment to the Constitution which
77 would prohibit the United States Congress from making any law
78 applying to the citizens of the United States that does not also
79 equally apply to all United States Representatives, United
80 States Senators, and all members of the federal legislative
81 branch.

82 BE IT FURTHER RESOLVED that copies of this application be
83 dispatched to the President of the United States, to the
84 President of the United States Senate, to the Speaker of the
85 United States House of Representatives, to each member of the
86 Florida delegation to the United States Congress, and to the
87 presiding officer of each house of the legislature of each

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state.