

ENROLLED

HM 417

2016 Legislature

House 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

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27 approval vote that exceeded 76 percent in the general election  
 28 of 1992, and

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

49  
 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  
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

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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  
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.