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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2015	.	
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The Committee on Judiciary (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete lines 48 - 118

and insert:

(a) The commission may evaluate a federal law, agency policy, mandate, or executive order when such action is agreed to by a majority of the commission.

(b) The commission may request information regarding a federal law, agency policy, mandate, or executive order from a member of Florida's Congressional Delegation to facilitate this evaluation.



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12 (c) If a majority of the commission finds that a federal
13 law, agency policy, mandate, or executive order is not
14 authorized by the powers delegated to the Federal Government or
15 any of its agencies under the United States Constitution or
16 violates the principle of federalism as described in subsection
17 (4), a co-chair of the commission may:

18 1. Request information about the federal law, agency
19 policy, mandate, or executive order or assistance from a member
20 of Florida's Congressional Delegation in communicating with a
21 federal government entity regarding the federal law, agency
22 policy, mandate, or executive order;

23 2. Give written notice of an evaluation of the federal law,
24 agency policy, mandate, or executive order to the federal
25 government entity responsible for adopting or administering the
26 evaluated law, agency policy, mandate, or executive order and
27 request that the federal government entity respond to the
28 commission's evaluation by a specific date;

29 3. Request a meeting, conducted in person or by electronic
30 means, with the responsible federal government entity or any
31 member of Congress to discuss the evaluated law, agency policy,
32 mandate, or executive order and any possible remedy; or

33 4. Correspond with the presiding officers of the
34 legislative branch of another state or with a government entity
35 of another state which has powers and duties that are similar to
36 those of the commission to discuss and coordinate the evaluation
37 of and response to the federal law, agency policy, mandate, or
38 executive order.

39 (d) If agreed upon by a majority vote, the commission may
40 recommend to the Governor that he or she call a special session



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41 of the Legislature to respond to the evaluated law, agency
42 policy, mandate, or executive order.

43 (e) The commission shall maintain the following information
44 on the website of the Florida Legislature:

45 1. Each federal law, agency policy, mandate, or executive
46 order evaluated by the commission;

47 2. Any action taken by a co-chair of the commission under
48 paragraph (c); and

49 3. Any response to an evaluation received from a federal
50 government entity, official, or employee.

51 (4) EVALUATION.—The commission shall determine whether a
52 federal law, agency policy, mandate, or executive order
53 evaluated by the commission:

54 (a) Is authorized by any of the express enumerated powers
55 contained in the United States Constitution and duly ratified
56 amendments.

57 (b) Violates the principle of federalism by:

58 1. Affecting the distribution of power and responsibility
59 between the state and federal governments;

60 2. Limiting the policymaking discretion of the state;

61 3. Affecting a power or a right reserved to the state or
62 its residents by the Ninth Amendment or the Tenth Amendment to
63 the United States Constitution; and

64 4. Affecting the sovereignty rights and interests of the
65 state or a political subdivision to provide for the health,
66 safety, and welfare and to promote the prosperity of the
67 residents in the state or the political subdivision.

68 (5) (a) SOURCES.—In evaluating a federal law, agency policy,
69 mandate, or executive order, the commission shall rely on:



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70 1. The text of the United States Constitution and duly
71 ratified amendments.

72 2. The meaning of the text of the United States
73 Constitution and duly ratified amendments at the time of
74 drafting and ratification.

75 3. A primary source document that is directly relevant to
76 the drafting, ratification, or initial implementation of the
77 United States Constitution and duly ratified amendments or
78 created by a person directly involved in the drafting, adoption,
79 ratification, or initial implementation of the United States
80 Constitution and duly ratified amendments.

81 (b) The commission may rely on other relevant sources,
82 including federal court decisions. However, the commission's
83 evaluation of a federal law, agency policy, mandate, or
84 executive order is not bound by a holding by a

85
86 ===== T I T L E A M E N D M E N T =====

87 And the title is amended as follows:

88 Delete lines 8 - 10

89 and insert:

90 providing criteria to evaluate a federal law, agency
91 policy, mandate, or executive order; specifying which
92 sources the commission may rely on in an evaluation;
93 requiring the