

By Senator Lynn

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Senate Memorial

A memorial to the Congress of the United States, urging Congress to cease and desist from certain mandates that are prohibited by the Tenth Amendment to the Constitution of the United States; demanding that certain federal legislation be prohibited or repealed.

WHEREAS, the Tenth Amendment to the Constitution of the United States provides that the powers not delegated to the Federal Government by the Constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people, and defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more, and

WHEREAS, the scope of power defined by the Tenth Amendment means that the Federal Government was created by the states specifically to be an agent of the states; however, today the states are demonstrably treated as agents of the Federal Government, and

WHEREAS, many existing federal laws and proposed laws directly violate the Tenth Amendment, and

WHEREAS, the Tenth Amendment ensures that the people and each sovereign state have rights that the Federal Government may not usurp, and

WHEREAS, Section 4, Article IV of the United States Constitution provides "[t]he United States shall guarantee to every State in this Union a Republican Form of Government," and the Ninth Amendment states "[t]he enumeration in the Constitution, of certain rights, shall not be construed to deny

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30 or disparage others retained by the people," and

31 WHEREAS, the United States Supreme Court ruled in *New York*
32 *v. United States*, 112 S.Ct. 2408 (1992), that Congress may not
33 simply commandeer the legislative and regulatory processes of
34 the states, NOW, THEREFORE,

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

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38 That the State of Florida hereby claims sovereignty under
39 the Tenth Amendment to the Constitution of the United States
40 over all powers not otherwise enumerated and granted to the
41 Federal Government by that Constitution; that it further demands
42 the Congress and Federal Government, as its agents, to cease and
43 desist, effective immediately, from issuing mandates that are
44 beyond the scope of these constitutionally delegated powers; and
45 that all compulsory federal legislation directing states to
46 comply under threat of civil or criminal penalties or sanctions
47 or requiring states to pass legislation or lose federal funding
48 be prohibited or repealed.

49 BE IT FURTHER RESOLVED that copies of this memorial be
50 dispatched to the President of the United States, to the
51 President of the United States Senate, to the Speaker of the
52 United States House of Representatives, and to each member of
53 the Florida delegation to the United States Congress.