

By Senator Evers

2-01343-11

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1 A bill to be entitled

2 An act relating to intrastate commerce; providing that
3 certain goods grown, manufactured, or made in this
4 state and services performed in this state are not
5 subject to the authority of the Congress of the United
6 States under its constitutional power to regulate
7 commerce; prohibiting any official, agent, or employee
8 of the Federal Government or of the state from
9 attempting to enforce federal laws, rules, or
10 regulations in violation of the act; providing
11 penalties; providing for application; providing an
12 effective date.

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14 WHEREAS, the Tenth Amendment to the Constitution of the
15 United States holds that the Federal Government may exercise
16 only the powers that have been delegated to it in the
17 Constitution, and

18 WHEREAS, the Ninth Amendment to the Constitution of the
19 United States guarantees to the people rights not enumerated in
20 the constitution and reserves to the people of this state those
21 rights, and

22 WHEREAS, Article I, section 8, clause 3 of the Constitution
23 of the United States empowers the Federal Government to regulate
24 commerce among the several states, and

25 WHEREAS, the power to regulate intrastate commerce is
26 reserved to the states or the people under the Ninth and Tenth
27 Amendments to the Constitution of the United States, and

28 WHEREAS, during the constitutional convention, the Founders
29 rejected a plan that would have authorized the Federal

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30 Government to regulate commerce among the states and any
31 activity having spillover effects across state lines, NOW,
32 THEREFORE,

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34 Be It Enacted by the Legislature of the State of Florida:

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36 Section 1. (1) This section may be cited as the "Intrastate
37 Commerce Act."

38 (2) Goods that are grown, manufactured, or made in this
39 state and that are sold, maintained, or retained in this state,
40 and services that are performed in this state, are not subject
41 to the authority of the Congress of the United States under its
42 constitutional power to regulate commerce among the several
43 states.

44 (3) Any official, agent, or employee of the Federal
45 Government or any employee of an entity providing services to
46 the Federal Government who attempts to enforce any federal law,
47 rule, or regulation in violation of this section commits a
48 felony of the third degree, punishable as provided in s.
49 775.082, s. 775.083, or s. 775.084, Florida Statutes.

50 (4) Any official, agent, or employee of this state who
51 attempts to enforce any federal law, rule, or regulation in
52 violation of this section commits a felony of the third degree,
53 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
54 Florida Statutes.

55 (5) This section applies to goods and services that are
56 produced, retained, or performed in this state on or after July
57 1, 2011.

58 Section 2. This act shall take effect July 1, 2011.