

HM 63

2012

1 House Memorial

2 A memorial to the Congress of the United States,
3 urging Congress to honor the provisions of the
4 Constitution of the United States limiting the scope
5 and exercise of federal power to regulate commerce.
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7 WHEREAS, the Tenth Amendment to the Constitution of the
8 United States proclaims: "The powers not delegated to the United
9 States by the Constitution, nor prohibited by it to the States,
10 are reserved to the States respectively, or to the people.", and

11 WHEREAS, the Ninth Amendment to the Constitution of the
12 United States declares: "The enumeration in the Constitution, of
13 certain rights, shall not be construed to deny or disparage
14 others retained by the people.", and

15 WHEREAS, pursuant to Article I, Section 8, of the
16 Constitution of the United States, Congress has the power to
17 regulate commerce among the several states, and

18 WHEREAS, during the United States Constitutional Convention
19 of 1787, the Founders rejected a plan that would have authorized
20 the Federal Government to regulate not only commerce among the
21 several states, but also any activity having spillover effects
22 across state lines, and

23 WHEREAS, the power to regulate intrastate commerce, and to
24 determine penalties relating to violations of intrastate
25 commerce law, is reserved to the states or the people under the
26 Ninth and Tenth Amendments to the Constitution of the United
27 States, and

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28 WHEREAS, all goods grown, manufactured, or made in Florida
29 and all services performed in Florida, when such goods or
30 services are sold, maintained, or retained in Florida, are not
31 subject to the authority of the Congress of the United States
32 under its constitutional power to regulate commerce among the
33 several states, NOW, THEREFORE,

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

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37 That the Legislature claims sovereignty under the Ninth and
38 Tenth Amendments to the Constitution of the United States over
39 all powers not otherwise enumerated and granted to the Federal
40 Government by the Constitution of the United States.

41 BE IT FURTHER RESOLVED that this memorial serves as a
42 notice and demand to the Federal Government that all goods
43 grown, manufactured, or made in Florida and all services
44 performed in Florida, when such goods or services are sold,
45 maintained, or retained in Florida, shall not be subject to the
46 authority of the Congress of the United States under its
47 constitutional power to regulate commerce.

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