

By Senator Evers

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1 A bill to be entitled
2 An act relating to the Commission on Federalism;
3 creating s. 11.9006, F.S.; creating the Commission on
4 Federalism; requiring that the commission meet six
5 times each calendar year beginning on a specified
6 date; providing staff support for the commission;
7 providing membership of the commission; providing for
8 members to be reimbursed for per diem and travel
9 expenses; providing duties of the commission;
10 providing criteria to evaluate a federal law;
11 requiring the commission to determine if an evaluated
12 federal law violates the principle of federalism;
13 specifying what sources the commission may rely on in
14 an evaluation of a federal law; requiring the
15 commission to submit twice a year a report to the
16 Governor and the Legislature; providing report
17 requirements; providing an effective date.

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

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21 Section 1. Section 11.9006, Florida Statutes, is created to
22 read:

23 11.9006 Commission on Federalism.—

24 (1) CREATION.—There is created the Commission on
25 Federalism. The commission shall convene beginning in January
26 2015 and shall meet six times each calendar year unless
27 additional meetings are approved by the President of the Senate
28 and the Speaker of the House of Representatives. The President
29 of the Senate and the Speaker of the House of Representatives

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30 shall assign staff to assist the commission.

31 (2) MEMBERSHIP.—

32 (a) The commission is comprised of seven members as
33 follows:

34 1. The President of the Senate or his or her designee, who
35 shall serve as co-chair of the commission;

36 2. A member of the Senate appointed by the President of the
37 Senate;

38 3. The Speaker of the House of Representatives or his or
39 her designee, who shall serve as co-chair of the commission;

40 4. Two members of the House of Representatives appointed by
41 the Speaker of the House of Representatives;

42 5. The Minority Leader of the Senate or his or her
43 designee; and

44 6. The Minority Leader of the House of Representatives or
45 his or her designee.

46 (b) A vacancy on the commission shall be filled in the same
47 manner as the original appointment.

48 (c) Members of the commission are entitled to receive
49 reimbursement for per diem and travel expenses pursuant to s.
50 112.061.

51 (3) DUTIES.—

52 (a) The commission may evaluate a federal law when agreed
53 to by a majority of the commission.

54 (b) The commission may request information regarding a
55 federal law under evaluation from a member of Florida's
56 Congressional Delegation.

57 (c) If a majority of the commission finds that a federal
58 law, agency, policy, mandate, or executive order is not

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59 authorized by the powers delegated to the Federal Government or
60 any of its agencies under the United States Constitution or
61 violates the principle of federalism as described in paragraph
62 (5) (a), a co-chair of the commission may do any of the
63 following:

64 1. Request from a member of Florida's Congressional
65 Delegation information about the federal law or assistance in
66 communicating with a federal government entity regarding the
67 federal law;

68 2. Give written notice of an evaluation of the federal law
69 to the federal government entity responsible for adopting or
70 administering the evaluated law and request that the federal
71 government entity respond to the evaluation by a specific date;

72 3. Request a meeting, conducted in person or by electronic
73 means, with the federal government entity or any member of
74 Congress to discuss the evaluated law and any possible remedy;
75 or

76 4. Correspond with the presiding officers of the
77 legislative branch of another state or with an entity of another
78 state which has powers and duties that are similar to those of
79 the commission to discuss and coordinate the evaluation of and
80 response to the federal law.

81 (d) If agreed upon by a majority of the commission, the
82 commission may recommend to the Governor that he or she call a
83 special session of the Legislature to give the Legislature an
84 opportunity to respond to the evaluated law.

85 (e) The commission shall keep a current list on the website
86 of the Florida Legislature of the following:

87 1. Each federal law that the commission evaluates;

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

90 3. Any response to an evaluation received from a federal
91 government entity.

92 (4) EVALUATION.—The commission shall determine whether a
93 federal law evaluated by the commission is authorized by any of
94 the following:

95 (a) Section 2, Art. I of the United States Constitution to
96 provide for the decennial census.

97 (b) Section 4, Art. I of the United States Constitution to
98 override state laws regulating the times, places, and manner of
99 congressional elections other than the places of senatorial
100 elections.

101 (c) Section 7, Art. I of the United States Constitution to
102 authorize the President of the United States to veto bills,
103 orders, and resolutions passed by Congress.

104 (d) Section 8, Art. I of the United States Constitution to:
105 1. Lay and collect uniform taxes, duties, imposts, and
106 excises to pay the debts and provide for the common defense and
107 general welfare of the United States;

108 2. Borrow money on the credit of the United States;

109 3. Regulate commerce with foreign nations, among the
110 several states, and with the Indian tribes;

111 4. Establish a uniform rule of naturalization and uniform
112 laws on the subject of bankruptcies throughout the United
113 States;

114 5. Coin money, regulate the value of coin money and of
115 foreign coin, and fix the standard of weights and measures;

116 6. Provide for the punishment of counterfeiting the

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117 securities and current coin of the United States;

118 7. Establish post offices and post roads;

119 8. Promote the progress of science and useful arts by
120 securing for limited times to authors and inventors the
121 exclusive right to their respective writings and discoveries;

122 9. Constitute tribunals inferior to the Supreme Court;

123 10. Define and punish piracies and felonies committed on
124 the high seas and offenses against the law of nations;

125 11. Declare war, grant letters of marque and reprisal, and
126 make rules concerning captures on land and water;

127 12. Raise and support armies, but an appropriation of money
128 to that use must be only for a term of 2 years or less;

129 13. Provide and maintain a Navy;

130 14. Make rules for the government and regulation of the
131 land and naval forces;

132 15. Provide for calling forth the militia to execute the
133 laws of the union, suppress insurrections, and repel invasions;

134 16. Provide for organizing, arming, and disciplining the
135 militia and for governing the part of the militia which may be
136 employed in the service of the United States, reserving to the
137 states respectively the appointment of the officers and the
138 authority of training the militia according to the discipline
139 prescribed by Congress;

140 17. Exercise exclusive legislation in all cases over such
141 district that does not exceed 10 square miles as may, by the
142 cession of particular states and the acceptance of Congress,
143 become the seat of the government of the United States, and
144 exercise like authority over all places purchased by the consent
145 of the legislature of the state in which the places shall be,

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146 for the erection of forts, magazines, arsenals, dockyards, and
147 other needful buildings; and

148 18. Make all laws that are necessary and proper for
149 carrying into execution the powers listed in s. 8, Art. I of the
150 United States Constitution and all other powers vested by the
151 United States Constitution in the government of the United
152 States or in any department or officer of the United States.

153 (e) Section 9, Art. I of the United States Constitution to
154 authorize a federal officer to receive benefits from a foreign
155 nation.

156 (f) Section 1, Art. II of the United States Constitution
157 to:

158 1. Set the time for choosing electors; or

159 2. Establish who succeeds to the presidency after the Vice
160 President.

161 (g) Section 2, Art. II of the United States Constitution to
162 have the President:

163 1. Serve as Commander in Chief of the United States Armed
164 Forces;

165 2. Require the written opinions of executive officers;

166 3. Grant reprieves and pardons;

167 4. Make vacancy appointments;

168 5. Make treaties, subject to the advice and consent of the
169 United States Senate;

170 6. Appoint foreign affairs officers subject to the advice
171 and consent of the United States Senate;

172 7. Appoint domestic affairs officers subject to the advice
173 and consent of the United States Senate or pursuant to law;

174 8. Appoint judges subject to the advice and consent of the

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United States Senate; or
9. Fill designated inferior offices without senatorial
consent.
(h) Section 3, Art. III of the United States Constitution
to authorize the President to:
1. Give Congress information;
2. Make recommendations to Congress;
3. Convene Congress on extraordinary occasions;
4. Adjourn Congress if it cannot agree on a time;
5. Receive representatives of foreign powers;
6. Execute the laws; or
7. Commission United States officers.
(i) Art. III of the United States Constitution to:
1. Create exceptions to the Supreme Court's appellate
jurisdiction;
2. Establish the jurisdiction of federal courts inferior to
the Supreme Court; or
3. Declare the punishment for treason.
(j) Section 1, Art. IV of the United States Constitution to
establish the rules by which the records and judgments of states
are proved in other states.
(k) Section 3, Art. IV of the United States Constitution
to:
1. Consent to the admission of new states or the
combination of existing states;
2. Manage federal property;
3. Dispose of federal property; or
4. Govern the federal territories.
(l) Section 4, Art. IV of the United States Constitution to

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204 defend each state from invasion, insurrection, and nonrepublican
205 forms of government.

206 (m) Article V of the United States Constitution to propose
207 constitutional amendments.

208 (n) Article VI of the United States Constitution to
209 prescribe the oath for federal officers.

210 (o) The Thirteenth Amendment to the United States
211 Constitution to abolish slavery.

212 (p) The Fourteenth Amendment to the United States
213 Constitution to guard people from certain state abuses.

214 (q) The Sixteenth Amendment to the United States
215 Constitution to impose taxes on income from any source without
216 apportioning the total dollar amount of tax collected from each
217 state according to each state's population in relation to the
218 total national population.

219 (r) The Twentieth Amendment to the United States
220 Constitution to revise the manner of presidential succession.

221 (s) The Fifteenth Amendment, the Nineteenth Amendment, the
222 Twenty-Third Amendment, and the Twenty-Fourth Amendment to the
223 United States Constitution to extend and protect the right to
224 vote.

225 (t) The Twenty-Seventh Amendment to the United States
226 Constitution to grant a pay raise to a sitting Congress.

227 (5) ADDITIONAL STANDARDS FOR EVALUATION.—

228 (a) The commission shall evaluate whether a federal law
229 violates the principle of federalism by:

230 1. Affecting the distribution of power and responsibility
231 between the state and federal governments;

232 2. Limiting the policymaking discretion of the state;

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233 3. Affecting a power or a right reserved to the state or
234 its residents by the Ninth Amendment or the Tenth Amendment to
235 the United States Constitution; and

236 4. Affecting the sovereignty rights and interest of the
237 state or a political subdivision to provide for the health,
238 safety, and welfare and to promote the prosperity of the
239 residents in the state or the political subdivision.

240 (b) In evaluating a federal law, the commission shall rely
241 on:

242 1. The text of the United States Constitution, as amended;
243 2. The meaning of the text of the United States
244 Constitution, as amended, at the time of its drafting and
245 ratification; and

246 3. A primary source document that is directly relevant to
247 the drafting, ratification, or initial implementation of the
248 United States Constitution, as amended, or created by a person
249 directly involved in the drafting, adoption, ratification, or
250 initial implementation of the United States Constitution, as
251 amended.

252 (c) The commission may rely on other relevant sources,
253 including federal court decisions. However, the commission's
254 evaluation of a federal law is not bound by a holding by a
255 federal court.

256 (6) REPORT REQUIREMENT.—On or by May 20 and October 20 of
257 each year, the commission shall submit a report by e-mail to the
258 Governor and the Legislature which summarizes the following:

259 (a) Action taken by the commission in accordance with this
260 section.

261 (b) Action taken by, or communication received from, any of

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262 the following in response to a request or inquiry made by the
263 commission or any other action taken by the commission:

- 264 1. A member of Florida's Congressional Delegation;
265 2. A member of Congress from another state; or
266 3. A federal government entity, official, or employee.

267 Section 2. This act shall take effect July 1, 2014.