

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; providing for the membership, meetings,
5 and staff support of the commission; authorizing
6 members to be reimbursed for per diem and travel
7 expenses; providing duties of the commission;
8 providing criteria to evaluate a federal law;
9 specifying what sources the commission may rely on in
10 an evaluation of a federal law; requiring the
11 commission to submit biannual reports to the Governor
12 and the Legislature; providing report requirements;
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 11.9006, Florida Statutes, is created to
18 read:

19 11.9006 Commission on Federalism.—

20 (1) CREATION.—The Commission on Federalism is created. The
21 commission shall hold its first meeting in January 2016, and
22 shall meet six times each calendar year unless additional
23 meetings are approved by the President of the Senate and the
24 Speaker of the House of Representatives. The President of the
25 Senate and the Speaker of the House of Representatives shall
26 assign staff to assist the commission.

27 (2) MEMBERSHIP.—

28 (a) The commission is composed of seven members, as
29 follows:

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

32 2. A member of the Senate appointed by the President of the
33 Senate;

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

36 4. Two members of the House of Representatives appointed by
37 the Speaker of the House of Representatives;

38 5. The Minority Leader of the Senate or his or her
39 designee; and

40 6. The Minority Leader of the House of Representatives or
41 his or her designee.

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

44 (c) Members of the commission are entitled to receive
45 reimbursement for per diem and travel expenses pursuant to s.
46 112.061.

47 (3) DUTIES.—

48 (a) The commission may evaluate a federal law when such
49 action is agreed to by a majority of the commission.

50 (b) The commission may request information regarding a
51 federal law from a member of Florida's Congressional Delegation
52 to facilitate this evaluation.

53 (c) If a majority of the commission finds that a federal
54 law, agency, policy, mandate, or executive order is not
55 authorized by the powers delegated to the Federal Government or
56 any of its agencies under the United States Constitution or
57 violates the principle of federalism as described in subsection

58 (4), a co-chair of the commission may:

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- 59 1. Request information about the federal law or assistance
60 from a member of Florida's Congressional Delegation in
61 communicating with a federal government entity regarding the
62 federal law;
- 63 2. Give written notice of an evaluation of the federal law
64 to the federal government entity responsible for adopting or
65 administering the evaluated law and request that the federal
66 government entity respond to the commission's evaluation by a
67 specific date;
- 68 3. Request a meeting, conducted in person or by electronic
69 means, with the responsible federal government entity or any
70 member of Congress to discuss the evaluated law and any possible
71 remedy; or
- 72 4. Correspond with the presiding officers of the
73 legislative branch of another state or with a government entity
74 of another state which has powers and duties that are similar to
75 those of the commission to discuss and coordinate the evaluation
76 of and response to the federal law.
- 77 (d) If agreed upon by a majority vote, the commission may
78 recommend to the Governor that he or she call a special session
79 of the Legislature to respond to the evaluated law.
- 80 (e) The commission shall maintain the following information
81 on the website of the Florida Legislature:
- 82 1. Each federal law evaluated by the commission;
83 2. Any action taken by a co-chair of the commission under
84 paragraph (c); and
- 85 3. Any response to an evaluation received from a federal
86 government entity, official, or employee.
- 87 (4) EVALUATION.—The commission shall determine whether a

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88 federal law evaluated by the commission:

89 (a) Is authorized by any of the express enumerated powers
90 contained in the United States Constitution and duly ratified
91 amendments.

92 (b) Violates the principle of federalism by:

93 1. Affecting the distribution of power and responsibility
94 between the state and federal governments;

95 2. Limiting the policymaking discretion of the state;

96 3. Affecting a power or a right reserved to the state or
97 its residents by the Ninth Amendment or the Tenth Amendment to
98 the United States Constitution; and

99 4. Affecting the sovereignty rights and interests of the
100 state or a political subdivision to provide for the health,
101 safety, and welfare and to promote the prosperity of the
102 residents in the state or the political subdivision.

103 (5) (a) SOURCES.—In evaluating a federal law, the commission
104 shall rely on:

105 1. The text of the United States Constitution and duly
106 ratified amendments.

107 2. The meaning of the text of the United States
108 Constitution and duly ratified amendments at the time of
109 drafting and ratification.

110 3. A primary source document that is directly relevant to
111 the drafting, ratification, or initial implementation of the
112 United States Constitution and duly ratified amendments or
113 created by a person directly involved in the drafting, adoption,
114 ratification, or initial implementation of the United States
115 Constitution and duly ratified amendments.

116 (b) The commission may rely on other relevant sources,

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117 including federal court decisions. However, the commission's
118 evaluation of a federal law is not bound by a holding by a
119 federal court.

120 (6) REPORT REQUIREMENT.—On or by May 20 and October 20 of
121 each year, the commission shall electronically submit a report
122 to the Governor and the Legislature which summarizes the
123 following:

124 (a) Action taken by the commission in accordance with this
125 section.

126 (b) Action taken by, or communication received from, the
127 following in response to a request, inquiry, or any other action
128 taken by the commission:

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

132 Section 2. This act shall take effect July 1, 2015.