

HM 983

2016

## 1 House Memorial

2 A memorial to the Congress of the United States,  
3 urging Congress to honor the limits of federal power  
4 as enshrined by the Constitution of the United States.

5  
6 WHEREAS, the Florida Legislature holds that the first  
7 principle of education, and therefore of education policymaking,  
8 is that parents are the primary educators of their children, and  
9 because responsibility for the education of children lies  
10 primarily with their parents, so too, to the greatest extent  
11 possible, should decisionmaking authority over elementary and  
12 secondary education in the State of Florida, and

13 WHEREAS, the Florida Legislature trusts that the educators  
14 of Florida, and not the politicians or bureaucrats of  
15 Washington, D.C., are better equipped to determine academic  
16 content for their students and to ensure the success of each  
17 child enrolled in a Florida public school, and

18 WHEREAS, the Tenth Amendment to the Constitution of the  
19 United States declares that: "The powers not delegated to the  
20 United States by the Constitution, nor prohibited by it to the  
21 States, are reserved to the States respectively, or to the  
22 people," and

23 WHEREAS, the Tenth Amendment defines the scope of federal  
24 power as being that specifically granted by the Constitution of  
25 the United States and no more, and

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26 WHEREAS, the Tenth Amendment unequivocally sets forth that  
 27 we, the people of the United States of America and each  
 28 sovereign state in the Union of States, now have, and have  
 29 always had, powers that the Federal Government may not usurp,  
 30 and

31 WHEREAS, a federal role in education is a violation of the  
 32 original intent of the Constitution of the United States and the  
 33 Tenth Amendment, and

34 WHEREAS, nowhere in the Constitution of the United States  
 35 is the Federal Government delegated the power to regulate or  
 36 fund elementary or secondary education, and

37 WHEREAS, because education is not an enumerated power  
 38 delegated to the Federal Government by the United States  
 39 Constitution, it is reserved to the states respectively or to  
 40 the people, and

41 WHEREAS, the Florida Legislature, which is directly  
 42 accountable to the citizens of Florida, is the appropriate body  
 43 to empower parents and educators to determine academic content,  
 44 free from any pressure from the United States Department of  
 45 Education, NOW, THEREFORE,

46  
 47 Be It Resolved by the Legislature of the State of Florida:

48  
 49 (1) That the Congress of the United States is urged to end  
 50 all current, and prohibit any further, interference by the

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51 United States Department of Education with respect to state  
52 decisions regarding academic content standards;

53 (2) That all compulsory federal legislation that  
54 interferes with the sovereign State of Florida's constitutional  
55 authority over educational standards and materials through civil  
56 threat, sanctions, criminal penalty, or loss of federal funding  
57 be repealed and prohibited;

58 (3) That this memorial serves as a notice and demand for  
59 the prohibition of federal programs that incentivize states to  
60 adopt certain academic standards or that require states to pass  
61 specific education legislation in order to maintain federal  
62 funding; and

63 (4) That this memorial serves as notice to the Congress of  
64 the United States that it is the duty of the Florida Legislature  
65 to exercise its constitutional authority to resist and overturn  
66 any interference by the United States Department of Education or  
67 the United States Congress relating to Florida's academic  
68 standards and educational materials.

69 BE IT FURTHER RESOLVED that copies of this memorial be  
70 dispatched to the President of the United States, to the  
71 President of the United States Senate, to the Speaker of the  
72 United States House of Representatives, and to each member of  
73 the Florida delegation to the United States Congress.