



185122

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/22/2022	.	
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The Committee on Appropriations (Stewart) recommended the following:

**Senate Amendment to Amendment (444482)**

In title, after line 129  
insert:

WHEREAS, Article VI, Clause 2 of the United States Constitution, commonly referred to as the Supremacy Clause, states: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in



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11 every State shall be bound thereby, any Thing in the  
12 Constitution or Laws of any State to the Contrary  
13 notwithstanding," and

14 WHEREAS, under the Supremacy Clause, states are prohibited  
15 from interfering with the Federal Government's exercise of its  
16 constitutional powers and from assuming any functions that are  
17 exclusively entrusted to the Federal Government, and

18 WHEREAS, the United States Supreme Court has ruled that the  
19 Federal Government has broad and exclusive power to regulate  
20 immigration, preempting state and local laws that also attempt  
21 to do so, and

22 WHEREAS, the Court held in *Hines v. Davidowitz*, 312 U.S. 52  
23 (1941) that "the regulation of aliens is so intimately blended  
24 and intertwined with responsibilities of the national government  
25 that where it acts, and the state also acts on the same subject,  
26 the act of Congress or treaty is supreme; and the law of the  
27 state, though enacted in the exercise of powers not  
28 controverted, must yield to it," and

29 WHEREAS, the Court also held in *Hines* that "where the  
30 federal government, in the exercise of its superior authority in  
31 this field, has enacted a complete scheme of regulation," the  
32 "states cannot, inconsistently with the purpose of Congress,  
33 conflict or interfere with, curtail or complement, the federal  
34 law, or enforce additional or auxiliary regulations," and

35 WHEREAS, the State of Florida acknowledges that the  
36 Supremacy Clause of the United States Constitution limits a  
37 state's ability to prohibit through enforcement action  
38 activities of federal officers or agents, including federal  
39 contractors, which are expressly authorized by federal law, and



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40           WHEREAS, the Federal Government has a statutory duty to  
41 protect and care for the vulnerable children that Congress has  
42 placed in its custody and care, and

43           WHEREAS, the movement of vulnerable immigrant populations  
44 into, around, and out of the State of Florida is necessary to  
45 fulfill the Federal Government's statutory duties, and

46           WHEREAS, pursuant to the Supremacy Clause, the State of  
47 Florida cannot interfere with or curtail that statutory duty;  
48 nor can the State of Florida enforce additional or auxiliary  
49 regulations upon federal immigration enforcement processes, and

50           WHEREAS, where this act is in conflict with federal  
51 immigration enforcement efforts, and where this act is  
52 inconsistent with the purpose and intent of Congress to care for  
53 vulnerable children, federal law takes precedence, NOW,  
54 THEREFORE,