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LEGISLATIVE ACTION

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

Senate Amendment

In title, after line 23
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



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,