

By Senator Bennett

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20102058

1 A bill to be entitled
2 An act relating to sovereignty of the state; providing
3 legislative findings that certain actions by the
4 federal government threaten the sovereignty of the
5 state under the United States Constitution and the
6 fiscal security of the state; providing that the state
7 is not bound by certain federal laws requiring the
8 state to spend funds; providing exceptions; defining
9 the term "insignificant fiscal impact"; requiring the
10 Attorney General to enforce certain rights of the
11 state; providing an effective date.

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

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15 Section 1. Federal laws requiring state to spend funds.-

16 (1) The Legislature finds that the sovereignty of the state
17 is threatened by the enactment or imposition of any law or
18 regulation by the Federal Government which is beyond the scope
19 of the powers delegated to the Federal Government under the
20 Tenth Amendment to the United States Constitution. The
21 Legislature further finds that such federal enactments and
22 impositions, including, but not limited to, requirements for
23 mandatory action by the state or its citizens, diminish the
24 right of the people of this state under the United States
25 Constitution to govern themselves as a free, sovereign, and
26 independent state. The Legislature further finds that such
27 federal enactments and impositions, by requiring the state to
28 spend significant funds, threaten the fiscal security of the
29 state. The Legislature, therefore, intends for the state to

21-01472A-10

20102058

30 assert its sovereignty and to challenge implementation of these
31 mandates from the Federal Government.

32 (2) The state is not bound by any federal law or regulation
33 requiring, directly or indirectly, the state to spend funds or
34 to take action requiring the expenditure of funds unless the
35 Federal Government has:

36 (a) Appropriated funds for the state which are estimated to
37 be sufficient to fund the expenditure; or

38 (b) Authorized the state to enact a funding source not
39 available to the state on June 30, 2010, which can be used to
40 generate the amount of funds estimated to be sufficient to fund
41 the expenditure.

42 (3) This section does not apply to federal laws or
43 regulations having an insignificant fiscal impact on the state.
44 For the purposes of this section, the term "insignificant fiscal
45 impact" means an amount not greater than the average statewide
46 population for the applicable fiscal year times 10 cents.

47 (4) The Attorney General shall enforce the rights granted
48 to the state under this section and the Tenth Amendment to the
49 United States Constitution.

50 Section 2. This act shall take effect July 1, 2010.