

Federalism: Federal, State, and Local Government

I. Federalism:

- a. Federalism: division of power between federal and state government
 - i. Enumerated Powers: the powers granted to the federal government by Article I, Section 8
 - 1. Examples- power to declare war, power to coin money
 - ii. Reserved Powers: powers left to the states (10th Amendment)
 - 1. Examples: establish local government, provide public education
 - iii. Concurrent Powers: powers shared by the federal government and state governments
 - 1. Examples: the power to tax, borrow money
 - iv. Supremacy Clause (Article VI)- when conflict between federal and state law, federal law is supreme
- b. Federal Government- meets national needs
 - i. i.e. defense, and foreign policy
- c. State Government- meets statewide needs
 - i. i.e. educational requirements
- d. Local Government- meet local concerns
 - i. i.e. running a school district

II. The U.S. Constitution versus the Florida Constitution:

- a. each state has its own constitution or plan for government
 - i. power is divided amongst 3 separate branches
- b. The U.S. Constitution”
 - i. Preamble- goals of government
 - ii. 3 branches of government:
 - 1. Legislative Branch- Congress
 - a. Senate= 100 members
 - b. House of Representatives= 435 members
 - 2. Executive Branch- President, VP, and **appointed** cabinet
 - 3. Judicial Branch- 3 levels of courts
 - a. District/Trial, Appellate, and Supreme Court
 - iii. Bill of Rights (Amendments 1-10)
 - iv. Broad framework of government (encompasses the entire nation)
 - 1. Approximately 7k words, and amended 27 times
- c. State of Florida Constitution:
 - i. Preamble- goals of the state government
 - ii. Florida Declaration of Rights (like Bill of Rights)
 - iii. 3 branches of government:
 - 1. Executive Branch- Governor, Lt. Governor, and **elected** cabinet
 - 2. Legislative Branch- Florida State Legislator:
 - 3. Judicial Branch- 4 levels of courts
 - iv. Narrow framework of government (encompasses just Florida)
 - 1. Approximately 57k words, and amended over 100 times

III. **How Florida's State Government is Organized:**

- a. The Florida State Legislature:
 - i. Bicameral- 2 houses
 - 1. Senate- 40 senators (1 from each senatorial district)
 - 2. HOR- up to 120 members (1 from each representative district)
 - ii. Senators elected to a 4 year term
 - iii. Representatives elected to a 2 year term
 - iv. Qualifications
 - 1. Be at least 21 years old
 - 2. Resident of Florida for at least 2 years
 - 3. Be a resident of the district he or she will represent
 - v. Functions:
 - 1. Make state laws (known as acts or statutes)
 - 2. Investigative Powers
 - a. Subpoena witnesses and documents
 - 3. Override a veto by the executive branch
 - a. 2/3 majority vote in each house
 - 4. Impeach officials
- b. The Florida Executive Branch:
 - i. Governor- chief executive
 - ii. Lieutenant Governor- 2nd in command and leader of the Senate
 - iii. Qualifications
 - 1. Must be at least 30 years old
 - 2. Have lived in the state for the past 7 years before the election
 - iv. Elected to a 4 year term
 - v. Elected cabinet- 3 members
- c. The Florida Judicial Branch:
 - i. 4 levels of courts
 - 1. County Courts (67 total)- traffic violations and minor crimes
 - 2. Circuit Courts (20 total)- criminal and civil cases (important)
 - a. These two courts make up the trial courts
 - b. Judge and jury or just a judge decides case
 - 3. District Court of Appeals (5 total)- hears appeals of cases
 - a. Panel of Judges
 - b. Upholds, Overturns, or Remands the lower court decision
 - 4. Florida Supreme Court- top court in the state

IV. **The Amendment Process: Florida vs. U.S.:**

- a. State of Florida Constitution is easier to amend
- b. 2 step process
 - i. Step 1 Proposal (5 ways):
 - 1. 3/5 vote of both houses of Florida Legislature
 - 2. Constitutional Revision Commission (37 members)
 - 3. Taxation and Budget Reform Commission
 - 4. Initiative of voters proposing an amendment
 - 5. Initiative of the voters to call a constitutional convention

ii. Step 2 Adoption:

1. 60% of the voters must approve

a. If concerns taxes than 2/3 (66.7%) of the voters

V. **Other Key Differences:**

a. English is designated as the official language of Florida

b. No state income tax

c. Passing a law is similar to Congress/ No pocket-veto

d. Specific Concerns

i. Elections and voting (Article VI)

ii. State Finances and taxation (Article VII)

iii. Local Government (Article VIII)

iv. Public Education (Article IX)