**CHAPTER EIGHT: STATE GOVERNMENT**

**8.1 The Federal System**

* A **federal system** is when the central government and the states **share** power.
* State and federal power is limited in a federal system.
* The ***supremacy clause*** says that state law must give way to federal law.
* States are protected by the **Constitution**in several ways.
* No state can be divided or merged with another one without its permission.
* States have the right to maintain a militia- a military force called the **National Guard***.*
* The governor of a state can call on the National Guard in local emergencies.
* The Constitution identifies what state governments are not **allowed**to do.
* States are forbidden to:
  + Make **treaties** with foreign nations
  + **Declare War**
  + Keep an **army or navy** in peacetime
  + Issue, or coin, their own **money**
  + Impose **taxes** on imports
* The 10th amendment says powers not listed in the Constitution are reserved for the **states**; these powers are called **reserved powers**.
* Each state is responsible for the **public health***,* **safety**, and**welfare** of its citizens.
* States organize local governments for counties, cities, and towns.
* **Concurrent powers**are shared by state and federal governments.
  + For example, both may **impose taxes**and**borrow money**.
* Both state and federal governments **fund** a variety of programs.
  + Usually the federal government provides **grants-in-aid**(awards for money) to the states to help them pay for some of their programs.
  + States must follow **Congress’** rules in order to receive grants
* **States** have different constitutions because of their different beliefs about government
* State constitutions are similar in that they all have **separation of powers** between legislative, executive and judicial.
* State constitutions also have their own **Bill of Rights** .
  + They included most of the Bill of Rights of the U.S. Constitution and others such as workers’ right to join unions.
* Florida’s Bill of Rights are found in Article 1 and are referred to as **Declaration of Rights***.*
* "Laws that promote the common good"- laws are created to protect **citizens** and their communities.
* State constitutions also establish different types of **local governments***,* including counties, townships, and municipalities.
* States also can establish independent state agencies, boards, and commissions such as **boards of education***.*

Venn Diagram: Compare and Contrast

*National Government State Government*

*Concurrent Powers*

**8.2 The State Legislative Branch**

* Most every state has a **bicameral** (two house) legislature, which includes the **Senate**, and the **House of Representatives**.
* Nebraska is the only state with a **unicameral** (one house) legislature.
* Usually, Like in Florida, state senators have **four-year** terms and representatives have **two-year** terms. In Florida they can only serve for 8 consecutive years. After 8 years, they can sit out and then come back after one term out.
* Qualifications for Florida state legislators:
  + **American** Citizens
  + Live in the **district** they represent
  + Must be at least **21 years old**
  + **Live in Florida for at least 2 Years.**
* The main job of the state legislature is to make laws, which are called **statutes.**
* A **Speaker of the House**directs business in the House of Representatives.
* The **Lieutenant Governor**or a **Senate President** directs the state senate. In Florida it is the Senate President.
* The Speaker of the Florida House of Representatives is **Richard Corcoran**.
* The President of the Florida Senate is **Joe Negron**.
* Ideas for **bills** come from the governor, the executive branch, interest groups, individuals, and the legislatures themselves. The ideas must be introduced by a Member of the House or Senate.
* State legislatures have various **committees**similar to Congress.
* The committees **study bills***,* **hold hearings***, and* **change bills if necessary**.
* Both **houses**must approve a bill and the **Governor** must sign it before it becomes a law.
* In addition to creating bills and passing statutes, our legislature also has the power to **amend** our constitution.
* There are **five (5)** ways that the Florida Constitution can be amended.
  + Ballot Initiative Process
  + Constitutional Convention
  + Constitutional Revision Commission
  + Legislative Joint Resolution
  + Taxation and Budget Reform Commission
* It is much **easier** to amend the Florida Constitution than the US Constitution.
* In most states, legislatures draw boundary lines for each congressional election district.
* Both houses must be **apportioned** (divided) by districts based on equal population.

**8.3 The State Executive Branch**

* Every state government has an **executive branch** led by the governor (chief executive)
* The **state constitution**identifies the qualifications for its governor.
* In most states, like in Florida, a governor must be…
  + An **American** Citizen
  + At least **30 years old**
  + Reside in the state for at least **7 years**
* The governor is **directly elected** by the voters of their state.
* Most governors serve **four-year** terms. In Florida they can only serve 2 consecutive terms and then must sit out for at least one term before being re-elected.
* Florida’s Governor is **Rick Scott***.*
* Powers and duties of the Governor:

*1.* Carrying out **state laws**

*2.* **Proposing** new laws

*3.* Prepares the **state budget**

*4.* The power to **veto** bills the state legislature has passed

* Some governors can veto (eliminate) only part of a bill, this called **line-item veto***. In Florida this can only happen if the item is a budget issue.*
* Governors have the power to grant a prisoner **parole**, an early release from prison, with certain restrictions.
* Most Governors have roles similar to the U.S. President:
  + Chief **Executive** of the State
  + Commander in Chief of the **National Guard**
  + State Party Leader
  + **Ceremonial** Leader of the State
  + Chief **State** Legislator –gives ideas for bills to his party members
  + State **Judicial** Leader – makes judicial appointments
* The governor appoints leaders of the **executive departments**, who **advise** them on important issues.
* The Lt. Governor has the same qualifications to hold office as the president. The main job of the Lt. Governor in Florida is to serve as Governor if the Governor is unable to.
* The Governor has an elected cabinet that works with him to make decisions. In Florida this are elected positions and have equal power when deciding cabinet issues – Attorney General, Commissioner of Agriculture, Chief Financial Officer.

**8.4 The State Judicial Branch**

* Most states have a three-leveled system similar to the federal court system.
* Florida has a **four-tiered** court system.
* The lowest courts in Florida is the **county courts**, if appealed cases move up a level to the **circuit courts**, the next level of appeals is the **District Courts of Appeal**, and the highest court is **Florida Supreme Court***.*

**The Structure of the Florida Courts**

* 1. **County Courts “Lower Florida Courts”**
* A large amount of the county courts work involves disputes such as **traffic offenses, misdemeanors,** (minor crimes) and **disputes over money**.
* **Justice courts** are a type of county/local courts that handles **misdemeanors,** or less serious crimes.
* Larger towns may have police courts, municipal courts or **magistrate courts** which are run by court personnel to expedite court proceedings. (Handles cases involving teen court, traffic court, etc.)
  1. **Circuit Courts “Upper Lower Florida Courts”**
* The Circuit courts are referred to as courts of **general jurisdiction** because most criminal **(felonies)** and civil cases (over $15,000) start here.
* **General Trial Courts (also known as circuit courts)** *hear* cases where defendants are accused of felonies such as murder, armed robbery, drug trafficking, and other major crimes.
* Trials in these courts may be held before a**jury**.
* It is the judge’s job to make sure the trial is conducted **fair** and **lawfully**
  1. **District Court of Appeals “Middle Florida Courts – Courts of Review”**
* The Legislature divides the state into **appellate court districts.**
* There is also a district court of appeal (DCA) for each district. There are **five** districts in Florida.
* Their main responsibility is to **hear appeals** (review decisions) from lower courts.
* **\_\_\_\_\_\_\_\_\_Appellate courts\_\_\_\_\_\_\_\_\_**review decisions made by trial courts.
* Appeals courts do not have juries.
* A **panel of judges**decides cases by a majority vote. (*Uphold, reverse, remand)*
  1. **Florida Supreme Court “Highest Florida Court”**
* The highest court in Florida - very few cases make to this court.
* The Supreme Court must review the following
  + Final orders **imposing the death sentence**
  + **State constitution** violations
  + Orders of the Public Service Commission on **utility rates** and services.
* As well, the Court can use its **\_\_\_\_discretion\_\_\_\_\_\_\_\_\_\_** (judgment) to take cases that they wish to hear.
  + - It **\_\_\_\_\_\_reviews\_\_\_\_\_\_** decisions of appeals courts and is responsible for **\_\_\_\_\_\_\_\_supervising\_\_\_\_\_\_**all courts in the state.
    - It is also the state supreme court’s job to interpret the **\_\_\_Florida Constitution\_***.*
    - State supreme courts can have between 5 and 9 justices. Florida has **\_7 justices**\_\_\_.
    - Except for cases involving the federal law, ***the decisions of the state supreme courts are final.***
    - State justices usually have longer terms of office: **\_\_\_6-12\_\_\_ years.**
    - There are three ways state justices are selected.
      * Elected by popular vote
      * Elected by the state legislature
      * **Governor appointed**
    - The Florida Supreme Court Justices serve 6-year terms and are appointed by the **\_\_\_Governor**\_\_\_\_\_\_. The position of Chief Justice **\_\_\_rotates\_\_\_\_\_\_\_**.
    - Currently, the Chief Justice of the Florida Supreme Court is **\_\_\_Chief Justice Jorge Labarga\_\_\_\_\_\_\_\_\_**

**The Florida State Constitution**

* Comes from the **people** rather than the Legislature
* It sets up rules and basic rights as the framework for state laws

Florida law touches every aspect of **daily life.**

* Where and how we build our houses
* Our safety and health
* The taxes we pay
* Our ability to vote and participate in government
* The quality of our air, water, roads and environment

Structure of the Florida Constitution

* ­­­­­­­­­­­­­**Twelve** Articles
* Sections that deal with different subjects
* Together they outline the state government and citizens' rights

**What the differences between the US Constitution and the Florida Constitution?**

|  |  |
| --- | --- |
| US Constitution:   * The ­­**shorter** of the two. * 7 Articles * 1 (large) page. * 27 Amendments | Florida Constitution:   * The **lengthier** of the two. * 12 Articles * 80 pages * MANY Amendments |

**What are the differences between the US Government and the Florida Government?**

|  |  |
| --- | --- |
| US Government:   * There are three branches * Legislative Branch   + US Congress * Executive Branch:   + President * Judicial Branch:   + US Supreme Court | Florida Government:   * There are three branches * Legislative Branch:   + State House and Senate * Executive Branch:   + Governor   + State agencies * Judicial Branch:   + County Courts, Circuit Courts, Appeal Court, and Florida Supreme Court |

**What are specific topics that each level of government addresses?**

|  |  |
| --- | --- |
| US Government:   * More Generalized, leaves a lot to be determined by Congress later. * Contains Supremacy clause! Which Article? **Six** | Florida Government:   * Addresses public education, motor vehicles, and elections * Deals with **day-to-day** issues that citizens of the state may be involved in. |

**The Articles of the Florida Constitution (students complete this based on the titles of the Articles on the slides)**

**Article I - Declaration of Rights**

* Freedom of speech
* Freedom of the press
* Equal protection of the laws
* Right of a jury trial
* Right to bear arms
* Freedom of worship

**Article II - General Provisions**

* Creates boundaries, seal, flag and three branches of government.
* Sets Tallahassee as the capital, English as the official language
* Protects and conserves Florida's natural resources

**Article III - ­­­­­Legislature**

* Establishes a House and a Senate
* Requires that states budget and plan how to spend their money
* Requires "rainy day" fund for emergencies

**Article IV - Executive**

* Creates the cabinet and 25 executive departments

**Article V - Judiciary Appeals**

* Establishes four levels of state courts
* Tells how judges will be chosen
* Where the courts get their power from

**Article VI - Suffrage and Election**

* Specifies dates of general elections and qualifications to vote
* Disqualifies convicted felons and the mentally incompetent from voting
* Limits certain state officials terms

**Article VII – ­­­­­Finance and Taxation**

* All taxes are created by the legislature
* Doesn’t allow state income tax

**Article VIII – Local Government**

* Allows the state to create, change or eliminate local governments
* Lists their powers and requires that county officials include:
  + County commissioners and a separately elected clerk, sheriff
  + Tax appraiser
  + Tax collector
  + Supervisor of elections

**Article IX- Education**

* Creates public schools and colleges and other public education programs
* The Board of Education, appointed by the governor, supervises this system
* Specifies one school district per county and district leadership.

**Article X - Miscellaneous**

Carries 27 sections including:

* Authority to have a state militia
* Protection from court seizure of one's home
* State lottery
* Public ownership of lands under navigable waters
* Workplaces without tobacco smoke
* Prohibition of medical licenses after repeated medical malpractice

**Article XI - ­­­­­Amendments**

* Creates five ways to amend Florida's Constitution
* Reviews the state's tax and budget laws
* How does this differ from how we amend the US Constitution?

**Article XII – Schedule**

* Provides for the transition from the 1885 Constitution to the current one

**Florida Constitution Scavenger Hunt**

**Q1: Three Days Q2: Adverse**

**Q3: Secret Q4: Free Public**

**Q5: The Perdido River Q6: Lieutenant Governor**

**Q7: Three Q8: Florida**

**Q9: Two-thirds Vote Q10: Thirty-seven**

**Q11: Municipality Q12: Four Years**

**Q13: 1885 Q14: One or more**

**Q15: Inheritances Q16: Finfish**

**Q17: Levying water Q18: Official Language**

**Q19: Four Q20: Previously committed**