

MEMORANDUM

Agenda Item No. 11(A)(4)

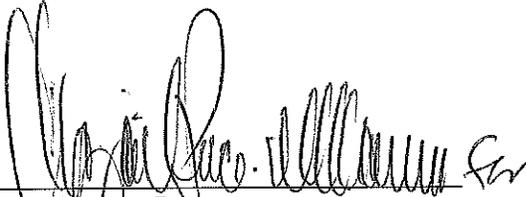
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 21, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to amend Article 1,
Section 2 of the Florida
Constitution and repeal the
Alien Land Law

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 21, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(4)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 11(A)(4)

Veto _____

2-21-12

Override _____

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
AMEND ARTICLE 1, SECTION 2 OF THE FLORIDA
CONSTITUTION AND REPEAL THE ALIEN LAND LAW

WHEREAS, the Constitutions of the United States and State of Florida entitle all natural persons to be equal before the law; and

WHEREAS, Article 1, Section 2 of the Florida Constitution directly contradicts that fundamental right by stating that the ownership, inheritance, disposition, and possession of real property by aliens ineligible for citizenship may be regulated or prohibited by law; and

WHEREAS, that provision, frequently known as the "Alien Land Law," was added to the Florida Constitution in 1926 during a lamentable and xenophobic period in our nation's history; and

WHEREAS, the Office of Community Advocacy for Miami-Dade County has expressed their support for repeal of Florida's Alien Land Law; and

WHEREAS, the Office of Community Advocacy is the agency within Miami-Dade County tasked with promoting productive community relations, enhancing cultural understanding, fostering an atmosphere of mutual respect, and making Miami-Dade County one of the nation's most dynamically and culturally diverse metropolitan areas; and

WHEREAS, similar Alien Land Laws were passed by thirteen states and deplorably used to prevent Asian immigrants from owning or leasing property; and

WHEREAS, twelve of those states have since repealed or rescinded their Alien Land Laws; and

WHEREAS, Florida is the only state in the United States to still have an Alien Land Law written into its Constitution; and

WHEREAS, this law serves no valid basis, for the Florida Legislature has never passed any regulation or restriction invoking the Alien Land Law; and

WHEREAS, courts at both the state and federal level have held that any such measure would violate the Fourteenth Amendment of the United States Constitution; and

WHEREAS, the Alien Land law represents the worst aspects of the State's history by codifying the vestiges of past racial discrimination; and

WHEREAS, the Florida Constitution should be stripped of a provision that is both appalling and unconstitutional,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The Florida Legislature is urged to amend Article 1, Section 2 of the Florida Constitution and repeal the Alien Land Law.

Section 2. The Clerk of the Board is directed to transmit certified copies of the resolution to the Governor, Senate President, House Speaker, and the Chair and remaining members of the Miami-Dade State Legislative Delegation.

Section 3. The County's state lobbyists are directed to advocate for the issues identified in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2012 and 2013 state legislative package to include this item.

The Prime Sponsor of the foregoing resolution is Chairman Joe A. Martinez. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of February, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MBV

Michael B. Valdes

5