

MEMORANDUM

Amended
Agenda Item No. 11(A)(12)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

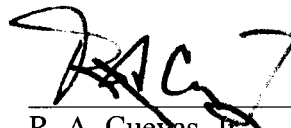
DATE: September 21, 2010

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

SUBJECT: Resolution urging the Florida
Legislature not to pass
immigration legislation
similar to Arizona's SB 1070

Resolution No. R-957-10

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Dennis C. Moss and Co-Sponsors Commissioner Audrey M. Edmonson, Commissioner Sally A. Heyman, Commissioner Barbara J. Jordan, Commissioner Dorrin D. Rolle and Commissioner Katy Sorenson.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners **DATE:** September 21, 2010

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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
Veto _____
Override _____

Amended
Agenda Item No. 11(A)(12)
9-21-10

RESOLUTION NO. R-957-10

RESOLUTION URGING THE FLORIDA LEGISLATURE NOT
TO PASS IMMIGRATION LEGISLATION SIMILAR TO
ARIZONA'S SB 1070

WHEREAS, during its 2010 session, the Arizona Legislature passed an immigration bill, Senate Bill 1070 as amended by HB 2162 ("SB 1070"); and

WHEREAS, SB 1070 requires immigrants to keep in their possession at all times documents verifying their immigration status and also requires that police officers determine the immigration status of a person during any lawful stop, detention or arrest by a state or local law enforcement official, if there is reasonable suspicion that the person is in the country illegally; and

WHEREAS, while the final version of SB 1070 includes language prohibiting racial profiling, substantial legal and political concerns remained related to enforcement of this new Arizona law; and

WHEREAS, members of the Florida Legislature have indicated their intent to file Arizona-style immigration bills for consideration during the 2011 session of the Florida Legislature; and

WHEREAS, such Arizona-type laws, if adopted in Florida, could prove to be divisive and lead to racial profiling; and

WHEREAS, on Wednesday, July 28, 2010, a federal judge in Arizona blocked the most controversial parts of SB 1070 from taking effect, including provisions of the law that required immigrants to carry an alien registration document at all times; and

WHEREAS, in the Court’s opinion, “there is a substantial likelihood that officers will wrongfully arrest legal residents under the [proposed law,]” United States of America v. State of Arizona, No. CV 10-1413-PHX-SRB, 2010 WL 2926157, at *21 (D.Ariz. July 28, 2010); and

WHEREAS, the Court also stated that “[b]y enforcing [S.B. 1070], Arizona would impose a ‘distinct, unusual and extraordinary’ burden on legal resident aliens that only the federal government has the authority to impose[.]” Id. (internal citation omitted); and

WHEREAS, passage of an Arizona-type immigration law would not only hurt Florida’s economy, but would also be counter to fundamental fairness and deprive many legal residents of their individual rights,

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

Section 1. Urges the Florida Legislature not to pass an Arizona-type immigration law as set forth in Arizona’s SB 1070, while supporting comprehensive immigration reform, including more secure national borders.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County’s state lobbyists to advocate against passage of the legislation identified in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2011 state legislative package.

The Prime Sponsor of the foregoing resolution is Chairman Dennis C. Moss and the Co-Sponsors are Commissioner Audrey M. Edmonson, Commissioner Sally A. Heyman, Commissioner Barbara J. Jordan, Commissioner Dorrin D. Rolle and Commissioner Katy Sorenson. It was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Barbara J. Jordan** and upon being put to a vote, the vote was as follows:

	Dennis C. Moss, Chairman	aye
	Jose "Pepe" Diaz, Vice-Chairman	aye
Bruno A. Barreiro	aye	Audrey M. Edmonson aye
Carlos A. Gimenez	aye	Sally A. Heyman aye
Barbara J. Jordan	aye	Joe A. Martinez absent
Dorrin D. Rolle	aye	Natacha Seijas aye
Katy Sorenson	aye	Rebeca Sosa aye
Sen. Javier D. Souto	absent	

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of September, 2010. 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "M. S.", written over a horizontal line.

Martin Sybblis

A handwritten mark resembling a stylized number "5" or a similar symbol, located at the bottom right of the page.