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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(20)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	April 8, 2014
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution urging the Florida Legislature to enact legislation allowing undocumented immigrants to become eligible to obtain a license to practice law in Florida Resolution No. R-365-14

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: April 8, 2014

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

SUBJECT: Agenda Item No. 11(A)(20)

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 Mayor'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 _____

Agenda Item No. 11(A)(20)
4-8-14

RESOLUTION NO. R-365-14

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION ALLOWING UNDOCUMENTED IMMIGRANTS TO BECOME ELIGIBLE TO OBTAIN A LICENSE TO PRACTICE LAW IN FLORIDA

WHEREAS, section 1621 of title 8 of the United States Code generally restricts an undocumented immigrant's eligibility to obtain a professional license, which includes a State license to practice law; and

WHEREAS, subsection (d) of section 1621, however, expressly authorizes a state to render an undocumented immigrant eligible to obtain such a professional license through the enactment of a State law meeting the specified requirements of the subsection; and

WHEREAS, on January 2, 2014, the California Supreme Court admitted an undocumented immigrant to the California State Bar, relying in large part on a state law that became effective on January 1, 2014 which explicitly authorizes applicants for the California State Bar who are not lawfully present in the United States to obtain a law license; and

WHEREAS, the California Supreme Court held that the California statute satisfied the requirements of section 1621(d) and removed any obstacles to admission to the California Bar that may have been presented by other provisions of section 1621; and

WHEREAS, by contrast, the Florida Supreme Court recently held that undocumented immigrants are ineligible to obtain a license to practice law in Florida because there is no current State law that meets the requirements of section 1621(d) and would thus permit the issuance of a law license to an undocumented immigrant; and

WHEREAS, as a result, applicants who are otherwise qualified to practice law in Florida are denied the ability to do so simply on the basis of their immigration status; and

WHEREAS, the Florida Legislature is in the unique position to act on this integral policy question; and

WHEREAS, this Board urges the Florida Legislature to enact legislation meeting the requirements of section 1621(d) and allowing undocumented immigrants to become eligible to obtain a license to practice law in Florida,

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 to enact legislation allowing undocumented immigrants to become eligible to obtain a license to practice law in Florida.

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

Section 3. Directs the County's State lobbyists to advocate for the legislation described in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2014 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner **Barbara J. Jordan**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman			**absent**
Lynda Bell, Vice Chair			**nay**
Bruno A. Barreiro	**aye**	Esteban L. Bovo, Jr.	**absent**
Jose "Pepe" Diaz	**absent**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**absent**	Dennis C. Moss	**absent**
Sen. Javier D. Souto	**absent**	Xavier L. Suarez	**absent**
Juan C. Zapata	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of April, 2014. 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: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. MJM

Michael J. Mastrucci