



AGENDA REPORT
May 22, 2018

Requesting the Florida Attorney General to Join Suit Challenging DACA



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SUBJECT:

Requesting Florida Attorney General to Join Suit Challenging DACA

DEPT/OFFICE:

District 3

SUMMARY EXPLANATION and BACKGROUND:

In 2012, Secretary Janet Napolitano, under the authority of President Barack Obama, created the Deferred Action for Childhood Arrivals (DACA) program through executive action.

The State of Texas, together with several other States, have filed suit to challenge the creation of DACA on multiple grounds. This resolution requests that the Florida Attorney General consider joining this legal challenge.

CLERK TO THE BOARD INSTRUCTIONS:

Send a copy of executed resolution to the Florida Office of the Attorney General

ATTACHMENTS:

- Description**
- Resolution**

V.I.F.I.
MOVED FROM
5-22-18



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May 23, 2018

M E M O R A N D U M

TO: Commissioner John Tobia, District 3

RE: Item VI.F.1., Resolution Requesting Florida Attorney General to Join Suit Challenging Deferred Action for Childhood Arrivals (DACA)

The Board of County Commissioners, in regular session on May 22, 2018, tabled consideration of the resolution requesting Florida Attorney General to join suit challenging DACA to the May 24, 2018, Zoning meeting.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/kp

RESOLUTION 18-_____

REQUEST FOR THE ATTORNEY GENERAL OF THE STATE OF FLORIDA TO CONSIDER JOINING SUIT CHALLENGING THE DEFERRED ACTION FOR CHILDHOOD ARRIVALS PROGRAM

WHEREAS, the Deferred Action for Childhood Arrivals (DACA) directive was issued, under the purported authority of the President of the United States, by Secretary of Homeland Security Janet Napolitano in 2012, and was further expanded in 2014 through a memo authored by Secretary Jeh Johnson; and

WHEREAS, the implementation of DACA has created a far-reaching humanitarian crises, including the precipitation of human trafficking; and

WHEREAS, the United States District Court for the Southern District of Texas, in a case involving the attempted smuggling of a 10 year-old across the United States-Mexican border, found that, through policies necessitated by DACA, the Department of Homeland Security was "complicit in a criminal conspiracy;" and

WHEREAS, according to the Federation for American Immigration Reform, the average cost for an illegal alien living in Florida is \$4,919, with the State bearing a total cost of \$6,290,429,108 for harboring undocumented immigrants; and

WHEREAS, DACA injures the various States by requiring enhanced expenditures including, but not limited to, state troopers, social security, disability benefits, Medicare, Medicaid, work authorization, unemployment benefits, and drivers' licenses; and

WHEREAS, through operation of State and Federal law, many of these expenses are passed on to local governments such as Brevard County; and

WHEREAS, the Take-Care Clause of the United States Constitution rejects the authority of the President of the United States to exercise dispensing power; and

WHEREAS, the Executive Branch lacks the authority to contravene the comprehensive immigration framework Congress has enacted; and

WHEREAS, certain courts have blocked President Donald Trump's rescission of DACA because the notice-and-comment process, which was not properly used to implement it, was not used to rescind it; and

WHEREAS, the States of Texas, Alabama, Arkansas, Louisiana, Nebraska, South Carolina, and West Virginia have brought suit to challenge the lawfulness of the executive action creating DACA; and

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WHEREAS, the United States Attorney General, Jeffrey Sessions, has expressed his opinion, as the head of the Department of Justice, that DACA is likely to be enjoined if challenged due to legal deficiencies in its creation; and

WHEREAS, with the Florida legislature out of session, it is important that local governments voice their concerns directly to State officials on matters important to them; and

WHEREAS, it is in the interest of the citizens of the State of Florida, including those located within Brevard County, that the State be a party to the case in order to inform the Court of the injurious nature DACA has relative to our interests, and to ensure that the Federal government is acting to protect its citizens and sovereignty.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Brevard County, Florida, does hereby request that the Attorney General of the State of Florida consider joining the aforementioned suit challenging the creation of the Deferred Action for Childhood Arrivals program.

DONE, ORDERED AND ADOPTED, in regular session, this 22th day of May, 2018.

RITA PRITCHETT, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FL

ATTEST:

SCOTT ELLIS, CLERK