MEMORANDUM

Agenda Item No. 11(A)(9)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: March 8, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution opposing HB 401 or similar legislation that would provide immunity from liability to (1) healthcare providers that refuse to provide medical treatment contrary to their religious or moral convictions or policies, (2) persons, certain business entities and organizations, and religious institutions that refuse to provide service or products contrary to their religious or moral convictions or policies, and (3) child-placing agencies that refuse to provide services or participate in the placement of a child contrary to their religious or moral convictions or policies; and preempt certain provisions of the County's Human Rights Ordinance

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava and Co-Sponsor Commissioner Audrey M. Edmonson.

Abigail Price-Williams
County Attorney

APW/smm

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

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SUBJECT: Agenda Item No. 11(A)(9)

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

_____ Statement of social equity 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)(9)
3-8-16

RESOLUTION NO. _____

RESOLUTION OPPOSING HB 401 OR SIMILAR LEGISLATION THAT WOULD PROVIDE IMMUNITY FROM LIABILITY TO (1) HEALTHCARE PROVIDERS THAT REFUSE TO PROVIDE MEDICAL TREATMENT CONTRARY TO THEIR RELIGIOUS OR MORAL CONVICTIONS OR POLICIES, (2) PERSONS, CERTAIN BUSINESS ENTITIES AND ORGANIZATIONS, AND RELIGIOUS INSTITUTIONS THAT REFUSE TO PROVIDE SERVICE OR PRODUCTS CONTRARY TO THEIR RELIGIOUS OR MORAL CONVICTIONS OR POLICIES, AND (3) CHILD-PLACING AGENCIES THAT REFUSE TO PROVIDE SERVICES OR PARTICIPATE IN THE PLACEMENT OF A CHILD CONTRARY TO THEIR RELIGIOUS OR MORAL CONVICTIONS OR POLICIES; AND PREEMPT CERTAIN PROVISIONS OF THE COUNTY'S HUMAN RIGHTS ORDINANCE

WHEREAS, Miami-Dade County ("County") has a long-standing history of opposing discrimination; and

WHEREAS, the County's Human Rights Ordinance, codified at Chapter 11A of the Code of Miami-Dade County, prohibits discrimination in employment, family leave, public accommodations, credit financing practices, and housing accommodations because of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, sexual orientation, gender identity or gender expression, status as victim of domestic violence, dating violence and stalking or source of income; and

WHEREAS, House Bill (HB) 401 was filed on October 21, 2015 by Representative Julio Gonzalez (R - Venice); and

WHEREAS, if adopted, HB 401, or similar legislation, would provide immunity from liability to (1) a healthcare facility or healthcare provider, that refuses to administer, recommend, or deliver medical treatments or procedures that would be contrary to religious or moral

convictions or policies, (2) a person, closely held organization, religious institution, business owned or operated by a religious institution that refuses to produce, create, or deliver custom products or services that would be contrary to religious or moral convictions or policies, and (3) a private child-placing agency that refuses to perform, assist in, recommend, consent to, or participate in the placement of a child that would be contrary to religious or moral convictions or policies; additionally, if passed, HB 401 would also preempt certain provisions of the County's Human Rights Ordinance and other local regulations; and

WHEREAS, HB 401 has not received a committee hearing and although there is no Senate companion bill, companion House and Senate bills, Senate Bill (SB) 110 by Senator Aaron Bean (R – Fernandina Beach) and HB 43 by Representative Scott Plakon (R – Longwood), propose to provide immunity to churches, religious organizations, and individuals on the grounds of religious convictions as does HB 401; and

WHEREAS, specifically, SB 110 and HB 43 would, among other things, provide immunity from civil and criminal liability and bar governmental entities from withholding benefits or privileges, to churches, religious organizations, and individuals that refuse to solemnize a marriage or provide services related to the solemnization of a marriage that would be in violation of their religious beliefs; and

WHEREAS, SB 110 and HB 43 have cleared all legislative committees and are positioned to be passed by the Senate and House; and

WHEREAS, in the same spirit as SB 110 and HB 43, HB 401 would allow an adoption agency to refuse services to a same-sex couple and a doctor or healthcare facility to refuse treatment to a lesbian, gay, bisexual or transgender patient based on religious or moral convictions or policies; and

WHEREAS, the County opposes HB 401 as it is an open invitation to discriminate and sanctions indefensible prejudice by healthcare providers and facilities, individuals and business organizations, religious institutions, and child-placing agencies on the grounds of certain moral and religious convictions or policies; and

WHEREAS, such discrimination does not reflect the County's demonstrated history of inclusiveness and nondiscrimination and would also have a negative impact on the County, which promotes itself as a diverse and embracing community; and

WHEREAS, additionally, HB 401 would prevent the County from fully enforcing its Human Rights Ordinance and affording persons rights and recourse to address discriminatory behavior; and

WHEREAS, this Board opposes HB 401 because it authorizes discrimination, immunizes the actors from liability and preempts certain provisions of the County's Human Rights Ordinance,

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

Section 1. Opposes HB 401 or similar legislation that would provide immunity from liability to (1) healthcare providers that refuse to provide medical treatment contrary to their religious or moral convictions or policies, (2) persons, certain business entities and organizations, and religious institutions that refuse to provide service or products contrary to their religious or moral convictions or policies, and (3) child-placing agencies that refuse to provide services or participate in the placement of a child contrary to their religious or moral convictions or policies; and preempt certain provisions of the County's Human Rights Ordinance.

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

Section 3. Directs the County's state lobbyists to advocate against the legislation action set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 State Legislative Package to include this item and to include this item in the 2017 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava and the Co-Sponsor is Commissioner Audrey M. Edmonson. 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:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of March, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

Shanika A. Graves