

MEMORANDUM

Agenda Item No. 11(A)(1)

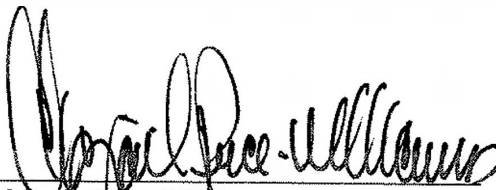
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: May 5, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution establishing County policy that anti-Semitism is a form of prejudice against religion and providing a definition of anti-Semitism; directing Miami-Dade Police Department to consider and document anti-Semitism in enforcing the Florida Criminal Code; requiring a report regarding the implementation of such policy within 90 days; and encouraging all other municipalities within Miami-Dade County to pass similar Legislation

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Esteban L. Bovo, Jr. and Co-Sponsors Commissioner Daniella Levine Cava, Chairwoman Audrey M. Edmonson, Commissioner Sally A. Heyman, Commissioner Joe A. Martinez and Vice Chairwoman Rebeca Sosa.


Abigail Price-Williams
County Attorney

APW/uw



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: May 5, 2020

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County Attorney

SUBJECT: Agenda Item No. 11(A)(1)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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)(1)

5-5-20

RESOLUTION NO. _____

RESOLUTION ESTABLISHING COUNTY POLICY THAT ANTI-SEMITISM IS A FORM OF PREJUDICE AGAINST RELIGION AND PROVIDING A DEFINITION OF ANTI-SEMITISM; DIRECTING MIAMI-DADE POLICE DEPARTMENT TO CONSIDER AND DOCUMENT ANTI-SEMITISM IN ENFORCING THE FLORIDA CRIMINAL CODE; REQUIRING A REPORT REGARDING THE IMPLEMENTATION OF SUCH POLICY WITHIN 90 DAYS; AND ENCOURAGING ALL OTHER MUNICIPALITIES WITHIN MIAMI-DADE COUNTY TO PASS SIMILAR LEGISLATION

WHEREAS, the Florida Criminal Code, Chapter 775, Florida Statutes, outlines offenses that are considered criminal and provides for penalties for criminal offenses; and

WHEREAS, section 775.085, Florida Statutes, provides for enhanced criminal penalties if the commission of a felony or misdemeanor evidences prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, homeless status, or advanced age of the victim; and

WHEREAS, section 775.0863, Florida Statutes, likewise provides for enhanced criminal penalties if the commission of a felony or misdemeanor evidences prejudice based on the mental or physical disability of the victim; and

WHEREAS, this Board condemns prejudice based on race, color, ancestry, ethnicity, religion, sexual orientation, national origin, homeless status, advanced age, or mental or physical disability in all its forms; and

WHEREAS, this Board is cognizant of and concerned about a rise in anti-Semitic acts and threats not only in Florida, but across the nation; and

WHEREAS, section 775.085, Florida Statutes, does not on its face include the term anti-Semitism as evincing prejudice against religion; and

WHEREAS, nevertheless, this Board believes that anti-Semitism is a form of prejudice against religion and that acts of anti-Semitism may evince the same kind of prejudice based on race, color, ancestry, ethnicity, religion, sexual orientation, national origin, homeless status, advanced age, or mental or physical disability referenced in sections 775.085 and 775.0863, Florida Statutes; and

WHEREAS, this Board supports efforts to eliminate and prevent discrimination based on religion across the State of Florida; and

WHEREAS, this Board wishes to ensure that any potential demonstrations or acts of anti-Semitism are documented and considered in connection with the enforcement of the Florida Criminal Code in Miami-Dade County; and

WHEREAS, this Board believes that the documentation and consideration of any potential anti-Semitism or acts of anti-Semitism is in the best interest of the public health, safety, and welfare of the residents of Miami-Dade County,

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

Section 1. Approves and incorporates the foregoing recitals as if fully set forth herein.

Section 2. Hereby establishes as County policy that anti-Semitism is a form of prejudice against religion, and for the purposes of this policy, defines anti-Semitism is as follows:

The term "anti-Semitism" recognizes that anti-Semitism is a certain negative perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals or their property, or toward Jewish community institutions and religious facilities. Examples of anti-Semitism may include:

- a. Calling for, aiding, or justifying the killing or harming of Jews (often in the name of a radical ideology or an extremist view of religion);
- b. Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as a collective—especially, but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions;
- c. Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, the state of Israel, or even for acts committed by non-Jews;
- d. Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust;
- e. Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interest of their own nations.
- f. Demonizing Israel by using the symbols and images associated with classic anti-Semitism to characterize Israel or Israelis, drawing comparisons of contemporary Israeli policy to that of the Nazis, or blaming Israel for all inter-religious or political tensions;
- g. Requiring behavior of Israel that is not expected or demanded of any other democratic nation, or focusing peace or human rights investigations only on Israel; or
- h. Delegitimizing Israel by denying the Jewish people their right to self-determination, and denying Israel the right to exist.

Criticism of Israel similar to that levied against any other country shall not be regarded as anti-Semitic, and in no event shall anything in this section be construed to conflict with federal or state law.

Section 3. Directs the Miami-Dade Police Department to implement procedures to ensure that officers, in investigating whether there has been a violation of law whose penalty may be appropriately reclassified as provided for in sections 775.085 and 775.0863, Florida Statutes, take into consideration the definition and examples of anti-Semitism for purposes of evaluating whether the alleged violation evidences prejudice based on the race, color, ancestry, ethnicity,

religion, sexual orientation, national origin, homeless status, advanced age, or mental or physical disability of the victim, and document all relevant information pertaining to that consideration.

Section 4. Directs the County Mayor or County Mayor’s designee to submit a report to this Board within 90 days of the effective date of this resolution identifying the measures taken to implement the directive in Section 3 above. Such report shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65.

Section 5. Encourages all municipalities in Miami-Dade County to enact similar legislation, and further directs the Clerk of the Board to transmit certified copies of this resolution to all municipalities in Miami-Dade County.

The Prime Sponsor of the foregoing resolution is Commissioner Esteban L. Bovo, Jr. and the Co-Sponsors are Commissioner Daniella Levine Cava, Chairwoman Audrey M. Edmonson, Commissioner Sally A. Heyman, Commissioner Joe A. Martinez and Vice Chairwoman Rebeca Sosa. 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:

Audrey M. Edmonson, Chairwoman	
Rebeca Sosa, Vice Chairwoman	
Esteban L. Bovo, Jr.	Daniella Levine Cava
Jose “Pepe” Diaz	Sally A. Heyman
Eileen Higgins	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared this resolution duly passed and adopted this 5th day of May, 2020. 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.



Anita Viciano Zapata