

ORDINANCE NO. 2020 - 560

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AMENDING ARTICLE I OF CHAPTER 195 OF THE CODE OF ORDINANCES ENTITLED "ANTI-SEMITISM IN ENFORCING LAWS" TO PROVIDE ADDITIONAL EXAMPLES OF ANTI-SEMITISM IN SECTION 195-3(A) AND ADDITIONAL EXAMPLES OF ANTI-SEMITISM RELATED TO ISRAEL IN SECTION 195-3(B); PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Sunny Isles Beach ("City") adopted Ordinance Number 2018-516, creating Chapter 195 in the Code of Ordinances of the City of Sunny Isles Beach entitled "Police Regulations" which created a new article entitled "Consider Anti-Semitism in Enforcing Laws"; and

WHEREAS, the stated purpose of the ordinance was to ensure that the City's Police Department consider potential anti-Semitic motivation for criminal offenses in order to guard the safety and well-being of the City's Jewish community; and

WHEREAS, the United States Department of State's Special Envoy to Monitor and Combat Antisemitism published a fact sheet issued June 8, 2010 containing a proposed working definition and providing contemporary examples of anti-Semitism, which were incorporated and codified into Section 195-3 of the City's Code of Ordinances; and

WHEREAS, in adopting Ordinance Number 2018-516, the City Commission sought to require its Police Department to consider that definition and the examples in the ordinance in investigating crimes, in a manner consistent with the federal hate crime statute, 18 U.S.C. §249 and the state hate crime statute, Fla. Stat. §775.085, as both may be amended from time to time; and

WHEREAS, since the adoption of Ordinance Number 2018-516, the City has been made aware of a working definition of antisemitism that was adopted by the International Holocaust Remembrance Alliance ("IHRA"), by consensus vote of its member states, which has become the internationally recognized, authoritative definition for use by governments and international organizations; and

WHEREAS, the working definition of anti-Semitism by the IHRA includes contemporary examples of anti-Semitism in public life, the media, schools, the workplace, and in the religious sphere; and

WHEREAS, many of the examples in the IHRA working definition of anti-Semitism were already included in Chapter 195 of the City's Code of Ordinances, however, a select number of examples were not; and

WHEREAS, the City Commission now wishes to amend Section 195-3 of the City's Code of Ordinances to supplement and expand the examples of anti-Semitism to include those in the IHRA working definition; and

WHEREAS, the City Commission hereby finds and determines that this Ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AS FOLLOWS:

Section 1. Incorporation of Recitals. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part by this Ordinance upon adoption hereof.

Section 2. Amendment of Section 195-3. Section 195-3 of the Code of Ordinances of the City of Sunny Isles Beach is hereby amended to read as follows:

ARTICLE I - Anti-Semitism in Enforcing Laws

§ 195-3. - Consideration of anti-semitism in enforcing law.

A. The following are examples of Anti-Semitism:

- (6) Accusing Jews with conspiring to harm humanity, and it is often used to blame Jews for "why things go wrong." It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits;
- (7) Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust);
- (8) Anti-Semitic acts are criminal when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries);
- (9) Criminal acts are anti-Semitic when the targets of attacks, whether they are people or property such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Jewish or linked to Jews; or
- (10) Anti-Semitic discrimination is the denial to Jews of opportunities or services available to others and is illegal in many countries.

B. The following are examples of Anti-Semitism related to Israel:

- (4) Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity.
- (4)(5) However, criticism of Israel similar to that levied against any other country cannot be regarded as anti-Semitic.

Section 3. Repealer. All ordinances, or parts of ordinances in conflict herewith be, and the same, are hereby repealed.

Section 4. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 5. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the City of Sunny Isles Beach; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word, as required.

Section 6. Effective Date. This Ordinance will become effective ten (10) days after adoption at second reading.

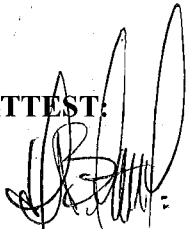
PASSED on first reading this 19th day of November 2020.

PASSED AND ADOPTED on second reading this 17th day of December 2020.



George H. Scholl, Mayor

ATTEST:



Mauricio Betancur, CMC, City Clerk

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**



Edward A. Dion, City Attorney

First Reading

Motion: COMMISSIONER LAMA

Second: VICE MAYOR SVECHIN

Vote on First Reading:

Mayor Scholl
Vice Mayor Svechin
Commissioner Goldman
Commissioner Lama
Commissioner Viscarra

Second Reading

Motion: VICE MAYOR SVECHIN

Second: COMMISSIONER VISCARRA

(Yes) ___ (No)
 (Yes) ___ (No)
 (Yes) ___ (No)
 (Yes) ___ (No)
 (Yes) ___ (No)

Vote on Second Reading:

Mayor Scholl
Vice Mayor Svechin
Commissioner Goldman
Commissioner Lama
Commissioner Viscarra

(Yes) ___ (No)
 (Yes) ___ (No)
 (Yes) ___ (No)
 (Yes) ___ (No)
 (Yes) ___ (No)