

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, CONDEMNING THE INVIDIOUS AND REPRESSIVE ANTI-ABORTION LEGISLATION RECENTLY ADOPTED BY THE STATE OF ALABAMA, PROHIBITING OFFICIAL CITY TRAVEL TO ALABAMA, AND IMPOSING, AS OF THE DATE OF ADOPTION OF THIS RESOLUTION, A MORATORIUM ON THE PURCHASE BY THE CITY OF GOODS OR SERVICES SOURCED IN ALABAMA, UNTIL SUCH REPRESSIVE LEGISLATION IS EITHER REPEALED OR DECLARED UNCONSTITUTIONAL BY A COURT OF LAW; PROVIDED, HOWEVER, THAT THE AFORESTATED MORATORIUM SHALL BE PROSPECTIVE AND SHALL NOT BE CONSTRUED TO TERMINATE AND/OR OTHERWISE IMPAIR ANY EXISTING AND/OR PREVIOUSLY AWARDED CITY CONTRACTS; AND DIRECTING THE CITY'S PROCUREMENT DIRECTOR TO INCLUDE THIS RESOLUTION IN ALL CITY INVITATIONS TO BID (ITBs), INVITATIONS TO NEGOTIATE (ITNs), REQUESTS FOR PROPOSALS (RFPs), AND REQUESTS FOR QUALIFICATIONS (RFQs).

WHEREAS, in a 1973 landmark decision, *Roe v. Wade*, the United States Supreme Court established that Due Process Clause of the Fourteenth Amendment to the U.S. Constitution provides a fundamental "right to privacy" that protects a pregnant woman's liberty to choose whether or not to have an abortion; and

WHEREAS, the Florida standard for privacy goes even further than the federal standard, as the Florida Constitution explicitly provides that "every natural person has the right to be let alone and free from governmental intrusion into the person's private life;" and

WHEREAS, recently, state legislatures across the country have enacted a wave of legislation that threatens an individual's fundamental right to privacy and the right to safe and legal access to abortion; and

WHEREAS, on May 15, 2019, Alabama Governor, Kay Ivey, signed into law a bill entitled the "Human Life Protection Act" (the "Alabama Law"), which bans abortion at any stage of pregnancy (unless a woman's life is threatened or there is a lethal fetal anomaly), and carries no exceptions for termination of a pregnancy resulting from rape or incest; and

WHEREAS, the Alabama Law is the strictest anti-abortion measure passed in the United States nearly in half a century, which flouts the precedent established by the U.S.

Supreme Court in *Roe v. Wade* and subsequent decisions, and makes performing abortions a felony – abortion doctors, if convicted, could face prison time up to 99 years; and

WHEREAS, before *Roe v. Wade*, an estimated 5,000 American women died each year from unsafe, clandestine abortions; and

WHEREAS, Alabama's attempt to essentially ban abortion and a woman's right to choose places the safety, health, and welfare of women in the state at risk, as many women will nonetheless choose to terminate their pregnancies and will be forced to do so through unregulated, and potentially unsafe means; and

WHEREAS, the Alabama Law is part of a broader, concerted, national effort to eliminate access to safe and legal abortion by passing draconian, blatantly unconstitutional abortion restrictions, knowing they will get challenged and planning to appeal every legal challenge until the Supreme Court is forced to reconsider the fundamental right to abortion; and

WHEREAS, the American Civil Liberties Union ("ACLU"), the ACLU of Alabama, and Alabama Women's Center for Reproductive Alternatives are preparing to file legal challenges to the Alabama law under the Due Process Clause of the Fourteenth Amendment; and

WHEREAS, the City of Miami Beach has historically been at the front of advancing, promoting, and protecting the rights of marginalized communities, including the rights of women; and

WHEREAS, in 2010, the Mayor and the City Commission adopted Resolution No. 2010-27405, urging Governor Charlie Christ to veto a bill that would require women to undergo an ultrasound and review the ultrasound images prior to obtaining an abortion; and

WHEREAS, the Mayor and City Commission of the City of Miami Beach vehemently oppose the Alabama Law that restricts a woman's constitutional and fundamental right to abortion; and

WHEREAS, in order to communicate the City's clear opposition to Alabama's draconian and repressive legislation, the Mayor and City Commission desire to impose a moratorium, effective immediately, on official City travel to Alabama, and on purchases of goods and services sourced in Alabama; and

WHEREAS, the aforesated moratorium is not intended to (nor shall it) terminate, prohibit, and/or otherwise impair any existing and/or amended (but not yet executed) City contract for goods and services sourced in Alabama.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby condemn the invidious and repressive anti-abortion legislation recently adopted by the state of Alabama, prohibit official City travel to Alabama, and impose, as of the date of adoption of this Resolution, a moratorium on the purchase by the City of goods or services sourced in Alabama, until such repressive legislation is either repealed or declared unconstitutional by a court of law; provided, however, that the aforestated moratorium shall be prospective and shall not be construed to terminate and/or otherwise impair any existing and/or previously awarded City contracts; and direct the City's Procurement Director to include this Resolution in all City Invitations to Bid (ITBs), Invitations to Negotiate (ITNs), Requests for Proposals (RFPs), and Requests for Qualifications (RFQs).

PASSED AND ADOPTED this ____ day of _____, 2019.

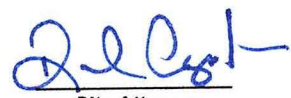
Attest:

Dan Gelber, Mayor

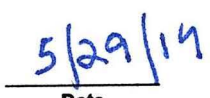
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Alemán)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney
FA



Date