

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, IN LIGHT OF BEN & JERRY'S HOMEMADE HOLDINGS INC.'S ("BEN & JERRY'S") DECISION TO NO LONGER SELL ITS PRODUCTS IN PARTS OF ISRAEL; DIRECTING THE CITY ADMINISTRATION TO (1) TAKE ANY AND ALL APPROPRIATE STEPS TO ENSURE COMPLIANCE WITH SECTION 287.135 OF THE FLORIDA STATUTES AND SECTION 2-375 OF THE CITY CODE, WHICH WOULD PROHIBIT THE CITY FROM DOING BUSINESS WITH ANY COMPANY THAT ENGAGES IN A BOYCOTT OF ISRAEL, (2) WORK WITH THE CITY ATTORNEY'S OFFICE TO REVIEW ANY CURRENT OR PROPOSED CONTRACTS WITH UNILEVER PLC, THE PARENT COMPANY OF BEN & JERRY'S, TO ENSURE COMPLIANCE WITH STATE LAW AND THE CITY CODE, AND (3) EVALUATE WHETHER THE FOREGOING CONDUCT WOULD PROHIBIT THE CITY FROM HOLDING INVESTMENTS IN UNILEVER, PLC AND ITS RELATED ENTITIES, OR REQUIRE ANY DIVESTMENT THEREOF.

WHEREAS, on July 19, 2021, Ben & Jerry's Homemade Holdings Inc. ("Ben & Jerry's") a Vermont-based ice cream brand owned by British multinational consumer goods company Unilever PLC, announced that it would no longer sell its products in parts of Israel; and

WHEREAS, Section 287.135, Florida Statutes, prohibits state agencies and local governments from contracting with companies for goods or services in any amount if at the time of bidding on, submitting a proposal for, or entering into or renewing a contract if the company is on the Scrutinized Companies that Boycott Israel List, created pursuant to Section 215.4725, Fla. Stat. or is engaged in a boycott of Israel; and

WHEREAS, Section 2-375 of the City Code provides that the City shall not procure goods or services from, or otherwise contract with, a business which engages in the boycott of a nation or country, or which engages in a boycott based on race, color, national origin, religion, sex, intersexuality, gender identity, sexual orientation, marital or familial status, age, or disability; and

WHEREAS, as Ben & Jerry's recent decision to stop selling its products in parts of Israel falls under the definition of a "boycott" in Section 287.135, Fla. Stat., and Section 2-375 of the City Code, the Mayor and City Commission desire to direct the Administration to take any and all appropriate steps to ensure compliance with both State law and the City Code, and not enter into any agreements with Ben & Jerry's, or procure any Ben & Jerry's products or services for any Parks-related, or other events in the City; and

WHEREAS, in addition, Section 287.135, Fla. Stat., and Section 2-375 of the City Code may also apply to Unilever as the parent company of Ben & Jerry's; and

WHEREAS, the Administration is further directed to work with the City Attorney's Office to review any proposed contracts with Unilever and its related entities to ensure compliance with State law and the City Code, and to also evaluate whether the foregoing conduct would prohibit the City from holding investments in Unilever, PLC and its related entities, or require any divestment thereof.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that, in light of Ben & Jerry's Homemade Holdings Inc.'s ("Ben & Jerry's") decision to no longer sell its products in parts of Israel, the Mayor and City Commission hereby direct the City Administration to (1) take any and all appropriate steps to ensure compliance with Section 287.135 of the Florida Statutes, which prohibits local governments from doing business with companies that engage in a boycott of Israel, and Section 2-375 of the City Code, which provides, in pertinent part, that the City shall not procure goods or services from a business which engages in the boycott of a nation or country, (2) work with the City Attorney's Office to review any current or proposed contracts with Unilever PLC, the parent company of Ben & Jerry's, to ensure compliance with State law and the City Code, and (3) evaluate whether the foregoing conduct would prohibit the City from holding investments in Unilever, PLC and its related entities, or require any divestment thereof.

PASSED and ADOPTED this ____ day of _____, 2021.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(sponsored by Commissioner Steven Meiner)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *PAR* 7-26-21
Date