

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, STRONGLY CONDEMNING THE FOLLOWING BILLS PASSED DURING THE 2023 FLORIDA LEGISLATIVE SESSION: HOUSE BILL 543 (ALLOWING PERMITLESS CARRY OF CONCEALED FIREARMS), HOUSE BILL 1438 (TARGETING THE LGBTQ+ COMMUNITY AND FREEDOM OF EXPRESSION), HOUSE BILL 1069 (EXPANDING THE INFAMOUS "DON'T SAY GAY" BILL TO PREK-8), SENATE BILL 300/HOUSE BILL 7 (BANNING ACCESS TO ABORTION AFTER SIX WEEKS), HOUSE BILL 1521 (FORCING TRANSGENDER INDIVIDUALS TO USE RESTROOMS CONTRARY TO THEIR IDENTITY), HOUSE BILL 1417/SENATE BILL 1586 (PREEMPTING LOCAL GOVERNMENT REGULATION OF RESIDENTIAL TENANCIES, INCLUDING THE 60-DAY FAIR NOTICE TO TENANTS LAW INITIATED BY THE CITY OF MIAMI BEACH. AND THE LANDLORD-TENANT RELATIONSHIP TO THE STATE), AND SENATE BILL 718 (SIGNIFICANTLY LIMITING THE ABILITY OF VOTERS IN LOCAL ELECTIONS TO DIRECTLY APPROVE CERTAIN INCREASES IN ZONED FLOOR AREA RATIO BY VOTER REFERENDUM); AND EXPRESSING PROFOUND DISAPPOINTMENT WITH THE FLORIDA LEGISLATURE FOR THE PASSAGE OF THE AFOREMENTIONED BILLS THAT TARGET THE PUBLIC SAFETY, REPRODUCTIVE HEALTHCARE RIGHTS, CIVIL RIGHTS, TENANTS' RIGHTS, AND PROPERTY RIGHTS OF FLORIDIANS, AND WHICH FAIL TO REPRESENT THE VALUES OF THE CITY OF MIAMI BEACH.

WHEREAS, the 2023 Florida Legislative session has passed an alarming number of bills that jeopardize public safety, reproductive healthcare rights, and civil rights of Floridians; and

WHEREAS, on April 11, 2023, the Florida Senate voted to pass Senate Bill 1438 (SB 1438), a bill that grants state agencies the power to target LGBTQ+ friendly businesses by giving the Department of Business and Professional Regulation discretionary authority to fine, revoke liquor licenses, and even shut down establishments; and

WHEREAS, while Senate Bill 1438 doesn't explicitly mention drag shows, it makes it a crime to admit young people to any performance, exhibit, play, or show that any state agency official determines, in their sole discretion, is somehow inappropriate, even if the child's parents think it is appropriate for their family; and

WHEREAS, SB 1438 also prohibits municipalities, counties and other governments from issuing permits for events that feature such performances, and should a government issue a permit for an event that goes on to violate SB 1438, the event organizer named in the permit would face a first-degree misdemeanor; and

WHEREAS, on April 13, 2023, Governor Ron DeSantis signed House Bill 7/Senate Bill 300, which bans access to abortion after six weeks and criminalize doctors who offer abortion care to patients after six weeks — before many patients even know they are pregnant; and

WHEREAS, on April 19, 2023, Florida Legislature passed House Bill 1521, which prohibits gender-inclusive restrooms and changing facilities in private businesses, healthcare facilities, schools, public shelters, and jails, threatening transgender Floridians' fundamental human rights and safety; and

WHEREAS, Governor DeSantis also signed into effect House Bill 543, which eliminates background checks, training, and fees for a concealed-carry weapons license, jeopardizing the safety of Floridians and visitors – studies show that permitless carry makes public spaces more dangerous for everyone, including police officers; and

WHEREAS, Florida Legislature also advanced House Bill 1069, which seek to expand Florida's infamous "Don't Say Gay" bill to include prekindergarten to eighth grade in its restrictions, and prohibits students and employees alike in K-12 public schools from providing any pronoun that doesn't correspond with their assigned "sex" at birth, among other changes; and

WHEREAS, furthermore, on April 26, 2023, the Florida Legislature voted to pass House Bill 1417/Senate Bill 1586, which are identical companion bills that preempt local government regulation of residential tenancies and the landlord-tenant relationship to the state; and

WHEREAS, specifically, the bills would supersede any local government regulation on matters covered in the Florida Residential Landlord and Tenant Act, including but not limited to the following:

- The screening process used by a landlord in approving tenancies;
- Security deposits;
- Rental agreement applications and fees associated with such applications;
- Terms and conditions of rental agreements;
- The rights and responsibilities of the landlord and tenant;
- Disclosures concerning the premises, the dwelling unit, the rental agreement, or the rights and responsibilities of the landlord and tenant;
- Fees charged by the landlord; or
- Notice requirements; and

WHEREAS, if SB 1586, HB 1417, or similar legislation is enacted, the City's ordinance requiring residential landlords to give their tenants at least 60 days written notice before imposing a rent increase greater than 5% may be preempted, rendering the protections adopted by the City ineffective; and

WHEREAS, lastly, on May 2, 2023, Florida Legislature voted to pass Senate Bill 718, which will significantly limit the ability of the City's voters to directly approve certain increases in zoned floor area ratio by voter referendum; and

WHEREAS, all of these bills, that have already been enacted or are in the process of being enacted, will negatively affect public safety, reproductive rights, civil rights, and financial wellbeing of Floridians; and

WHEREAS, at its May 9th, 2023 meeting, the City's LGBTQIA+ Advisory Committee passed a unanimous motion advising the City of Miami Beach to declare moral and philosophical opposition to the anti-LGBTQIA+ legislation being adopted by the Florida Legislature and to reaffirm Miami Beach's commitment to being a diverse, equitable, and inclusive community while still bound by the laws of the state (attached hereto as "Exhibit A"); and

WHEREAS, the Mayor and City Commission are profoundly disappointed with the Florida Legislature for passing legislation that will hurt rather than benefit the people of Florida, in direct contradiction of the duties and responsibilities of elected public servants; and

WHEREAS, the Mayor and City Commission are particularly disappointed with State Representative Fabian Basabe, who voted in favor of nearly all of the foregoing bills, which fail to represent the values of the City of Miami Beach, and was one of the co-sponsors of HB 1417, which will weaken tenant rights available to residents of the City under the City's current laws; and

WHEREAS, at the November 16, 2022 City Commission meeting, Mr. Basabe introduced himself to the Mayor and City Commission as the newly elected state representative, and was reminded by Commissioner Alex J. Fernandez of the importance of protecting the City's Home Rule powers, as well as the rights of the LGBTQ community, especially transgender individuals; and

WHEREAS, Representative Basabe's disgraceful actions are compounded by the fact that he did not feel compelled to be present and cast a vote on House Bill 7, which significantly curbs reproductive healthcare rights of his constituents, and decided to simply leave the chambers, failing the people who voted for him to represent their interests at the state level.

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 strongly condemn the following bills passed during the 2023 Florida Legislative session: House Bill 543 (allowing permitless carry of concealed firearms), House Bill 1438 (targeting the LGBTQ+ community and freedom of expression), House Bill 1069 (expanding the infamous "Don't Say Gay" bill), Senate Bill 300/House Bill 7 (banning access to abortion after six weeks), House Bill 1521 (forcing transgender individuals to use restrooms contrary to their identity), House Bill 1417/Senate Bill 1586

(preempting local government regulation of residential tenancies, including the 60-day fair notice to tenants law initiated by the City of Miami Beach, and the landlord-tenant relationship to the state), and Senate Bill 718 (significantly limiting the ability of voters in local elections to directly approve certain increases in zoned floor area ratio by voter referendum); and express profound disappointment with the Florida Legislature for the passage of the aforementioned bills that target the public safety, reproductive healthcare rights, civil rights, tenants' rights, and property rights of Floridians, and which fail to represent the values of the City of Miami Beach.

PASSED and **ADOPTED** this ____ day of _____, 2023.

ATTEST:

Dan Gelber, Mayor

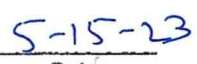
Rafael E. Granado, City Clerk

(sponsored by Commissioner Alex J. Fernandez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney



Date



OFFICE OF THE CITY CLERK

220-2023

LETTER TO COMMISSION

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Rafael E. Granado, City Clerk

A handwritten signature in blue ink, appearing to be "R. Granado".

DATE: May 12, 2023

SUBJECT: Motion from the LGBTQIA+ Advisory Committee re: Anti-LGBTQIA+ State Laws

The purpose of this Letter to Commission is to inform the body of the motion made by the LGBTQIA+ Advisory Committee at the May 9, 2023 meeting.

The LGBTQIA+ Advisory Committee advises the City of Miami Beach to declare moral and philosophical opposition to the anti-LGBTQIA+ laws coming out of Tallahassee and reaffirming Miami Beach's commitment to being a diverse, equitable, and inclusive community while still bound by the laws of the state.

The motion was made by Paul Thomas and seconded by Michael Bath.

Motion passage: **Unanimous (9-0)**

Members present for the motion vote included:

Steve Adkins (Chair)
Michael Bath (Vice Chair)
Alan Fishman
Lauren Foster
Eddie Marti Kring
Laurence Moser
William Schachte
Paul Thomas
Lymari Veloz

Members absent for the motion vote included:

Hortense de Castro
Lexi Goza
Tony Michael
Adrian Molina
Herb Sosa

For any questions or concerns please feel free to contact Brian Garces, Committee Liaison.