

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION," ARTICLE VI, "PROCUREMENT," DIVISION 3, "CONTRACT PROCEDURES," BY CREATING SECTION 2-377, TO BE ENTITLED "NON-DISCRIMINATION BY CITY CONTRACTORS," TO ESTABLISH NON-DISCRIMINATION REQUIREMENTS FOR CITY CONTRACTORS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach ("City") Human Rights Ordinance, codified in Chapter 62 of the City Code, declares that "there is no greater danger to the health, morals safety and welfare of the city and its inhabitants than the existence of prejudice against one another and antagonistic to each other because of actual or perceived differences of race, color, national origin, religion, sex, intersexuality, gender identity, sexual orientation, marital and familial status, age, disability, ancestry, height, weight, domestic partner status, labor organization membership, familial situation, or political affiliation"; and

WHEREAS, the Human Rights Ordinance also declares that "prejudice, intolerance, bigotry and discrimination and disorder occasioned thereby threaten the rights and proper privileges of its inhabitants and menace the very institutions, foundations and bedrock of a free, democratic society"; and

WHEREAS, in view of this policy, the City's Human Rights Ordinance prohibits discrimination in employment, public accommodations, housing, and public services, on the basis of the classification categories identified above; and

WHEREAS, the City is a longstanding municipal leader in ensuring the civil rights of its diverse and cosmopolitan population; and

WHEREAS, for several years, the City has included non-discrimination clauses in City contracts, wherever applicable; and

WHEREAS, the Mayor and City Commission now desire to codify the City's longstanding practice by amending the City Code to require each City contractor to agree to comply with the City's Human Rights Ordinance, and to certify that the contractor has adopted and employs written non-discrimination policies, practices, and standards that, at a minimum, prohibit the unlawful discriminatory practices identified in the City's Human Rights Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. Chapter 2 of the Code of the City of Miami Beach is hereby amended as follows:

**CHAPTER 2
ADMINISTRATION**

* * *

ARTICLE VI. PROCUREMENT

* * *

DIVISION 3. CONTRACT PROCEDURES

* * *

Section 2-377. Non-discrimination by city contractors.

- (a) Beginning on May 1, 2018, the City shall not enter into a contract resulting from a competitive solicitation (issued pursuant to this article) with a business unless the business
- (1) agrees, in writing, to comply with all applicable provisions of chapter 62, article II of this Code which, pursuant to section 62-32, may be cited as the "City of Miami Beach Human Rights Ordinance"; and
- (2) certifies, in writing, that the business has adopted and employs written non-discrimination policies, practices, and standards that, at a minimum, prohibit the unlawful discriminatory practices identified in the City of Miami Beach Human Rights Ordinance.
- (b) The provisions of this section shall not apply to any contract entered into prior to May 1, 2018, or to any competitive solicitation issued prior to the effective date of this Ordinance.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY

If any section, subsection, clause, or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. CODIFICATION

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect on the _____ day of _____, 2018.

PASSED and **ADOPTED** this _____ day of _____, 2018.

ATTEST:

Rafael E. Granado
City Clerk

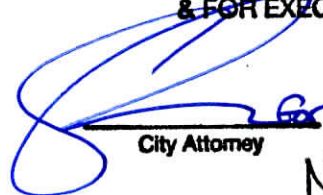
Dan Gelber
Mayor

(Sponsored by Commissioner Michael Góngora)

Underline denotes additions
~~Strike through~~ denotes deletions

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

1/8/18

Date

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