

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH HUMAN RIGHTS ORDINANCE (ORDINANCE NO. 2010-3669), BY AMENDING CHAPTER 62, ENTITLED "HUMAN RELATIONS," BY AMENDING ARTICLE II, ENTITLED "DISCRIMINATION," BY AMENDING DIVISIONS 1-4, ENTITLED "GENERALLY," "ADMINISTRATION," "REGULATIONS," AND "EXCEPTIONS," BY AMENDING SECTIONS 62-31, ENTITLED "DEFINITIONS;" 62-33, ENTITLED "PURPOSE; DECLARATION OF POLICY;" 62-37, ENTITLED "DUTIES AND POWERS;" 62-59, ENTITLED "INFORMATION ON COMPLAINT;" 62-86, ENTITLED "DISCRIMINATION IN EMPLOYMENT;" 62-87, ENTITLED "DISCRIMINATION IN PUBLIC ACCOMMODATIONS;" 62-88, ENTITLED "DISCRIMINATION IN HOUSING;" 62-88.1, ENTITLED "DISCRIMINATION IN PUBLIC SERVICES;" 62-90, ENTITLED "MUNICIPAL FACILITIES;" 62-91, ENTITLED "MUNICIPAL FUNDS;" 62-111, ENTITLED "EMPLOYMENT;" AND 62-112, ENTITLED "HOUSING;" TO AMEND THE PROTECTED CLASSES WITHIN THE ORDINANCE TO INCLUDE THE FOLLOWING CATEGORIES: ANCESTRY, HEIGHT, WEIGHT, DOMESTIC PARTNER STATUS, LABOR ORGANIZATION MEMBERSHIP, FAMILIAL SITUATION, AND POLITICAL AFFILIATION; AND BY AMENDING THOSE SAME SECTIONS TO PROVIDE THAT THE HUMAN RIGHTS ORDINANCE SHALL APPLY TO ACTUAL AND PERCEIVED MEMBERSHIP IN A PROTECTED CLASS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach 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 differences of race, color, national origin, religion, sex, intersexuality, gender identity, sexual orientation, marital and familial status, age, or disability," and 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 race, color, national origin, religion, sex, intersexuality, gender identity, sexual orientation, marital status, age, and disability; and

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

WHEREAS, the City of Miami Beach remains a major temporary destination for visitors of every conceivable individual background and orientation; and

WHEREAS, discrimination continues in many forms; it evolves and is often cloaked by seemingly innocent policies or practicality concerns; and

WHEREAS, City of Miami Beach maintains a constant interest in eradicating discrimination in whatever form it may take; and

WHEREAS, the Miami Beach Human Rights Committee ("Committee") discussed the types of discrimination currently prohibited by the City's Human Rights Ordinance and found that discrimination based on ancestry, height, weight, domestic partner status, labor organization membership, familial situation, and political affiliation should be included as protected categories; and

WHEREAS, discrimination of the types delineated by the Committee are unjust and can be personally damaging to the victims of such discrimination, and socially damaging in any community that abides such behavior; and

WHEREAS, ancestry is a condition as to ancestors, genealogical lineage, birth, and familial descent—a status different than national origin, which is concerned with membership of a particular nation of state by origin, birth, naturalization, allegiance, or otherwise; and

WHEREAS, although the City currently prohibits discrimination on the basis of "familial status," the City does not yet prohibit similar discrimination on the basis of "familial situation;" the former is concerned with discrimination because of a person's role as a caretaker of a minor child, while the latter deals with a person's parentage and how and in what circumstances they were raised; and

WHEREAS, political activity, association, and speech are cornerstones of life in this nation, state, and City; and

WHEREAS, the City does not currently explicitly protect against discrimination on the basis of ancestry, height, weight, domestic partner status, labor organization membership, familial situation, and political affiliation, and discrimination on these bases deserves no place in the City and community; and

WHEREAS, one of the most enduring ideas in social psychology is that the subjective experience of social life is informed and moderated by the observance of attributions; this subjective, observational interpretation of attributes, or "perception," informs comprehension; discrimination is the result of comprehension and intent; thus, even if a person does not actually possess an attribute, another's choice to discriminate based on a perception the person does possess that attribute is as deplorable as if the attribute actually existed; and

WHEREAS, the Human Rights Ordinance currently only affords protection to discrimination victims who are, in fact, actually members of the protected classification categories;

WHEREAS, inclusion of the phrase "actual or perceived" looks to extend the prohibition to discriminatory actors who commit intentional conduct against others based on their perceptions, *whether their beliefs are true or mistaken*, concerning a person's membership in a protected classification category; and

WHEREAS, the Mayor and Commission wish to adopt the Miami Beach Human Rights Committee's recommendation to prohibit discrimination based upon ancestry, height, weight, domestic partner status, labor organization membership, familial situation, and political affiliation.

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

SECTION 1. ENACTMENT

CODE OF THE CITY OF MIAMI BEACH, FLORIDA

CHAPTER 62 - HUMAN RELATIONS

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ARTICLE II. - DISCRIMINATION

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DIVISION 1. - GENERALLY

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Sec. 62-31- Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means that person appointed pursuant to subsection 62-56(a).

Age means the chronological age of any individual who is 18 years or older.

Ancestry means a person's family or ethnic descent or the origin and background surrounding a person's genealogical lineage.

Classification category means each category by which discrimination is prohibited as set forth within section 62-33. These categories are as follows: race, color, national origin, religion, sex, intersexuality, gender identity, sexual orientation, disability, marital and familial status, or age, ancestry, height, weight, domestic partner status, labor organization membership, familial situation, and political affiliation.

Committee means the City of Miami Beach Human Rights Committee.

* * *

Discriminatory practice means an intentional act that is unlawful and prohibited.

Domestic partnership status means the presence or absence of a domestic partnership and includes the state of being in a domestic partnership, separated, or not in a domestic partner relationship. In this context, the term "separated" includes persons who have previously been a part of a domestic partnership.

Employee means a person employed by or seeking employment from an employer. It does not include any person employed by parents, a spouse or child.

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Gender identity includes actual or perceived sex, and shall also include a person's gender identity, self-image, appearance, expression or behavior, whether or not that gender identity, self image, appearance, expression or behavior is different from that traditionally associated with the sex assigned to that person at birth.

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Entity includes "employee," "employer," and "person."

Familial status means one or more individuals who have not attained the age of 18 years being domiciled with:

- (1) A parent or another person having legal custody of such individual or individuals; or
- (2) The designee of such parent or other person having custody, with the written permission of such parent or other person.

Familial situation means the state of a person's being raised by, or currently living with, a certain number of biological parents, or by a non-biological parent or parents, or without parents, or by any individual or group of individuals who is protected by this chapter.

Family means one or more individuals living as a single housekeeping unit.

Gender identity includes actual or perceived sex, and shall also include a person's gender identity, self-image, appearance, expression or behavior, whether or not that gender identity, self image, appearance, expression or behavior is different from that traditionally associated with the sex assigned to that person at birth.

Height means a numerical measurement from base to top of a human person, but includes an expression of that measurement in relationship to weight, or an individual's unique physical composition through body size, shape, and proportions.

Housing or housing accommodations means any building, structure or portion thereof, or other facility occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof, mobile home, trailer or other facility. However, nothing in this article shall apply to rooms or units in housing containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

* * *

Intersexuality means the condition of either having both male and female gonadal tissue in one individual or of having the gonads of one sex and external genitalia that is of the other sex or is ambiguous.

Labor organization membership means the presence or absence of a person's status, either as a member or non-member, regarding any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Marital status means the presence or absence of a marital relationship and includes the state of being married, separated, or unmarried. The term "unmarried" includes persons who are single, divorced or widowed.

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Person means one or more individuals, partnerships, associations, political subdivisions, labor unions, organizations, cooperatives, mutual companies, joint-stock companies, unincorporated organizations, trusts, trustees, or receivers, legal representatives, for-profit and not-for-profit associations and corporations, and business associations of whatever kind including, without limitation, general partnerships, limited liability partnerships, corporations, limited liability companies, business trusts, and joint ventures.

Political Affiliation means ideological support of or opposition to, membership in, or donation of value to an organization or person which is engaged in supporting or opposing candidates for public office or influencing or lobbying any incumbent holder of public office on any single or number of issues which may be before any governmental branch.

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Sexual orientation means actual or perceived heterosexuality, homosexuality, or bisexuality.

Weight means a numerical measurement of a human body's relative mass or the quantity of matter contained by it, giving rise to downward force, or an individual's unique physical composition through body size, shape, and proportions, and may be influenced by another person's impression of that individual as fat or thin, regardless of the numerical measurement.

* * *

Sec. 62-33. - Purpose; declaration of policy.

In the city, with its cosmopolitan population consisting of people of every race, color, national origin, religion, sex, intersexuality, gender identity, sexual orientation, marital and familial status, and age, some of them who are disabled as defined under section 62-31 hereof, 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, or disability, ancestry, height, weight, domestic partner status, labor organization membership, familial situation, or political affiliation. The city finds and 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.

The general purpose of this article and the policy of the city, in keeping with the laws of the United States of America and the spirit of the state constitution, is to promote through fair, orderly and lawful procedure the opportunity for each person so desiring to obtain employment, housing and public accommodations of the person's choice in the city without regard to actual or perceived differences of race, color, national origin, religion, sex, intersexuality, gender identity, sexual orientation, marital and familial status, age, or disability, ancestry, height, weight, domestic partner status, labor organization membership, familial situation, or political affiliation, and, to that end, to prohibit discrimination in employment, housing and public accommodations by any person.

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Sec. 62-37. - Duties and powers.

The committee shall have the following advisory duties, functions, powers, and responsibilities:

- (a) To study, advise, and make recommendations to the city manager and city commission for:
 - 1. Legislation on policies, procedures, and practices which would further the purposes of this article;
 - 2. Developing human relations plans and policies for the city to consider and making investigations and studies appropriate to effectuate the purposes of this article;
- (b) To inform persons of the rights assured and remedies provided under this article, and to promote goodwill, and minimize or eliminate actual or perceived discrimination because of race, color, national origin, religion, sex, intersexuality, sexual orientation, gender identity, disability, marital and familial status, ~~or age~~, ancestry, height, weight, domestic partner status, labor organization membership, familial situation, or political affiliation;

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Sec. 62-59. - Information on complaint.

- (a) A complaint of an unlawful discriminatory practice must be in writing, either on a form promulgated by the city administration (and approved by the administrator) or on any paper suitable for a complaint. The complaint shall be signed by the person making the complaint (hereinafter, the "complainant"); shall be sworn to or affirmed; and, at a minimum, shall state the full name and address, of the complainant; the full name and address of each respondent against whom the complaint is made, and who are alleged to have committed the unlawful discriminatory practice; the facts upon which the complaint is based; the classification category or categories of discrimination upon which the complaint is based; and other such information as may be required by the administrator.

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Sec. 62-86. - Discrimination in employment.

It is an unlawful discriminatory practice for an employer to fail to hire or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to

that individual's compensation, terms, conditions or privileges of employment because of such individual's actual or perceived classification category.

Sec. 62-87. - Discrimination in public accommodations.

- (a) It is an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement because of the actual or perceived classification category of any person directly or indirectly to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof, that are afforded the other customers, or directly or indirectly to publish, circulate, issue, display, place, maintain, post or mail any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of actual or perceived membership in any classification category or that the patronage of any person actually or perceived as belonging to any particular classification category is unwelcome, objectionable or not acceptable, desired or solicited.
- (b) The production of or proof of the display or maintenance of any such written or printed notice or advertisement purporting to relate to any place of public accommodation shall be presumptive evidence that such display or maintenance was authorized by the person maintaining and operating such place of public accommodation.

Sec. 62-88. - Discrimination in housing.

- (a) *Because of actual or perceived classification category.* In connection with any of the transactions set forth in this section affecting a housing accommodation, it shall be unlawful for any person, owner, financial institution, real estate broker or any representative of the above to engage in any of the following acts because of the actual or perceived classification category of a prospective buyer, renter, lessee or any person associated therewith:
 - (1) To refuse to sell, purchase, rent, lease, finance, negotiate or withhold any housing accommodation or to evict a person;
 - (2) To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith;
 - (3) To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation;
 - (4) To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation;
 - (5) To refuse to lend money, whether or not secured by mortgage, or otherwise refuse to make funds available for the purchase, acquisition, construction, alteration, improvement, repair or maintenance of any housing accommodation or to impose different terms or conditions of such financing or refuse to provide title or insurance relating to the ownership or use of any interest in any housing accommodation;
 - (6) To make, publish, print, circulate, post, mail or cause to be made, published, printed, circulated, posted or mailed any notice, statement or advertisement, or to announce a policy, or to sign or to use a form of application for the sale, purchase, rental,

lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation that indicates any discrimination or any intent to discriminate;

- (7) To discriminate in any financial transaction involving real property because of its location, i.e., to "red-line";
- (8) To offer, solicit, accept or use a listing of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental, lease, or the furnishing of facilities or services in connection therewith;
- (9) To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental, lease or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of a person actually or perceived to be a member of a particular classification category will or may result in:
 - a. The lowering of property values in the area;
 - b. An increase in criminal or antisocial behavior in the area; or
 - c. A decline in the quality of the schools serving in the area;
- (10) To make any representations concerning the listing for sale, purchase, rental or lease, or the anticipated listing for sale, purchase, rental or lease of any housing accommodation for the purpose of inducing or attempting to induce any such listing for any of the above transactions;
- (11) To engage in or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest, or create or play upon fear with the purpose of either discouraging or inducing or attempting to induce the sale, purchase, rental, lease or listing of any housing accommodation on any basis prohibited by this article;
- (12) To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this article, or to obstruct or prevent any person from complying with the provisions of this article or any order issued hereunder;
- (13) To resist, prevent, impede or interfere with the mediator in the lawful performance of his duties under this article;
- (14) To canvass to commit any unlawful practice prohibited by this article;
- (15) To deny or withhold any housing accommodation from a person on any basis prohibited by this article; or
- (16) To deny any qualified person access to or membership in or participation in any multiple-listing service, real estate brokers' organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against such person in the terms or conditions of such access, membership or participation on any basis prohibited by this article.

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Sec. 62-88.1. - Discrimination in public services.

No individual shall, by reason of actual or perceived race, color, national origin, religion, sex, intersexuality, sexual orientation, gender identity, marital and familial status, ~~or~~ age, ancestry, height, weight, domestic partner status, labor organization membership, familial

situation, or political affiliation, nor any qualified individual with a disability shall, by reason of disability, be excluded from participation in or be denied the benefits of the public services of the city, or be subjected to discrimination by the city.

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Sec. 62-90. - Use of municipal facilities.

The use of municipal facilities in the city shall be regulated pursuant to the provisions of this section. The purpose and intent of this section is to establish legislative and administrative policies for the nondiscriminatory use of municipal facilities, which shall be defined as any and all city-owned and operated facilities including buildings, parks, fields, and any other facility now or in the future owned, controlled, leased, or operated by the city. All organizations, clubs, and individuals wishing to obtain any fee waiver to use municipal facilities shall confirm in writing as follows:

I [name of organization, club, or person] the [title] of [name of organization or club], certify that I/my organization or club does not discriminate in its membership or policies based on actual or perceived race, color, national origin, religion, sex, intersexuality, sexual orientation, gender identity, familial and marital status, age, ancestry, height, weight, domestic partner status, labor organization membership, familial situation, political affiliation, or disability.

Sec. 62-91. - Municipal funds.

Municipal funding of organizations or clubs shall be regulated pursuant to this section. The purpose and intent of this section is to establish legislative and administrative policies for the award of municipal funds to organizations or clubs that do not discriminate in their membership or policies. All organizations or clubs wishing to obtain municipal funding shall confirm in writing as follows:

I [name of organization or club] the [title] of [name of organization or club], certify that my organization/club does not discriminate in its membership or policies based on actual or perceived race, color, national origin, religion, sex, intersexuality, sexual orientation, gender identity, familial and marital status, age, ancestry, height, weight, domestic partner status, labor organization membership, familial situation, political affiliation, or disability.

* * *

Sec. 62-111. - Employment.

(a) Notwithstanding any other provision of this article:

- (1) It is not an unlawful discriminatory practice for an employer to hire and employ employees on the basis of that individual's actual or perceived classification category in those certain instances where such actual or perceived classification category is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; and
- (2) It is not an unlawful discriminatory practice for a school, college, university or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university or other educational institution or

institution of learning is, in whole or in substantial part, owned, supported, controlled or managed by a particular religion or by a particular religious corporation, association or society or if the curriculum of such school, college, university or other educational institution or institution of learning is directed toward the propagation of a particular religion. However, this exception will not apply if such institution restricts membership in its organization on the basis of race, color or national origin.

(b) Notwithstanding any other provision of this article:

(1) It is not an unlawful discriminatory practice for any employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of one's actual or perceived classification category;

(2) It is not an unlawful discriminatory practice for an employer to give and to act upon the results of any professionally developed ability test, provided that such test, its administration or action upon the results, is not designed, intended or used to discriminate because of one's actual or perceived classification category.

(c) Nothing contained in this article shall be interpreted to require any employer to grant preferential treatment to any individual or to any group because of the actual or perceived classification category of such individual or group, on account of an imbalance that may exist with respect to the total number or percentage of persons of any actual or perceived classification category employed by any employer in comparison with the total number or percentage of persons of such actual or perceived classification category in any community, state, section or any other area, or in the available work force in any community, state, section or other area.

(d) This article shall not apply to a religious corporation or association, educational institution or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution or society of its activities.

(e) Notwithstanding any other provisions of this article, it is not an unlawful discriminatory practice for an employer to consider an individual's religion when making a decision concerning that individual if the employer demonstrates that the reason for considering that individual's religion is that he is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

Sec. 62-112. - Housing.

(a) Nothing in this article shall prohibit a religious organization, association, society or any nonprofit charitable or educational institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting or from advertising the sale, rental or occupancy of housing it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons. However, this exception shall not apply if such religious organization, association, society or any nonprofit, charitable or educational institution or organization operated, supervised or controlled by or in conjunction with a religious organization restricts membership in its organization on the basis of actual or perceived race, color or national origin; nor shall anything in this article prohibit a private club not in fact opened to the public, which as an incident to its preliminary purpose provides

lodgings it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(b) No provision in this article regarding familial status shall apply to housing for older persons.

(1) As used in this subsection, "housing for older persons" means housing:

- a. Provided under any local, state or federal program that the administrator determines is specifically designed and operated to assist elderly persons as defined in the local, state or federal program;
- b. Intended for and solely occupied by persons 62 years of age or older; or
- c. Intended for and occupied by at least one person 55 years of age or older per unit. In determining whether housing qualifies as housing for older persons under this subsection, the administrator shall develop regulations that require at least the following factors:
 1. The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons or, if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons;
 2. That at least 80 percent of the housing is occupied by at least one person 55 years of age or older per unit; and
 3. The publication of and adherence to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

(2) Housing shall not fail to be considered housing for older persons if:

- a. A person who resides in such housing on or after the effective date of the ordinance from which this article is derived does not meet the age requirements of this subsection, provided that any new occupant meets such age requirements; or
- b. One or more units are unoccupied, provided that any unoccupied units are reserved for occupancy by persons who meet the age requirements of this subsection.

(c) Nothing contained in this article shall preclude the seller, developer, condominium association, lessor, property owner, or that person's authorized agent from setting forth reasonable rules, regulations, terms and conditions pertaining to the sale, lease or disposal of that person's property provided such rules, regulations, terms and conditions are not based on actual or perceived race, color, religion, sex, intersexuality, sexual orientation, gender identity, national origin, age, disability, familial status, ~~or~~ marital status, ancestry, height, weight, domestic partner status, labor organization membership, familial situation, or political affiliation, and provided there is no conflict with the affirmative provisions set forth in this article. Furthermore, nothing in this article shall preclude reasonable rules, regulations, or terms and conditions pertaining to the safe and prudent use by minors of facilities and amenities provided in conjunction with real property.

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SECTION 2. REPEALER.

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

SECTION 3. SEVERABILITY.

If any section, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Chapter, Article, or Division of the Miami Beach City Code.

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 be removed from the Code of the City of Miami Beach, Florida. If applicable, the sections of this Ordinance may be renumbered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriated word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect the _____ day of _____, 2016

PASSED and ADOPTED this _____ day of _____, 2016.

ATTEST:

Philip Levine, Mayor

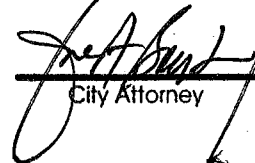
Rafael E. Granado, City Clerk

(Sponsored by Commissioner John Elizabeth Aleman)

Underline denotes additions.

~~Strike through~~ denotes deletions.

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

for 9/7/16

Date