

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 62 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED, "HUMAN RELATIONS," BY AMENDING ARTICLE II, ENTITLED "DISCRIMINATION," BY AMENDING SECTION 62-35 ENTITLED "MEMBERSHIP," TO PROVIDE A PREFERENCE FOR THE ATTORNEY MEMBER OF THE HUMAN RIGHTS COMMITTEE TO BE A MEMBER OF THE FLORIDA BAR, BUT OTHERWISE ALLOW FOR AN ATTORNEY LICENSED TO PRACTICE LAW IN ANY OTHER UNITED STATES JURISDICTION TO SERVE ON THE COMMITTEE IF THE ATTORNEY HAS CIVIL RIGHTS-RELATED EXPERIENCE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, on January 3, 2010, the Mayor and City Commission of the City of Miami Beach adopted Ordinance No. 2010-3669, which, among other amendments to the Miami Beach Human Rights Ordinance, established the City of Miami Beach Human Rights Committee; and

**WHEREAS**, Section 62-35 of the City Code requires the Human Rights Committee to have at least one committee member who is an attorney licensed to practice law in Florida; and

**WHEREAS**, the requirement for the attorney member to be licensed to practice in Florida is unduly restrictive, as the member does not provide the committee with any legal advice, and the policy rationale for including an attorney on the Committee is to ensure that the Committee includes representation by persons of diverse backgrounds, including persons with civil rights-related experience; and

**WHEREAS**, the Mayor and City Commission of the City of Miami Beach hereby find that it is in the best interests of the City and the Human Rights Committee to amend Section 62-35 of the City Code to provide a preference for the attorney member of the committee to be a member of the Florida Bar, but otherwise allow for an attorney licensed to practice law in any other United States jurisdiction to serve on the committee if they have comparable civil rights experience.

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

**SECTION 1.** That Section 62-35 of Chapter 62 of the City Code is hereby amended as follows:

## Chapter 62

### HUMAN RELATIONS

\* \* \*

### ARTICLE II. DISCRIMINATION

\* \* \*

### DIVISION 1. GENERALLY

#### **Section 62-35. Membership.**

(a) The committee shall consist of a minimum of five and a maximum of 11 members, with one out of every five members to be a direct appointment by the mayor, and with the remaining members to be at large appointments of the city commission.

(b) The members of the committee shall reflect, as nearly as possible, the diversity of individuals protected under the city's human rights ordinance. In keeping with this policy, not less than two months prior to making appointments or re-appointments to the committee, the city manager shall solicit nominations from as many public service groups and other sources, which he/she deems appropriate, as possible.

(c) At least one of the committee members shall possess, in addition to the general qualifications set forth herein for members, a license to practice law in any United States jurisdiction (including the District of Columbia and any territory of the United States) the State of Florida; be an active member of and in good standing with their respective bar association the Florida Bar; and have experience in civil rights law. Preference will be given to a committee member who possesses a license to practice law in the State of Florida; is an active member of and in good standing with the Florida Bar; and has experience in civil rights law.

(d) Members shall serve without compensation.

#### **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 re-lettered 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 \_\_\_\_\_, 2023.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2023.


**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Laura Dominguez)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

6-20-23  
\_\_\_\_\_  
Date