

HUMAN RIGHTS COMMITTEE

Committee Chair
Alan B. Fishman, Esq.

Committee Members

Walker C. Burttschell
Monica Harvey
Dr. Barry Ragone
Elizabeth Schwartz, Esq.
Rafael Trevino
Bradley Ugent
Rachel Umlas
William Warren, Jr.

Miami Beach City Hall
1700 Convention Center Drive
City Manager's Small Conference Room
Miami Beach, FL 33139

TUESDAY, SEPTEMBER 10, 2013

1. Call to order/roll call.
2. Review and Approval of Minutes – June 30, 2013
3. Selection of Vice Chair.
4. Update on revising the Miami Beach Human Rights Ordinance to Include a Posting Requirement – Presentation by Rafael E. Granado
5. Update on the 2013 Memorial Day Weekend Survey Results – Presentation by Rafael Trevino.
6. "Call to Action" Project – Elizabeth Schwartz
 - a. Discussion on future action.
 - b. Discussion on scheduling subcommittee meeting(s), if necessary.
7. Update on website and public service announcements on Miami-Dade Transit Busses
 - a. Approval of language of poster – which will be sent to translation.
8. Utilizing MBHRC members in complaint investigation.
9. Unfinished business, if any.
10. New Item(s), if any.

Next MBHRC meeting is scheduled for October 8, 2013 at 4:00 p.m.

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HUMAN RIGHTS COMMITTEE

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1700 Convention Center Drive
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MINUTES TUESDAY, JULY 30, 2013

Members Present:

Alan B. Fishman, Esq. Chair
Walker C. Burttschell
Monica Harvey
Elizabeth Schwartz, Esq.
William Warren, Jr.
Dr. Barry Ragone

Member Absent:

Rafael Trevino
Bradley Ugent

Committee Staff Present:

Rafael E. Granado, City Liaison

1. Call to order/roll call.
Meeting called to order at 4:06 p.m., by Chair Alan B. Fishman, Esq.

2. Review and Approval of Minutes – April 9, 2013

Motion to approve the minutes of June 11, 2013, as amended
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Motion by Mr. Warren; seconded by Ms. Harvey, amending the meeting start time to 4:02 p.m. All members present voting in favor 6-0; Approved.

3. Update on revising the Miami Beach Human Rights Ordinance to Include a Posting Requirement

Presentation by Alan B. Fishman and Rafael E. Granado

Chair Fishman attended the Land Use and Development Committee and stated that Commissioner Libbin was concerned about the business fines. He explained the existence of the committee and the purpose for this requirement, and that the committee is not looking to raise revenue, but awareness. This item at Land Use was unanimously passed.
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Rafael E. Granado, City Clerk, stated that the first reading of the ordinance will be heard at the September 11, 2013, and suggested that the committee members request a Time Certain. Alan Fishman to contact Gabrielle Redfern and request a Time Certain.
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ITEM 2

4. Update on the 2013 Memorial Day Weekend Survey Results – Presentation by Rafael Trevino.

Rafael Trevino to present

Rafael E. Granado explained that City Clerk staff entered surveys it received in the mail and or in person. The results may only be accessed by Mr. Trevino, as he created the survey online component. This item was deferred to September, as Mr. Trevino was absent. **Item No. 4 to be added to the September Agenda.**

5. Update on “Call to Action” Subcommittee – Elizabeth Schwartz

a) Ms. Schwartz received a list from Mr. Ortuno, which includes among other things:

- √ Getting companies engaged
- √ Getting company policies up to date:
- √ Getting company cultures to be more inclusive
- √ Get company to lead
- √ Include that new businesses must sign off when obtaining occupational licenses to bring awareness

b) She also spoke to Thomas Barker, Chair of the LGBT committee, and he did not feel that their members would be able to assist the MBHRC on this project, but she explained to him that the MBHRC was hoping to take this and make it in a format agreed by the committee, and have LGBT co-signed or co-sponsor, without any commitment. She will reach out to them again to see where they can go with the LGBT issues. Discussion held.

Chair Fishman suggested for the MBHRC to come up with their proposal and have the LGBT committee members endorse it. The MBHRC will not lose responsibility of this proposal, but since they are opening the door to all minorities, it should be endorsed by other committees as well. Ms. Schwartz is envisioning this as a living document that people can share and edit, and she would ask different committees and communities to insert their suggestions. Discussion continued regarding drafting of proposal and including language when renewing occupational licenses.

He added that there is a possibility to add to the list; it can be modified to all protective classes, and he suggested to have another subcommittee to discuss only this topic.

Dr. Ragone stated that the City at times holds public charrettes when discussing different projects and this is announced for residents; he suggested including an online charrette rather than a physical one.

Chair Fishman recommended to:

1. Email revised draft list, including all protective classes, to Mr. Granado to distribute to all members
2. Members to review and add any suggestions
3. Consider having a forum and have public input
4. Allow other City committees add their comments
5. Ms. Schwartz to find out from LGBT if they can assist in obtainin public comments
6. Deadline set for a one-year goal to develop final project

Mr. Granado stated that at the last Commission Meeting there were two Charter amendments that passed, one of them requires in the Citizens’ Bill of Rights, that the City follows the same categories as is in the ordinance, in regards employment and discrimination. The Homeless item was rejected; however, anything that lessens the Human Rights Ordinances that have been passed, must go to the voters before they are removed or reduced. This will go to the referendum in November 5, 2013.

6. Discussion regarding possible resolution increasing business tax receipts to provide sign language interpreters – Robert Rosenwald, Jr., Senior Assistant City Attorney

Rafael E. Granado, City Clerk, referred to the minutes of June 11, 2013 wherein Mr. Rosenwald stated that a small amount could be added to the Business Tax, so everyone pays an additional amount, and when an interpreter is needed, one can be retained pro bono. He suggested that MBHRC pass a resolution. **Mr. Rosenwald to bring specific proposal and recommendations.**

Mr. Rosenwald stated that the ordinance reads that it can be enforced by Code Compliance or anyone from the City Manager's Office or a majority vote of this committee. Discussion continued.

Chair Fishman asked if this "additional amount" can be used specifically for the enforcement of the human rights ordinance, for example. Mr. Rosenwald stated that there is a small chance that the funds be allocated to a specific purpose, but it will not be allocated to the MBHRC.

Mr. Granado explained that the ordinance has been approved as written.

Mr. Rosenwald added that there are two or three issues that the Commission will pay attention to. Chair Fishman stated that this Human Rights ordinance is such a significant piece to the Commission, that he thinks they do not have a problem with that. He does not have a problem with the MBHRC continuing to come up with human rights groundbreaking issues for discussion, and at the same time he agrees with Mr. Rosenwald, but feels the committee has some latitude on these issues. Among the issues he would like to discuss is the intersex issue. He has no problem being on the edge, and everyone in the committee is out there trying to come up with things trying to move forward. Item deferred to September. **Rafael E. Granado to place on the September Agenda.**

7. Update on website and public service announcements on Miami-Dade Transit Buses – Presentation by Rafael E. Granado

Rafael E. Granado gave a verbal report.

Mr. Granado stated that the City is enhancing their website to make it 100% ADA compatible. The meeting is tomorrow and Assistant City Manager Mark Taxis has asked that this meeting be attended, before meeting with him regarding MBHRC's website is worked on. Discussion was held regarding printing of signs and it was unanimously agreed, as recommended by Ms. Schwartz, to print 40% English, 30% in Spanish and 30% in Creole. By acclamation. **Rafael E. Granado to handle.**

8. Utilizing MBHRC members in complaint investigation – To be heard in September 2013.

Deferred to September.

9. New Business

Ms. Harvey asked if the committee could pass a resolution and present it to the City Commission on Stand Your Ground law. Chair Fishman asked if the committee members would come up with a resolution to the Commission urging them to pass a resolution calling for a review of the Stand Your Ground law. Ms. Schwartz referred to the Zimmerman verdict. Member Warren clarified that they are not trying to address the verdict and there was consensus to discuss and review the law. Incidents of Stand Your Ground were described and discussion continued regarding deadline for placing the item on the Commission Agenda. Chair Fishman asked for a Legal opinion and its potential for discriminatory interpretation and further stated that it seems that there is no other

committee working on this issue, and there could be a human right aspect to this in violation of that, and ask if there was any problem in drafting the resolution at this time.

Rob Rosenwald, Esq., explained that a resolution can be drafted and it is up to the City Commission to do or not. The appropriateness of starting this process is certainly legal; however, there are a lot of issues this committee has discussed; the notice provision just passed and will be going in front of the City Commission. This committee or the LGBT committee will have to take up transgender health care in the next year and/or recruiting LGBT people or minorities in general by the City for employment; and also there is the issue of banning discrimination by contractors. Currently Procurement has a clause that if you contract with the City, contractors agree not to discriminate against employees based on their sexual orientation, sexual identity gender, etc. That is something that either this committee or the LGBT can take up next year. Also, if Commissioner Góngora should not win the Mayoral race, they would lose their champion on LGBT issues. His opinion is that there are other more important things to do.

Chair Fishman stated that 1) this is a good business purpose for this City, from a marketing business point; 2) they are not looking to find issues. He asked Mr. Rosenwald to prepare a memorandum to the MBHRC listing issues to be discussed within the next two months, (contractors, employment practice of the City, etc.). He explained that they will be getting back their "report card" from the National Human Rights Organization sometime in the near future, and at that time he will have a better idea of issues to add to the list. He will email to Rafael E. Granado for distribution to the Board. **Rob Rosenwald to handle.**

Chair Fishman stated that they need to look at some of the issues and ban on discrimination and employment factors are definitely to be looked at by this committee.

Discussion continued and there was consensus not to continue discussing the Stand Your Ground law. **Motion by Ms. Harvey withdrawn.**

New Item

Dr. Ragone addressed issues regarding condo ombudsman and co-op board associations and decisions to reject tenants without a reason.

Ms. Harvey stated that in a condo one cannot be rejected unless the person has a criminal background. Discussion continued.

In answering Chair Fishman's question, Mr. Rosenwald stated that he has heard stories of people having trouble with condominium associations, as they can reject an individual with no reason. Chair Fishman stated that they have the ordinance already, and the posters will be available soon. This item is to be discussed at a future time.

Rafael E. Granado, City Clerk, informed the committee members that the Commission passed a Charter amendment question where the City must have a staff person to assist condominium residents with condominium related issues. This will be go for voting by residents in November. The deadline to place any questions on the ballot is September 6, and the next Commission meeting is scheduled for September 11.

Mr. Burttschell addressed the issue of human trafficking and explained that there is a Florida coalition dealing with the issue, and if approved by committee, he will extend an invitation within the next six months and present to them. Chair Fishman suggested for them to present in October. **Mr. Burttschell to handle.**

Dr. Ragone added that there was a "quiet" program dealing with this issue at UNIDAD. Chair Fishman suggested that he emails Mr. Granado the contact information to reach out to them.

Note: Ms. Harvey congratulated Ms. Schwartz on her recent marriage on July 19, 2013.

The Committee Members relocated from the City Manager's Large Conference Room to the City Manager's Small Conference Room, due to a scheduling error at 4:30 p.m.

The next meeting is scheduled for September 10, 2013.

Meeting adjourned at 5:35 p.m.

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Condensed Title:

An Ordinance amending the Code of Miami Beach, by amending Chapter 62, entitled "Human Relations," by amending Article II, entitled "Discrimination," by amending Division 3, entitled "Regulations," by adding Sec. 62-92 requiring the posting of notices in every place of employment, public accommodation, housing accommodation, and City facility that falls subject to the Human Rights Ordinance indicating the applicable substantive provisions of the Human Rights Ordinance, the place where complaints may be filed; and such other information as the City deems pertinent, and providing for enforcement procedures.

Key Intended Outcome Supported:

Promote and celebrate our City's Diversity.

Supporting Data (Surveys, Environmental Scan, Etc.): N/A

Item Summary/Recommendation:

The Miami Beach Human Rights Committee (MBHRC) has determined that many residents and visitors are unaware of the City's Human Rights Ordinance. The MBHRC passed two resolutions urging the City Commission to amend the Human Rights Ordinance to require that notice be posted in every place of employment, housing or housing accommodation, City Department or Facility, and public accommodation that falls subject to the Human Rights Ordinance in order to provide residents and visitors with vital information concerning their right to be free of discrimination because of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, marital and familial status, or age.

The proposed Ordinance requires the posting of notices in every place of employment, housing or housing accommodation, City Department or Facility, and public accommodation that falls subject to the Human Rights Ordinance, indicating the applicable substantive provisions of the Human Rights Ordinance, the place where complaints may be filed, and such other information as the City deems pertinent, and providing for enforcement procedures.

One year after the effective date of the proposed Ordinance, penalties for its violation shall be assessed (except against the City) by Code Compliance Division officers or by the Administrator upon complaint or upon recommendation by a majority vote of the MBHRC as follows: for the first violation, a fine of \$50.00; for the second violation, a fine of \$100.00; for the third violation, a fine of \$150.00; for the fourth and any subsequent violation, a fine of \$200.00. Violations may be appealed before the Special Master.

The Administration recommends, on behalf of the MBHRC, that this Ordinance be approved on first reading, and a second reading public hearing be scheduled for October 16, 2013.

Advisory Board Recommendation:

Mayor Bower and Commissioner Góngora referred the MBHRC's resolutions to the LUDC for consideration. At the January 23, 2013 and July 22, 2013 LUDC meetings, the members present recommended by a vote of 2-0 that this Ordinance be forwarded to the full Commission for its consideration.

Financial Information:

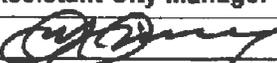
Source of Funds:	Amount	Account	Approved
OBPI	1		
	Total		

The cost to the City would be the staff time required to design the notice. The enforcement of the proposed Ordinance would be done by existing Code Compliance Division staff.

City Clerk's Office Legislative Tracking:

Rafael E. Granado, City Clerk

Sign-Offs:

Department Director	Assistant City Manager	City Manager
REG 	JJ 	JLM 

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DISCRIMINATION IS ILLEGAL

The City of Miami Beach human rights ordinance prohibits discrimination in employment, housing, public accommodations, and use of city services.

EQUALITY IS
THE LAW IN
MIAMI BEACH

If you believe you have been subjected to discrimination, or retaliation for complaining of discrimination, in Miami Beach based upon your race, color, national origin, religion, sex, gender identity, sexual orientation, disability, marital or familial status, or age, the City of Miami Beach wants to know about it and stop it.

Report Discrimination or Retaliation by calling 305.673.7425

MIAMI BEACH



MIAMI BEACH

OFFICE OF THE CITY MANAGER

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: September 11, 2013

First Reading

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH BY AMENDING CHAPTER 62, ENTITLED "HUMAN RELATIONS," BY AMENDING ARTICLE II, ENTITLED "DISCRIMINATION," BY AMENDING DIVISION 3, ENTITLED "REGULATIONS," BY ADDING SEC. 62-92 TO REQUIRE THE POSTING OF NOTICES IN EVERY PLACE OF EMPLOYMENT, PUBLIC ACCOMMODATION, HOUSING ACCOMMODATION, AND CITY FACILITY THAT FALLS SUBJECT TO THE HUMAN RIGHTS ORDINANCE INDICATING THE APPLICABLE SUBSTANTIVE PROVISIONS OF THE HUMAN RIGHTS ORDINANCE, THE PLACE WHERE COMPLAINTS MAY BE FILED, AND SUCH OTHER INFORMATION AS THE CITY OF MIAMI BEACH DEEMS PERTINENT; PROVIDING FOR ENFORCEMENT PROCEDURES AND PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION:

Approve the Ordinance on first reading, and set a second reading public hearing on October 16, 2013.

BACKGROUND:

On January 13, 2010, the Mayor and City Commission of the City of Miami Beach ("the City") adopted Ordinance 2010-3669, amending the City of Miami Beach Human Rights Ordinance. The Human Rights Ordinance established the Miami Beach Human Rights Committee (MBHRC), which has as one of its principal duties recommending to the City Manager and the City Commission legislation that would further the purpose of eliminating and preventing discrimination in every place of employment, housing or housing accommodation, public accommodation, and City facility because of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, marital and familial status, or age.

The MBHRC has determined that many residents and visitors to Miami Beach are unaware of the City's Human Rights Ordinance. On June 19, 2012, the MBHRC passed a resolution urging the Mayor and City Commission to amend the Human Rights Ordinance to incorporate notice requirements to be posted at all public accommodations and places of employment that are subject to the Human Rights Ordinance, in order to provide Miami Beach residents and visitors with vital information concerning their rights. On February 12, 2013, the Human Rights Committee passed a second resolution urging the Mayor and City Commission to further amend the Human Rights Ordinance to incorporate notice requirements to be posted at all places of housing and housing accommodations and City of Miami Beach Departments and Facilities that

are subject to the Human Rights Ordinance, in order to provide Miami Beach residents and visitors with vital information concerning their rights. The February 12, 2013 resolution further urged the Mayor and City Commission to amend the Human Rights Ordinance to provide for enforcement and penalties for violation of these notice requirements.

Following Mayor Matti Herrera Bower and Commissioner Michael Góngora's referrals of the Human Rights Committee's resolutions to the Land Use & Development Committee (LUDC), the LUDC considered and discussed the matter on January 23, 2013 and July 22, 2013, and recommended by a vote of 2-0 that this Ordinance be forwarded to the full Commission for its consideration. During the LUDC meetings, Commissioner Libbin expressed support for the proposal, but did not want heavy penalties for not posting the notices. Commissioner Góngora expressed support for the proposal.

SUMMARY OF PROPOSED ORDINANCE:

The Proposed Ordinance requires:

1. Public Accommodations - Every person being the owner, lessee, sub-lessee, assignee, or managing agent of public accommodations subject to the Human Rights Ordinance to post and maintain at such public accommodations, in conspicuously and easily accessible well-lighted place where they may be readily observed by those seeking or visiting such public accommodations, notices furnished by the City of Miami Beach indicating the substantive provisions of the Human Rights Ordinances relative to public accommodations, the place where complaints may be filed and such other information as the City of Miami Beach deems pertinent.
2. Place of Employment - Every employer subject to the Human Rights Ordinance to post and maintain at its offices, places of employment or employment training centers, in a conspicuously and easily accessible and well-lighted place customarily frequented by employees and applicants for employment, notices furnished by the City of Miami Beach indicating the substantive provisions of the Human Rights Ordinance relative to employment, the place where complaints may be filed and such other information as the City of Miami Beach deems pertinent.
3. Housing or Housing Accommodation - Every person providing housing or housing accommodation services subject to the Human Rights Ordinance to post and maintain at such person's business or housing unit, in a conspicuously and easily accessible well-lighted place where they may be readily observed by those seeking or visiting such housing or housing accommodation services, notices furnished by the City of Miami Beach indicating the substantive provisions of the Human Rights Ordinance relative to housing and housing accommodations, the place where complaints may be filed and such other information as the City of Miami Beach deems pertinent.
4. City Department or Facility - Every Department or Facility of the City of Miami Beach where City employees provide services or access to post and maintain at such Department or Facility, in a conspicuously and easily accessible well-lighted place where they may be readily observed by those seeking or visiting such City Department or Facility, notices furnished by the City of Miami Beach indicating the substantive provisions of the Human Rights Ordinance relative to public benefits and services, the place where complaints may be filed and such other information as the City of Miami Beach deems pertinent.

A copy of the proposed notice, which will be made available on the City's webpage, free of charge is attached hereto as Exhibit "A."

The proposed Ordinance imposes the following penalties:

1. One (1) year after the effective date of the Ordinance, penalties for its violation shall be assessed (except against the City of Miami Beach) by City of Miami Beach Code Compliance Division officers or by the Administrator upon complaint, or upon recommendation by a majority vote of the MBHRC as follows:
 - (1) For the first violation, a fine of \$50.00.
 - (2) For the second violation, a fine of \$100.00.
 - (3) For the third violation, a fine of \$150.00.
 - (4) For the fourth and any subsequent violation, a fine of \$200.00.

Penalties shall be assessed by service of a notice of violation, served personally or by certified mail upon the property owner, business owner, or a manager present at the premises. Any person receiving a notice of violation may request, within fifteen (15) days of receiving the notice, an administrative hearing before the Special Master to appeal the decision of the City inspector or the Administrator resulting in the issuance of the notice.

FISCAL IMPACT ANALYSIS:

There is minimal anticipated fiscal impact associated with the proposed amendments to the Human Rights Ordinance. The cost to the City would be the staff time required to design the notice. The enforcement of the proposed Ordinance would be done by existing staff. The City will make available electronic copies of the required notice, which may be downloaded free of charge.

CONCLUSION:

The Administration recommends, on behalf of the MBHRC, that this Ordinance be approved on first reading, and a second reading public hearing be scheduled for October 16, 2013.

JM/reg

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH BY AMENDING CHAPTER 62, ENTITLED "HUMAN RELATIONS," BY AMENDING ARTICLE II, ENTITLED "DISCRIMINATION," BY AMENDING DIVISION 3, ENTITLED "REGULATIONS," BY ADDING SEC. 62-92 TO REQUIRE THE POSTING OF NOTICES IN EVERY PLACE OF EMPLOYMENT, PUBLIC ACCOMMODATION, HOUSING ACCOMMODATION, AND CITY FACILITY THAT FALLS SUBJECT TO THE HUMAN RIGHTS ORDINANCE INDICATING THE APPLICABLE SUBSTANTIVE PROVISIONS OF THE HUMAN RIGHTS ORDINANCE, THE PLACE WHERE COMPLAINTS MAY BE FILED, AND SUCH OTHER INFORMATION AS THE CITY OF MIAMI BEACH DEEMS PERTINENT; PROVIDING FOR ENFORCEMENT PROCEDURES; AND PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, on January 13, 2010, the Mayor and City Commission of the City of Miami Beach adopted Ordinance 2010-3669, amending the City of Miami Beach Human Rights Ordinance; and

WHEREAS, the Miami Beach Human Rights Ordinance established the City of Miami Beach Human Rights Committee, which has as one of its principle duties recommending to the City Manager and the City Commission legislation that would further the purpose of eliminating and preventing discrimination in employment and public accommodations because of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, marital and familial status, or age; and

WHEREAS, the Mayor and City Commission adopt the Miami Beach Human Rights Committee's finding, made at its June 19, 2012 and February 12, 2013 meeting, that many residents and visitors to Miami Beach are unaware of the City's Human Rights Ordinance; and

WHEREAS, the Mayor and City Commission also adopt the Miami Beach Human Rights Committee's concurrent finding that amending the Miami Beach Human Rights Ordinance to require every person being the owner, lessee, sub-lessee, assignee, or managing agent of public accommodations subject to the Miami Beach Human Rights Ordinance to post and maintain at such public accommodations, in conspicuously and easily accessible well-lighted place where they may be readily observed by those seeking or visiting such public accommodations, notices furnished by the City of Miami Beach indicating the substantive provisions of the Human Rights Ordinances relative to public accommodations, the place where complaints may be filed and such other information as the City of Miami Beach deems pertinent, to be an important tool to provide residents of and visitors to Miami Beach with vital information concerning their rights under the City's Human Rights Ordinance; and

WHEREAS, the Mayor and City Commission also adopt the Miami Beach Human Rights Committee's concurrent finding that amending the Miami Beach Human Rights Ordinance to require every employer subject to the Miami Beach Human Rights Ordinance to post and maintain at its offices, places of employment or employment training centers, in a conspicuously and easily accessible and well-lighted place customarily frequented by employees and applicants for employment, notices furnished by the City of Miami Beach indicating the

substantive provisions of the Human Rights Ordinance relative to employment, the place where complaints may be filed and such other information as the City of Miami Beach deems pertinent, to be an important tool to provide residents of and visitors to Miami Beach with vital information concerning their rights under the City's Human Rights Ordinance; and

WHEREAS, the Mayor and City Commission also adopt the Miami Beach Human Rights Committee's concurrent finding that amending the Miami Beach Human Rights Ordinance to require every person providing housing or housing accommodation services subject to the Miami Beach Human Rights Ordinance to post and maintain at such person's business or housing unit, in a conspicuously and easily accessible well-lighted place where they may be readily observed by those seeking or visiting such housing or housing accommodation services, notices furnished by the City of Miami Beach indicating the substantive provisions of the Human Rights Ordinance relative to housing and housing accommodations, the place where complaints may be filed and such other information as the City of Miami Beach deems pertinent, to be an important tool to provide residents of and visitors to Miami Beach with vital information concerning their rights under the City's Human Rights Ordinance; and

WHEREAS, the Mayor and City Commission also adopt the Miami Beach Human Rights Committee's concurrent finding that amending the Miami Beach Human Rights Ordinance to require every department or facility of the City of Miami Beach where City employees provide services or access shall post and maintain at such department or facility, in a conspicuously and easily accessible well-lighted place where they may be readily observed by those seeking or visiting such City department or facility, notices furnished by the City of Miami Beach indicating the substantive provisions of the Human Rights Ordinance relative to public benefits and services, the place where complaints may be filed and such other information as the City of Miami Beach deems pertinent, to be an important tool to provide residents of and visitors to Miami Beach with vital information concerning their rights under the City's Human Rights Ordinance; and

WHEREAS, on June 19, 2012, the Human Rights Committee passed a resolution urging the Mayor and City Commission of the City of Miami Beach to amend the Human Rights Ordinance to incorporate notice requirements to be posted at all public accommodations and places of employment that are subject to the Miami Beach Human Rights Ordinance, in order to provide residents of and visitors to Miami Beach with vital information concerning their rights under the City's Human Rights Ordinance; and

WHEREAS, on February 12, 2013, the Human Rights Committee passed a resolution urging the Mayor and City Commission of the City of Miami Beach to further amend the Human Rights Ordinance to incorporate notice requirements to be posted at all places of housing and housing accommodations and City of Miami Beach departments and facilities that are subject to the Miami Beach Human Rights Ordinance, in order to provide residents of and visitors to Miami Beach with vital information concerning their rights under the City's Human Rights Ordinance; and

WHEREAS, on February 12, 2013, the Human Rights Committee passed a resolution urging the Mayor and City Commission of the City of Miami Beach to further amend the Human Rights Ordinance to provide for enforcement of these notice requirements and penalties for violation of these notice requirements;

WHEREAS, Mayor Matti Herrera Bower and Commissioner Michael Gongora referred

the Human Rights Committee's resolution to the Land Use & Development Committee for consideration and discussion of the Human Rights Committee's resolution; and

WHEREAS, at its January 23, 2013 and July 22, 2013 meetings, the Land Use & Development Committee considered and discussed the matter of amending the City's Human Rights Ordinance to require the posting of notices in every place of employment, housing or housing accommodation, City department or facility, and public accommodation that falls subject to the Human Rights Ordinance indicating the applicable substantive provisions of the Human Rights Ordinance, the place where complaints may be filed, and such other information as the City Of Miami Beach deems pertinent; and recommended that this Ordinance be forwarded to the Mayor and City Commission for its consideration.

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 62-92 of Chapter 62 of the City Code is hereby added and enacted as follows:

Chapter 62

HUMAN RELATIONS

* * *

Article II. Discrimination

* * *

Division 3. Regulations

Sec. 62-92. Posting.

- (a) Every person being the owner, lessee, sub-lessee, assignee, or managing agent of a public accommodation subject to the Miami Beach Human Rights Ordinance shall post and maintain at such public accommodation, in a conspicuously and easily accessible and well-lighted place where it may be readily observed by those seeking or visiting such public accommodation, a notice furnished by the City of Miami Beach indicating the substantive provisions of the Human Rights Ordinance relative to public accommodations, the place where complaints may be filed, and such other information as the City of Miami Beach deems pertinent.
- (b) Every employer subject to the Miami Beach Human Rights Ordinance shall post and maintain at its offices, places of employment or employment training centers, in a conspicuously and easily accessible and well-lighted place customarily frequented by employees and applicants for employment, notices furnished by the City of Miami Beach indicating the substantive provisions of the Human Rights Ordinance relative to employment, the place where complaints may be filed and such other information as the City of Miami Beach deems pertinent.
- (c) Every person, owner, financial institution, real estate broker or any representative of the above who interacts with prospective buyers, renters, or lessees of housing or housing

accommodations, or any person associated therewith, shall post and maintain in a conspicuously and easily accessible and well-lighted place where it may be readily observed by those seeking or visiting the housing unit or business establishment, a notice furnished by the City of Miami Beach indicating the substantive provisions of the Human Rights Ordinance relative to housing and housing accommodations, the place where complaints may be filed, and such other information as the City of Miami Beach deems pertinent.

- (d) Every department or facility of the City of Miami Beach where City employees provide services or access shall post and maintain at such department or facility, in a conspicuously and easily accessible and well-lighted place where it may be readily observed by those seeking or visiting such department or facility, a notice furnished by the City of Miami Beach indicating the substantive provisions of the Human Rights Ordinance relative to public benefits and services, the place where complaints may be filed, and such other information as the City of Miami Beach deems pertinent.
- (e) Posting of the notices required in this section is deemed to be an important educational tool to provide residents of and visitors to Miami Beach with vital information concerning their rights under the City's Human Rights Ordinance, so the Administrator is authorized and directed to enforce its provisions. For a period of one year following the effective date of this section, violators of its requirements shall be issued a warning by City of Miami Beach Code Compliance officers or by the Administrator upon complaint, or upon recommendation by a majority vote of the Miami Beach Human Rights Committee.
- (f) One (1) year after the effective date of this section, penalties for violations of subsections 62-92(a) and 62-92(b) shall assessed (except against the City of Miami Beach) by City of Miami Beach Code Compliance officers or by the Administrator upon complaint, or upon recommendation by a majority vote of the Miami Beach Human Rights Committee as follows:
 - (1) For the first violation, a fine of \$50.00.
 - (2) For the second violation, a fine of \$100.00.
 - (3) For the third violation, a fine of \$150.00.
 - (4) For the fourth and any subsequent violation, a fine of \$200.00.
- (g) Penalties shall be assessed by service of a notice of violation, served personally or by certified mail upon the property owner, business owner, or upon a manager present at the premises.
- (h) Any person receiving a notice of violation pursuant to this section may request, within fifteen (15) days of receipt of the notice, an administrative hearing before a special master, appointed as provided in article II of chapter 30, to appeal the decision of the city inspector or the Administrator resulting in the issuance of the notice. The special master shall hold a hearing and shall hear testimony and evidence from the code inspector or the Administrator and the alleged violator. All testimony shall be under oath and shall be recorded. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern said proceedings. At the conclusion of the hearing, the special master shall issue findings of fact based on evidence and conclusions of law and

shall issue an order affording the proper relief consistent with the powers granted in Sec. 30-72. Failure to appeal within the prescribed time period shall constitute a waiver of the violator's right to an administrative hearing. A waiver of the right to an administrative hearing shall be treated as an admission of the violation, and fines and penalties may be assessed accordingly.

- (i) Timely filing of a notice of appeal pursuant to this section shall toll the imposition of collection procedures until thirty (30) days after the issuance of a written determination by the special master. Any costs or penalty amounts due the city pursuant to such determination must be received by the city within thirty (30) days after the issuance of the determination, or collection procedures may be commenced, as provided by this chapter or under state law.

SECTION 2. CODIFICATION.

It is the intention of the City Commission, 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 as amended; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 3. REPEALER.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

Passed and adopted this ____ day of _____, 2013.

This Ordinance shall take effect the ___ day of _____, 201__.

ATTEST:

MAYOR MATTI HERRERA BOWER

RAFAEL E. GRANADO, CITY CLERK

Underline denotes additions.

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

David P. Ryan 9/4/13
City Attorney Date
RFH