

MIAMI BEACH

HUMAN RIGHTS COMMITTEE

Committee Chair
Alan B. Fishman, Esq.

Committee Members

Walker C. Burttschell
Monica Harvey
Rafael Trevino
Bradley Ugent
Rachel Umlas
William Warren, Jr.

Miami Beach City Hall 1700 Convention Center Drive
Miami Beach, FL 33139
City Manager's Large Conference Room
Tuesday, February 11, 2014 @ 4:00 PM

1. Call to Order/Roll Call
2. Review and Approval of Minutes of January 14, 2014 Meeting
3. Presentation on Human Trafficking by Janet Anderson from the State Attorney Office (sponsored by Member Walker Burttschell)
4. Update on the Public Service Announcements on Miami-Dade Transit Buses
5. Topic of Interests 2014
 - a) Blood Ban – Review of resolution and letter sent on behalf of the former Commission. Discussion of next steps.
 - b) Elderly
 - c) Intersexuality
 - d) Equal Pay for Equal Work
 - e) Other topics of interest
6. New Business, if any
 - a) Email from Housing Opportunities Project for Excellence, Inc. (HOPE, Inc.)

Upcoming 2014 Miami Beach Human Rights Committee Meeting Dates

March 11, 2014

April 22, 2014

May 13, 2014

June 3, 2014

July 8, 2014

September 9, 2014

October 14, 2014

November 18, 2014

December 9, 2014

ITEM 2

MIAMI BEACH

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

MINUTES
TUESDAY, JANUARY 14, 2014

1. Call to order/roll call.

Meeting called to order at 4:04 p.m.

The following members attended:

- Alan B. Fishman, Esq. - Committee Chair
- Walker C. Burttschell
- Monica Harvey
- Bradley Ugent
- Rachel Umlas
- William Warren, Jr.
- Carla Gomez – Liaison
- Rob Rosenwald - Legal Liaison to the Miami Beach Human Rights Committee

The following members were absent:

- Elizabeth Schwartz, Esq.
- Rafael Trevino
- Barry Ragone

2. Review and Approval of November 6, 2013 Meeting Minutes

Motion made by: Member William Warren

Seconded by: Member Monica Harvey

Absent: Members Elizabeth Schwartz, Esq. and Rafael Trevino

Minutes approved.

3. 2014 Proposed Committee Meeting Dates

Motion made by: Member William Warren

Seconded by: Member Monica Harvey

Absent: Members Elizabeth Schwartz, Esq., Dr. Barry Ragone and Rafael Trevino

2014 Committee meeting dates approved.

4. Topics of Interest 2014

- Memorial Day Survey for 2014
 - Member William Warren discussed the 2013 Memorial Day survey that was conducted on behalf of the MB Human Rights Committee and had recommended that the Committee move forward with a similar survey during 2014 Memorial Day.
 - Liaison Gomez to obtain copies of the 2013 survey questions and results of the survey and provide to the Committee for the February Subcommittee meeting. Liaison Gomez also to identify the City staff member who assisted the Committee with setup and logistics to provide the survey during Memorial Day Weekend 2013 and see if this individual is able to attend a subcommittee meeting.
 - Discussion was held about the potential of handing out informational cards and/or postcards for the survey, providing an online survey, perhaps utilizing the Goodwill Ambassadors to assist and utilizing various media outlets (i.e. MBTV) to spread the word about the survey.
 - Liaison Gomez to schedule a MB Human Rights Subcommittee meeting for Tuesday, February 11, 2014 at 3:30 p.m.

- Elderly
 - Some ideas discussed included: access to services, elderly housing and crimes against the elderly. The Chair recommended that the Committee would need to focus on a specific topic. The Committee agreed to discuss this topic next month.

- Intersexuality
 - The Chair recommended that the Committee identify an area that addresses intersexuality since this protected class was just added to the Miami Beach Human Rights Ordinance.

- Human Trafficking
 - Member Burttschell advised that there would be a presentation provided on this subject during the February Committee meeting.

- Blood Ban
 - Member Burttschell suggested sending a letter signed by 100 (or 50) Mayors from around the Country to the White House and the FDA concerning the blood ban.
 - Liaison Gomez to provide a copy of the resolution and the letter that was sent to Washington, D.C., by the former Mayor and Commission for the February Committee meeting.
 - The Committee will be prepared to redo the resolution urging the Mayor and Commission to send a new letter and the Committee will discuss next steps during the February meeting.

5. Status updated regarding Human Rights Ordinance to include intersex as a protected category.

Committee Chair Fishman advised the Committee that the ordinance amendment to include intersex as a protected category was passed unanimously by the City Commission in December 2013. The City of Miami Beach may be the first municipality to offer this protection. The Chair asked if the LGBT should amend their Committee name to include

intersex (LGBTI). Legal Liaison Rosenwald advised that he would mention this suggestion to the LGBT. The Chair recognized Rob Rosenwald for doing an excellent job on the ordinance.

6. Status update on the Human Rights brochure publication.

Committee Liaison Gomez advised that the brochures were revised to include Intersex as a protected category, as well as the creation of a new, simplified website for the Miami Beach Human Rights Committee. The brochures have been printed and are being displayed throughout City Hall and have also been provided to Police for the patrol officers to have available to pass out when appropriate.

7. Review of appreciation letter for Rafael Granado

The Committee reviewed the letter and was approved. The Chair signed the letter on behalf of the Committee. Liaison Gomez to provide the final letter to Mr. Granado.

8. Presentation by Robert Gould, Commission on Women (sponsored by Member Monica Harvey)

Roberta Gould, Commission on Women Committee Member addressed the Committee and advised that the Commission on Women provides a health fair for the elderly. Ms. Gould spoke about efforts from the Commission on Women's efforts to address domestic abuse. Volunteers from the Commission on Women utilized the Publix on 67th Street by placing a table outside on a Sunday from 8:00 am to 6:00 pm and provided informational materials in both, English and Spanish to hand out. Publix maintained leftover materials for their employees in the break rooms. The Human Rights Committee discussed the potential of partnering together with the Commission on Women to continue to address domestic abuse (October 2014 event). Ms. Gould stated that she would provide the Committee with the informational materials for the HRC to disseminate on the City's Human Rights Committee website.

9. Presentation on Human Trafficking by Janet Anderson, State Attorney Office (sponsored by Member Monica Harvey)

Item deferred to the February meeting.

10. Unfinished Business

- a) "Call to Action" Project – Elizabeth Schwartz, Esq. – Liaison Gomez to reach out to Elizabeth Schwartz, Esq. to determine if she would be willing to continue with this project via a joint committee between the LGBT and the MB Human Rights Committee.
- b) Update on the public service announcements on Miami-Dade Transit Buses – The final proofs of the public service announcements have been circulated for final review and approval. Funding needs to be identified via a discussion with Liaison Gomez and the City Manager. Once identified, Liaison Gomez will reach out to the printing vendor that was already identified by Miami-Dade County.

11. New Business

- a) Committee Appointments: Four members are up for reappointment that will be heard at the January 15, 2014 City Commission meeting. They include: Alan B. Fishman, Esq., Walker C. Burttschell, Bradley Ugent and William Warren. The following Committee members' terms expire in December 2014: Monica Harvey, Rachel Ulmas and Rafael Trevino.
- b) The Chair advised the Committee that there was a Commission agenda item being

presented at the January 15, 2014 City Commission meeting concerning abolishing/combining of certain Boards and Committees. Legal Liaison Rob Rosenwald provided the Committee members with a brief overview of the agenda item. In essence, the City currently has a number of Committees that have overlapping functions and also have some Committees who have been inactive for a long period of time. The City Commission will be looking at each of the Committees to determine if they remain, become combined or are abolished. Commissioner Grieco discussed the agenda item and recommended that the Committee members attend the January 15, 2014 Commission meeting to speak on behalf of the MB Human Rights Committee. Committee Liaison Carla M. Gomez will provide a status update to the Committee at the February meeting.

- c) Detective Juan Sanchez advised the Committee that a Standard Operating Procedure (SOP) for the Miami Beach Police Department created to address dealing with transgender individuals. The SOP was created in conjunction with the Center of Equality in Washington, D.C. and is being used as an excellent example for organizations throughout the United States.
- d) Commissioners Malakoff and Commissioner Grieco both attended the meeting separately and said a few words to introduce themselves.

Being no further business, the MBHRC meeting adjourned at 5:27 p.m.

ITEM 3

ITEM 4

ITEM 5

DISCUSSION ITEMS

ITEM 5(a)
Blood Ban

RESOLUTION NO. 2013-28128

**RESOLUTION OF THE MAYOR AND CITY COMMISSION OF
THE CITY OF MIAMI BEACH, FLORIDA URGING THE UNITED
STATES FOOD AND DRUG ADMINISTRATION (FDA) TO
REPEAL THEIR LONGSTANDING PROHIBITION ON MEN
WHO HAVE SEX WITH MEN FROM DONATING BLOOD.**

WHEREAS, the United States Food and Drug Administration (FDA) is responsible for protecting the public health; and

WHEREAS, the FDA regulates blood donation in the United States and explicitly bars any man who has had sex with another man, at any time since 1977, from donating blood; and

WHEREAS, the FDA justifies this policy by citing that 1977 was the beginning of the United States' AIDS epidemic and that men who have sex with men are at a greater risk of HIV, Hepatitis B and other infections that can be transmitted by blood transfusion; and

WHEREAS, this lifetime restriction on men who have had sex with men from donating blood fails to consider the individual's HIV status and represents the FDA's policy since 1982; and

WHEREAS, in 1982, there were no HIV tests or HIV treatments, and little was known about HIV and AIDS; and

WHEREAS, in the more than 30 years since the FDA's decision to exclude men who have sex with men from donating blood, the medical community has made great strides in preventing, diagnosing, treating, and understanding HIV/AIDS; and

WHEREAS, the FDA's lifetime restriction on men who have sex with men from donating blood fails to consider the potential donor's actual health status; and

WHEREAS, the only other groups on the FDA's lifetime deferral list for blood donation are intravenous drug users, people who have received animal tissue or organs, people who have traveled to or live in certain countries due to the risk of transmitting malaria or variant Creutzfeldt-Jakob Disease (vCJD) and people who have had sex for drugs or money; and

WHEREAS, despite the FDA's lifetime ban on men who have sex with men, nationally, an individual needs a life-saving blood transfusion once every 3 seconds; yet, while 60% of Americans are eligible to donate blood, on average less than 5% of people actually donate; and

WHEREAS, a single blood donation can save 3 lives, following component separation; and

WHEREAS, limiting the population of potential blood donors leaves numerous vulnerable individuals in need of receiving life-saving blood; and

WHEREAS, the greater the donor base, the easier it will be to meet the nation's demand for blood, especially when there is a blood shortage; and

WHEREAS, Argentina, Australia, Hungary, Japan, New Zealand, South Africa, Sweden and the United Kingdom have all imposed a time period in which men who have sex with men must wait before being allowed to donate, while Russia completely lifted the ban; and

WHEREAS, other countries, such as France, Italy, Mexico and Spain screen potential donors for high-risk sexual practices, rather than men who have sex with men behavior, and as such these countries defer all individuals who have engaged in risky sexual behavior; and

WHEREAS, the FDA has established a 12-month blood donation deferral period for any individual who has had sexual contact with a person infected with HIV or viral hepatitis, except for men who have had sex with other men; and

WHEREAS, the blood donation organizations have jointly recommended that the deferral period for men who have had sex with other men be limited to 12 months since the date of the last such sexual contact; and

WHEREAS, there is a constant need for blood, and Miami Beach residents are known to be generous blood donors, and

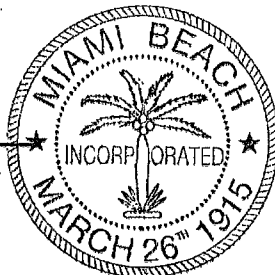
WHEREAS, denying Miami Beach residents the privilege of donating blood unnecessarily limits the nation's blood supply, especially since all blood supply is screened; now, therefore, be it:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby urge the United States Food and Drug Administration (FDA) to repeal their longstanding prohibition on men who have sex with men from donating blood.

PASSED AND ADOPTED this 16th day of January 2013.

ATTEST:


Rafael E. Granado
City Clerk




Matti Herrera Bower
Mayor

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney

2/12/13
Date



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Kathie Brooks, Interim City Manager

FROM: Michael Góngora, Commissioner

DATE: January 8, 2012

SUBJECT: Discussion Item for January 16 Commission Meeting

Please place on the January Commission meeting agenda a discussion on the Miami Beach Human Rights Committee Resolution 2012-002- regarding FDA regulations for blood donation. Please find additional information attached. If you have any questions please feel free to contact my aide Diana Fontani at ext 6087.

MG/df

Agenda Item R9J
Date 1-16-13

MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. 327-2012

LETTER TO COMMISSION

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

FROM: Kathie G. Brooks, Interim City Manager

DATE: December 12, 2012

**SUBJECT: TRANSMITTAL OF MIAMI BEACH HUMAN RIGHTS COMMITTEE
RESOLUTION 2012-002 - Repeal FDA Prohibition Regarding Blood
Donation**

This LTC is to inform you that the Miami Beach Human Rights Committee (MBHRC) adopted the enclosed resolution at their December 11, 2012 meeting, pertaining to FDA regulations for blood donation.

The MBHRC is urging the Mayor and City Commission to pass a resolution calling upon the United States Food and Drug Administration (FDA) to repeal their longstanding prohibition on men who have sex with men from donating blood, so as not to deny Miami Beach residents the privilege of donating screened blood, which unnecessarily limits the nation's blood supply.

If you have any questions, please contact the City Clerk's Office at 305.673.7411.

kGB/REG/lh

Enclosure: Resolution 2012-002

RECEIVED
2012 DEC 18 AM 11:54
CITY CLERK'S OFFICE

MBHRC RESOLUTION NO. 2012-002

RESOLUTION OF THE CITY OF MIAMI BEACH HUMAN RIGHTS COMMITTEE URGING THE MAYOR AND CITY COMMISSION TO PASS A RESOLUTION CALLING UPON THE UNITED STATES FOOD AND DRUG ADMINISTRATION (FDA) TO REPEAL THEIR LONGSTANDING PROHIBITION ON MEN WHO HAVE SEX WITH MEN FROM DONATING BLOOD.

WHEREAS, the United States Food and Drug Administration (FDA) is responsible for protecting the public health; and

WHEREAS, the FDA regulates blood donation in the United States and explicitly bars any man who has had sex with another man, at any time since 1977, from donating blood; and

WHEREAS, the FDA justifies this policy by citing that 1977 was the beginning of the United States' AIDS epidemic and that men who have sex with men are at a greater risk of HIV, hepatitis B and other infections that can be transmitted by transfusion; and

WHEREAS, this lifetime restriction on men who have had sex with men, even once since 1977, from donating blood fails to consider the individual's HIV status and represents the FDA's policy since 1982; and

WHEREAS, in 1982, there were no HIV tests or HIV treatments, and little was known about HIV and AIDS; and

WHEREAS, in the almost 30 years since the FDA's decision to exclude men who have sex with men from donating blood, the medical community has made great strides in preventing, diagnosing, creating, and understanding HIV/AIDS; and

WHEREAS, the FDA's lifetime restriction on men who have sex with men from donating blood fails to consider the potential donor's actual health status and whether the potential donor has actually engaged in high risk sexual activity; and

WHEREAS, the only other groups on the FDA's lifetime deferral list for blood donation are intravenous drug users, people who have received animal tissue or organs, people who traveled to or live in certain countries due to the risk of transmitting malaria or variant Creutzfeldt-Jakob Disease (vCJD) and people who had sex for drugs or money; and

WHEREAS, despite the FDA's lifetime ban on men who have sex with men, nationally, an individual needs a life-saving blood transfusion once every 3 seconds; yet, while 60% of Americans are eligible to donate blood, on average less than 5% of people actually donate; and

WHEREAS, a single blood donation can save 3 lives, following component separation; and

WHEREAS, limiting the population of potential blood donors leaves numerous vulnerable individuals in need of receiving life-saving blood; and

WHEREAS, the greater the donor base, the easier it will be to meet the nation's demand for blood, especially when there is a blood shortage; and

WHEREAS, Argentina, Australia, Hungary, Japan, New Zealand, South Africa, Sweden and the United Kingdom have all imposed a time period in which men who have sex with men must wait before being allowed to donate, while Russia completely lifted the ban; and

WHEREAS, other countries, such as France, Italy and Spain screen potential donors for high-risk sexual practices, rather than men who have sex with men behavior, and as such these countries defer all individuals who have engaged in risky sexual behavior; and

WHEREAS, the FDA has established a 12-month blood donation deferral period for any individual who has had sexual contact with a person infected with HIV or viral hepatitis, except for men who have had sex with other men; and

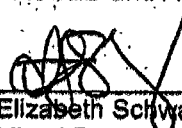
WHEREAS, the blood donation organizations have jointly recommended that the deferral period for men who have had sex with other men be limited to 12 months since the date of the last such sexual contact; and

WHEREAS, there is a constant need for blood, and Miami Beach residents are known to be generous blood donors; and

WHEREAS, denying Miami Beach residents the privilege of donating blood unnecessarily limits the nation's blood supply, especially since all blood supply is screened; now, therefore, be it:

Resolved, that the Miami Beach Human Rights Committee urges the Mayor and City Commission to pass a resolution calling upon the United States Food and Drug Administration (FDA) to repeal their longstanding prohibition on men who have sex with men from donating blood.

PASSED and ADOPTED this 13 day of November 2012.



Elizabeth Schwartz, Esq. - Chair
Miami Beach Human Rights Committee
Signed on December 11, 2012

Offered by Miami Beach Human Rights Committee Member Walker C. Burttschell, who moved its adoption. The motion was seconded by Miami Beach Human Rights Committee Member Dr. Barry Ragone, and upon being put to a vote, the vote was as follows:

Elizabeth Schwartz, Esq., Chair – Yes
Alan B. Fishman, Esq., Vice Chair – Yes
Walker C. Burttschell – Yes
CJ Ortuno – Absent
Dr. Barry Ragone – Yes
Rafael Trevino – Yes
William Warren, Jr. – Absent

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2013-28128
11/6/13



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration
1401 Rockville Pike
Rockville, MD 20852-1448

February 28, 2013

Mr. Rafael E. Granado
Office of the City Clerk
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

RECEIVED
2013 MAR -5 PM 3:09
CITY CLERK'S OFFICE

Dear Mr. Granado:

Thank you for forwarding a copy of Miami Beach Resolution 2013-28128, calling upon the United States Food and Drug Administration (FDA) to reverse its policy on blood donor deferral of men who have had sex with other men (MSM). We appreciate your interest in this important matter.

The primary responsibility of FDA is to ensure the safety of blood and blood products for patients who require these products. Our blood donor deferral policies are based on scientific data that demonstrate that certain medical, behavioral, and geographical factors are associated with an increased risk of transfusion transmitted diseases, such as HIV, hepatitis B and C, and variant Creutzfeldt Jakob disease.

We understand that there are different viewpoints on how best to maintain the safety of the blood supply. FDA continues to monitor and evaluate our blood donor deferral policies, including the MSM deferral. Alternative strategies that maintain blood safety may be considered as new scientific data become available.


On June 10-11, 2010, the U.S. Department of Health and Human Services (HHS) Advisory Committee on Blood Safety and Availability (ACBSA) met to discuss the current FDA deferral policy on men having sex with other men (MSM). The ACBSA found that currently available scientific data are inadequate to support a change to a specific alternative policy; therefore, until further evaluation, the committee recommended that the current indefinite deferral for men who have had sex with another man even one time since 1977 not be changed at the present time.

ACBSA heard a wide range of scientific and ethical presentations on this deferral policy at the meeting, and while they recommended retaining the current policy, they were unanimous in finding that the current donor deferral policies, including those directed at MSM donors, are suboptimal, and recommended behavioral and epidemiological studies to support future policy reconsiderations. In response, the Assistant Secretary for Health (ASH) established a working group with representatives from FDA, CDC, CMS, HRSA and NIH to define research pathways that will be responsive to the ACBSA recommendations.

For more information about the HHS ACBSA meeting and follow-up actions, please view the following website:

<http://www.hhs.gov/ash/bloodsafety/advisorycommittee/recommendations/resolutions.html>

Sincerely,



Laura Carter
Consumer Safety Officer
Consumer Affairs Branch
Division of Communication and Consumer Affairs
Center for Biologics Evaluation and Research
U.S. Food and Drug Administration

This informal communication represents my best judgment at this time. It does not constitute an advisory opinion in accordance with 21 CFR 10.85, and does not necessarily represent the formal position of FDA or otherwise obligate the agency to the views expressed.



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov
Office of the City Clerk
Rafael E. Granada
Tel: 305-673-7411 Fax: 786-394-4127 Email: CityClerk@miamibeachfl.gov

February 12, 2013

President Barak Obama
1600 Pennsylvania Avenue Northwest
Washington, DC 20500

President Obama,

Attached please find Resolution 2013-28128, a resolution of the Mayor and City Commission of the City of Miami Beach, Florida, urging the United States Food and Drug Administration (FDA) to repeal their longstanding prohibition on men who have sex with men from donating blood.

This Resolution was passed and adopted by the Mayor and City Commission of the City of Miami Beach on January 16, 2013.

If you need additional information, please do not hesitate to call.

Respectfully,


Rafael E. Granada
City Clerk

REG/kf

c: Michael Gongora – Vice-Mayor, City of Miami Beach

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.



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February 12, 2013

Vice President Joe Biden
1600 Pennsylvania Avenue Northwest
Washington, DC 20500

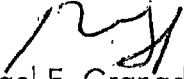
Vice President Biden,

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Rafael E. Granado
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February 12, 2013

Senator Bill Nelson
716 Senate Hart Office Building
Washington, DC 20510

Senator Nelson,

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Rafael E. Granado
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c: Michael Gongora – Vice-Mayor, City of Miami Beach

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February 12, 2013

Senator Marco Rubio
317 Hart Senate Office Building
Washington, DC 20510

Senator Rubio,

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Respectfully,

A handwritten signature in black ink, appearing to read 'Rafael E. Granado'.

Rafael E. Granado
City Clerk

REG/kf

c: Michael Gongora - Vice-Mayor, City of Miami Beach

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February 12, 2013

Congressman Mario Diaz-Balart
436 Cannon House Office Building
Washington, DC 20515

Congressman Diaz-Balart,

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February 12, 2013

Congresswoman Frederica Wilson
208 Cannon HOB
Washington, DC 20515


Congresswoman Wilson,

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Rafael E. Granada
City Clerk

REG/kf

c: Michael Gongora – Vice-Mayor, City of Miami Beach

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February 12, 2013

Congresswoman Ileana Ros-Lehtinen
2206 Rayburn HOB
Washington, DC 20515

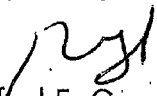
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Rafael E. Granado
City Clerk

REG/kf

c: Michael Gongora - Vice-Mayor, City of Miami Beach

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February 12, 2013

Congresswoman Debbie Wasserman Schultz
118 Cannon HOB
Washington, DC 20515

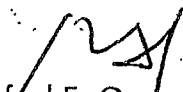
Congresswoman Wasserman Schultz,

Attached please find Resolution 2013-28128, a resolution of the Mayor and City Commission of the City of Miami Beach, Florida, urging the United States Food and Drug Administration (FDA) to repeal their longstanding prohibition on men who have sex with men from donating blood.

This Resolution was passed and adopted by the Mayor and City Commission of the City of Miami Beach on January 16, 2013.

If you need additional information, please do not hesitate to call.

Respectfully,


Rafael E. Granado
City Clerk

REG/kf

c: Michael Gongora – Vice-Mayor, City of Miami Beach

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.