

ORDINANCE NO. 22 - 1721

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 54-2. - “CONSIDERATION OF ANTI-SEMITISM AND HATE CRIMES IN ENFORCING LAWS”, TO STRENGTHEN AND AMEND THE DEFINITION AND EXAMPLES OF ANTI-SEMITISM THAT MAY BE CONSIDERED IN THE EVALUATION OF EVIDENCE OF ANTI-SEMITISM IN ENFORCING LAWS, INCLUDING EXAMPLES OF ANTI-SEMITISM RELATED TO ISRAEL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

1 **WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida
2 Statutes, provide municipalities with the authority to exercise any power for municipal purposes,
3 except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

4 **WHEREAS**, the Town Commission of the Town of Surfside (“Town Commission”) finds it
5 periodically necessary to amend its Code of Ordinances (“Code”) in order to update regulations and
6 procedures to maintain consistency with state law, to implement municipal goals and objectives, to
7 clarify regulations and address specific issues and needs that may arise; and

8 **WHEREAS**, on February 8, 2022, the Town Commission adopted Resolution No. 2022- 2857
9 which reaffirmed the Town’s Commitment to combat anti-Semitic, hateful and hurtful messages
10 and behavior, and reaffirmed Section 54-2 of the Town Code “Consideration of Anti-Semitism and
11 Hate Crimes in Enforcing Laws” by supporting an amendment thereto to strengthen and broaden
12 the definition and examples of anti-Semitism, including the addition of examples of anti-Semitism
13 related to Israel; and

14 **WHEREAS**, the Town Commission finds that amending Section 54-2 of the Town Code to
15 strengthen and broaden the definition and examples of anti-Semitism is necessary and in the best
16 interests of the Town and its residents; and

Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted double strikethrough and double underline.

17 **WHEREAS**, the Town Commission believes that every human being is born in the image of
18 the Almighty God and has fundamental human rights to live and prosper endowed by our Creator;
19 and

20 **WHEREAS**, the Town Commission held its first public hearing on March 8, 2022 and
21 recommended approval of the proposed amendments to Section 54-2 of the Town Code having
22 complied with the notice requirements in the Florida Statutes; and

23 **WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on
24 these regulations as required by law on April 12, 2022 and further finds the proposed changes
25 to the Town Code are necessary and in the best interest of the community.

26
27 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
28 **TOWN OF SURFSIDE, FLORIDA¹:**

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30 **Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein by
31 this reference:

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33 **Section 2. Town Code Amended.** Section 54-2. – “Consideration of Anti-Semitism and
34 Hate Crimes in Enforcing Laws” of the Surfside Town Code of Ordinances is hereby amended, and
35 repealed and replaced, with the following¹:

36 **Sec. 54-2. – Consideration of Anti-Semitism and Hate Crimes in Enforcing Laws.**

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38 * * *

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40 (a) The following definitions shall apply for purposes of this section:

41 *Anti-Semitism* means a certain perception of Jews, which may be expressed as hatred or
42 bias toward Jews. Rhetorical and physical manifestations ~~It~~ may be present in acts or
43 offenses against Jewish or non-Jewish individuals and/or their property, and toward
44 Jewish institutions and religious facilities.

45 *Hate crime* means the commission of a felony or misdemeanor that evidences prejudice
46 based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin,
47 homeless status, or advanced age of the victim, based on the standards used to determine
48 whether penalties for crimes shall be reclassified based on evidence of prejudice during
49 the commission of said crimes according to F.S. § 775.085.

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50 (b) In investigating whether there has been a violation of law, the town police department
51 shall take into consideration the definitions of anti-Semitism and hate crime for purposes of
52 determining whether the alleged violation was motivated by anti-Semitic intent or intent to
53 commit a hate crime, consistent with the federal and state statutes prohibiting hate crimes.

54 (c) The following contemporary examples of anti-Semitism, including those identified
55 by the United States Department of State, may be considered among others in the evaluation of
56 whether there is evidence of anti-Semitism ^[2]:

57 (1) Calling for, aiding, or justifying the killing or harming of Jews (often in the
58 name of a radical ideology or an extremist view of religion).

59 (2) Making mendacious, dehumanizing, demonizing, or stereotypical allegations
60 about Jews as such or the power of Jews as a collective, especially, but not
61 exclusively, the myth about a world Jewish conspiracy or of Jews controlling
62 the media, economy, government or other societal institutions.

63 (3) Accusing Jews as a people of being responsible for real or imagined wrongdoing
64 committed by a single Jewish person or group, the state of Israel, or even for
65 acts committed by non-Jews.

66 (4) Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating
67 the Holocaust.

68 (5) Accusing Jewish citizens of being anti-American and more loyal to Israel, or to
69 the alleged priorities of Jews worldwide, than to the interest of their own
70 nations.

71 (6) Anti-Semitism related to Israel includes:

72 a. Demonizing Israel by using the hateful symbols and images associated with
73 classic anti-Semitism to characterize Israel or Israelis, drawing comparisons of
74 contemporary Israeli policy to that of the Nazis, or blaming Israel for all inter-
75 religious or political tensions;

76
77 b. Applying a double standard to Israel by requiring behavior of Israel that is not
78 expected or demanded of any other democratic nation, or focusing peace or human
79 rights investigations only on Israel and not all others for the same reasons; or

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81 c. Delegitimizing Israel by denying the Jewish people their right to self-
82 determination, and denying Israel the right to exist.

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84 d. However, notwithstanding the foregoing, criticism of Israel similar to that levied
85 against any other country cannot be regarded as anti-Semitic.

86 (d) Nothing in this section may be construed to diminish or infringe upon any right
87 protected under the First Amendment to the Constitution of the United States, or the State of
88 Florida's Constitution. Nothing in this section may be construed to conflict with federal or state
89 discrimination laws.

90 * * *

91 **Section 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is
92 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall
93 in no way affect the validity of the remaining portions of this Ordinance.

94 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission, and it is
95 hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of
96 Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to
97 accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other
98 appropriate word.

100 **Section 5. Conflicts.** Any and all ordinances and resolutions or parts of ordinances or
101 resolutions in conflict herewith are hereby repealed.

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103 **Section 6. Effective Date.** This ordinance shall become effective upon adoption on second
104 reading.

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106 **PASSED and ADOPTED** on first reading this 8th day of March, 2022.

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108 **PASSED and ADOPTED** on second reading this 12th day of April, 2022.

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110 On Final Reading Moved by: Commissioner Velasquez

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112 On Final Reading Second by: Commissioner Meischeid

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114 **First Reading:**

115 Motion by: Vice Mayor Paul

116 Second by: Commissioner Velasquez

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118 **Second Reading:**

119 Motion by: Commissioner Velasquez

120 Second by: Commissioner Meischeid

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122 **FINAL VOTE ON ADOPTION**

123 Commissioner Fred Landsman Yes

124 Commissioner Marianne Meischeid Yes

125 Commissioner Nelly Velasquez Yes

126 Vice Mayor Jeff Rose Yes

127 Mayor Shlomo Danzinger Yes

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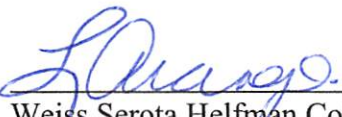


Shlomo Danzinger
Mayor

ATTEST:


Sandra N. McCready, MMC
Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney