

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: September 11, 2024 10:15 a.m. Second Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE VI, ENTITLED "PROCUREMENT," BY AMENDING DIVISION 3, ENTITLED "CONTRACT PROCEDURES" BY CREATING SECTION 2-375.1, ENTITLED "PROHIBITION AGAINST CONTRACTING WITH PARTIES THAT BOYCOTT ISRAEL" TO REGULATE CITY CONTRACTS WITH PARTIES THAT ENGAGE IN BOYCOTTS OF THE STATE OF ISRAEL; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

### **ANALYSIS**

The proposed Ordinance is presented to the Mayor and City Commission for their consideration by the sponsor, Commissioner David Suarez.

The proposed Ordinance codifies the following policies:

Israel is renowned for its dynamic and innovative approach across many business sectors, particularly in health sciences and technology, making a party's decision to discriminate against Israel, Israeli entities, or entities that do business with and/or in Israel, an unsound business practice that renders such a party an unduly risky contracting partner.

The City of Miami Beach is committed to the public policy of the federal government, as articulated in several federal acts, that cooperation with Israel enhances American competitiveness and materially benefits the country's economy (see, e.g., 19 U.S.C. § 2112 note; 19 U.S.C. § 4201(b)(20)).

The City of Miami Beach is committed to adhering to state laws and ensuring our policies and procedures fully align with Florida's public policy, as stated in § 287.135, Fla. Stat., which prohibits City contracts with parties that engage in boycotts against the State of Israel.

The proposed Ordinance codifies this public policy of the City of Miami Beach by prohibiting the City from entering into contracts with parties that engage in boycotts of the State of Israel.

### **FISCAL IMPACT STATEMENT**

None, because the State of Florida already prohibits City contracts with parties that boycott Israel.

**Does this Ordinance require a Business Impact Estimate?** Yes  
(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on 8/21/2024.  
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?**

No

**Is this item related to a G.O. Bond Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

**Department**

City Attorney

**Sponsor(s)**

Commissioner David Suarez

**Co-sponsor(s)**

Mayor Steven Meiner  
Commissioner Joseph Magazine  
Commissioner Alex Fernandez