

PROPOSED

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA ("BOARD"), PERTAINING TO ANTISEMITISM; AMENDING ARTICLE IV OF CHAPTER 21 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); PROVIDING FOR DEFINITIONS AND ESTABLISHING THE BOARD'S INTENT THAT THE DEFINITION OF BIAS-MOTIVATED CRIMES AND ANTISEMITISM BE CONSIDERED IN ENFORCING LAWS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Senator Steve Geller, and Cosponsored by Mayor Michael Udine)

WHEREAS, Jews are consistently one of the most targeted religious communities in the United States;

WHEREAS, Jewish institutions, such as synagogues, Jewish community centers, and Jewish schools, are also the targets of antisemitic incidents, including vandalism, harassment, assaults, and deadly violence;

WHEREAS, antisemitic incidents are being reported at record levels;

WHEREAS, Jews are regularly targeted because of their actual or perceived support for Israel and Zionism;

WHEREAS, Broward County, home to the third-largest population of Holocaust survivors in the world, has not been immune to antisemitism;

WHEREAS, the Kantor Center recently released a report stating that the working definition of antisemitism of the International Holocaust Remembrance Alliance ("IHRA") "has become a barometer in the global fight against Jew-hatred, serving as a

comprehensive and well-known tool to monitor, measure and ultimately combat contemporary manifestations of this age-old societal scourge"; and

WHEREAS, the Board finds that adopting the IHRA working definition of antisemitism and establishing its intent that the definitions of bias-motivated crimes and antisemitism be considered in determining the motivation behind a violation of law would help fight the serious, pervasive, and enduring problem of antisemitism and benefit the entire community,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Article IV, Chapter 21, of the Broward County Code of Ordinances is hereby amended to read as follows:

**ARTICLE IV. GRAFFITI, INSTITUTIONAL VANDALISM, AND BIAS-MOTIVATED
CRIMES, AND ANTISEMITISM**

...

**DIVISION 2. INSTITUTIONAL VANDALISM AND, BIAS-MOTIVATED
CRIMES, AND ANTISEMITISM**

Section 2. Section 21-45 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 21-45. Applicability and Intent.

(a) This Division 2 shall apply countywide, unless in conflict with an applicable municipal ordinance, pursuant to Section 11.01 of the Charter of Broward County. Unless otherwise provided, nothing in this division shall be construed to relieve a person from compliance with applicable County or municipal regulations.

47 (b) In investigating whether there has been a violation of law, the Broward
48 County Board of County Commissioners intends that the definitions of bias-motivated
49 crime and antisemitism, as hereinafter stated, be considered for purposes of determining
50 whether the alleged violation was motivated by an intent to commit a bias-motivated
51 crime.

52 (c) Nothing in this Division 2 shall be construed to diminish or infringe on any
53 right protected under the First Amendment to the Constitution of the United States, or the
54 State of Florida's Constitution, or to conflict with federal or state discrimination laws.

55 Section 3. Section 21-46 of the Broward County Code of Ordinances is hereby
56 amended to read as follows:

57 **Sec. 21-46. Definitions.**

58 *Advanced age* shall mean that the victim is at least sixty-five (65) years of age.

59 *Antisemitism* shall mean a certain perception of Jews, which may be expressed as
60 hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed
61 toward Jewish or non-Jewish individuals and/or their property, toward Jewish community
62 institutions, and toward Jewish religious facilities. Contemporary examples of
63 antisemitism in public life, the media, schools, the workplace, and in the religious sphere
64 could, taking into account the overall context, include, but are not limited to:

65 (a) Calling for, aiding, or justifying the killing or harming of Jews, often in the
66 name of a radical ideology or an extremist view of religion;

67 (b) Making mendacious, dehumanizing, demonizing, or stereotypical
68 allegations about Jews as such or the power of Jews as a collective, especially, but not

69 exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media,
70 economy, government, or other societal institutions;

71 (c) Accusing Jews as a people of being responsible for real or imagined
72 wrongdoing committed by a single Jewish person or group, the State of Israel, or even
73 for acts committed by non-Jews;

74 (d) Accusing the Jews as a people or the State of Israel ("Israel") of inventing
75 or exaggerating the Holocaust;

76 (e) Accusing Jewish citizens of being more loyal to Israel, or to the alleged
77 priorities of Jews worldwide, than to the interests of their own nations;

78 (f) Demonizing Israel by using the symbols and images associated with classic
79 antisemitism to characterize Israel or Israelis, drawing comparisons of contemporary
80 Israeli policy to that of the Nazis, or blaming Israel for all interreligious or political tensions;

81 (g) Requiring behavior of Israel that is not expected or demanded of any other
82 democratic nation, or focusing peace or human rights investigations only on Israel; or

83 (h) Seeking to delegitimize Israel by denying the Jewish people their right to
84 self-determination, and denying Israel the right to exist.

85 Criticism of Israel similar to that levied against any other country should not be
86 regarded as antisemitic, and in no event shall anything in this definition or in any of the
87 foregoing examples be construed to conflict with the United States Constitution, the
88 Florida Constitution, or federal or state law.

89 . . .

Section 4. Severability.

If any portion of this Ordinance is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Ordinance to any other individual, group, entity, property, or circumstance.

Section 5. Inclusion in the Broward County Code of Ordinances.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance become part of the Broward County Code of Ordinances as of the effective date. The sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase to the extent necessary in order to accomplish such intention.

103 Section 6. Effective Date.

104 This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Alexis I. Marrero Koratich 08/25/2022
 Alexis I. Marrero Koratich (date)
 Assistant County Attorney

By: /s/ Maite Azcoitia 08/25/2022
 Maite Azcoitia (date)
 Deputy County Attorney

AIK/gmb
Ch21 Antisemitism Ordinance
08/25/2022
#60057

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.