

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2016-03

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING THE CITY OF CORAL GABLES CODE, BY CREATING SECTION 38-12, TITLED "PENALTY ENHANCEMENTS FOR BIAS MOTIVATED VIOLATIONS OF THE CITY CODE OR ZONING CODE"; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statute Section 775.085(1)(a) provides that "The penalty for any felony or misdemeanor shall be reclassified . . . if the commission of such felony or misdemeanor evidences prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, homeless status, mental or physical disability, or advanced age of the victim"; and

WHEREAS, the City of Coral Gables will continue to enforce Florida Statute Section 775.085 to the full extent of the law; and

WHEREAS, the City Commission of Coral Gables requests a City Code text amendment to increase penalties for any bias motivated violations of the City Code or Zoning Code that are not already enhanced by Florida Statute Section 775.085;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. The foregoing "**WHEREAS**" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Section 38-12 of the Code of the City of Coral Gables, Florida, is hereby created to read as follows:

CHAPTER 38 - OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I. - IN GENERAL

* * * *

Sec. 38-12. - Penalty enhancements for bias motivated violations of the City Code or Zoning Code.

(a) A "bias motivated violation of the City Code or Zoning Code" means a violation of the City Code or Zoning Code in which the commission of such violation evidences prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, homeless status, mental or physical disability, or advanced age of the victim.

(b) A person who commits a "bias motivated violation of the City Code or Zoning Code" shall be subject to an additional penalty of a fine not to exceed \$500.00, by imprisonment in the county jail for a period not to exceed 60 days, or by both such fine and imprisonment, in the

discretion of the court. Each bias motivated violation of the City Code or Zoning Code shall constitute a separate offense.

(c) Violations of the City Code or Zoning Code which are continuous with respect to time and for which the penalty has been enhanced based on Section 38-12(b) above are a public nuisance and may be abated, on an expedited basis, by injunctive or other equitable relief, in addition to the relief set forth in Section 38-12(b). The city shall also be entitled to the recovery of reasonable attorneys' fees and costs it incurred in obtaining a court order for such injunctive or other equitable relief based on the violation.

(d) This section shall only enhance penalties for bias motivated violations of the City Code or Zoning Code not already enhanced by Florida Statute Section 775.085.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the City Code, which provisions may be renumbered or re-lettered and the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

SECTION 6. If the City Code's Tables of Contents, Supplemental History Table, or other reference portions are affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This Ordinance shall become effective upon passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-SIXTH DAY OF JANUARY, A.D., 2016.

(Moved: Lago / Seconded: Quesada)

(Yeas: Quesada, Slesnick, Keon, Lago, Cason)

(Unanimous: 5-0 Vote)


(Agenda Item: E-2)

APPROVED:



JIM CASON
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY