Agenda Item #: 5A-1

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: Ma	rch 14, 2023	[]	Consent Ordinance		Regular Public Hearing
Department: Submitted By:	Administration Administration				
=======================================	<u>I. EXI</u>	ECUTIV	======= <u>'E BRIEF</u>		
BOARD OF COU ADDING CHAPTE UNAUTHORIZED OTHER PLACES;	NTY COMMISSION R 29 TO THE PALM PROJECTIONS OF	IERS C M BEAC SIGNS SEVER	OF PALM BEA CH COUNTY C S ONTO BUILD ABILITY; PRO	CH C ODE; INGS VIDIN	RDINANCE OF THE COUNTY, FLORIDA, PROHIBITING THE , STRUCTURES OR G FOR INCLUSION
Regular Meeting, Chapter 29 to the For artwork onto a regardless of the corperson in control a fine in an amour have authority to p \$500 in order for tordinance is also Statutes. The Palrone thousand dollard dollars (\$5,000.00 dollars (\$15,000.00)	this ordinance is being alm Beach County County County County Countent or viewpoint explication of the building. Violatexceeding \$500, bounish a violation of the county to carry out subject to civil perm Beach County Spears (\$1,000.00) per county per day per violation.	ing propode to expressed lation of the expressed lation of the expressed lation of the expressed lations per expressed lations are pair expressed lations are expressed lations are expressed lations expressed expressed lations expressed lations expressed lations expressed expressed lations expressed expressed expressed expressed expres	prosed for considerable prohibit project you other place and therein, without this ordinance by a finite part of the property	iderations of the count th	at its February 7, 2023 ion and seeks to add fext, graphics, logos ading public spaces) e consent of the owner minally punishable by ay, if the county must amount greater than gram. Violation of the 162.09(2)(d), Florida that shall not exceed to lation, five thousand up to fifteen thousand ecial Master finds the
This ordinance shall apply in unincorporated and incorporated areas of Palm Beac County, subject to municipalities opting into the ordinance.					areas of Palm Beach
A similar ordinance was passed in Duval County, FL.					
This ordinance is brought under the emergency enactment procedure in Section 125.66(3), Florida Statutes, with a waiver of the notice requirements of Section 125.66(2). The ordinance is anticipated to curtail projections onto buildings without the consent of the owner, including but not limited to hate speech, that constitutes a threat to the peace good order and harmonious coexistence of many with diverse backgrounds and belief within Palm Beach County. Countywide (MM)					
(Background and I	Policy Continued on	page 3.))		
Attachments: 1) Proposed Pro	ojection Ordinance				
Recommended By	:	I/A t Directo	or		Date
Approved By:	Assistant C	ounty A	Administrator	<u>ر</u>	2/251/23 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact						
Fiscal Y	ears	2022	2023	2024	<u>2025</u>	2026
Personal Set Operating Co Capital Expension External Rev Program Inc In-Kind Mato Net Fiscal	osts enditures venues ome (County) ch (County)	0*				
# ADDITION	-	0	0	0	0	
Does thi	ncluded In Curre is item include th Account Exp No: Rev No:	e use of fede Fund <u>xxxx</u> [ral funds? Dept. <u>xxx</u> Uni	Yes t <u>xxxx</u> Obj	No X xxxx Prog. xxx xxxx Prog. xxx	
	B. Recommended Sources of Funds/Summary of Fiscal Impact: *The fiscal impact is undetermined at this time.					
C. Departm	C. Departmental Fiscal Review:					
	III. REVIEW COMMENTS					
A. OFMB Fi	scal and/or Cont	ract Dev. and	Control Con	nments:		
	OFMB ufficiency: ssistant county	Attorney	3W -27-Zc23	Contract De $2/27/2$	Jawling 2.	<u>17</u> ,23
	Department Dire	ctor				

This summary is not to be used as a basis for payment.

(Continued from page 1)

Background and Policy: Florida has seen a dramatic rise in anti-Semitic incidents, according to ADL's annual Audit of anti-Semitic incidents — with a 40% rise in 2020 followed by a 50% rise in 2021. According to a report by the ADL Center on Extremism, in Florida, hate crimes against Jews accounted for 80% of religiously-motivated incidents in 2020, and anti-Semitic hate crimes have risen 300% since 2012. Florida has a seen a series of incidents that have spread anti-Semitic and hate-filled messages against Jews including racists literature and the illumination of hate symbols against the side of a building.

In Palm Beach County and Duval County, swastikas and hate messages were beamed onto the sides of buildings, and recently, in Palm Beach County and Miami-Dade County, packets of hate material were distributed onto the lawns of homes. On February 17 and 18, 2023, anti-Semitic protestors demonstrated in front of the Chabad of South Orlando and used laser projectors to cast anti-Semitic messages on the stadium and distributed anti-Semitic propaganda in neighborhoods in nearby central Florida neighborhoods.

1	ORDINANCE NO. 2023
2 3 4 5 6 7 8 9 10 11	AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADDING CHAPTER 29 TO THE PALM BEACH COUNTY CODE; PROHIBITING THE UNAUTHORIZED PROJECTIONS OF SIGNS ONTO BUILDINGS, STRUCTURES OR OTHER PLACES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE
12	WHEREAS, it is the intention of this Board to prevent the projection of any text,
13	graphics, or logos, regardless of the content or viewpoint expressed therein, on private or public
14	property without the consent of the owner or person in control of the building; and
15	WHEREAS, Section 125.66(3), Florida Statutes, permits the Palm Beach County
16	Board of County Commissioners (the "Board") to waive the usual notice requirements for
17	enactment of an ordinance upon four-fifths (4/5) vote of the membership of the Board,
18	declaring that an emergency exists and that the immediate enactment of said ordinance is
19	necessary; and
20	WHEREAS, Florida has seen a dramatic rise in anti-Semitic incidents, according to
21	ADL's annual Audit of anti-Semitic incidents – with a 40% rise in 2020 followed by a 50% rise
22	in 2021; and
23	WHEREAS, according to a report by the ADL Center on Extremism, in Florida, hate
24	crimes against Jews accounted for 80% of religiously-motivated incidents in 2020, and anti-
25	Semitic hate crimes have risen 300% since 2012; and
26	WHEREAS, Florida has a seen a series of incidents that have spread anti-Semitic and
27	hate-filled messages against Jews including racist literature and the illumination of hate symbols
28	against the sides of buildings; and
29	WHEREAS, on January 14, 2023, in Palm Beach County and Duval County, swastikas
30	and hate messages were beamed onto the sides of buildings; and
31	WHEREAS, in Palm Beach County and Miami-Dade County, packets of hate material
32	were recently littered onto the lawns of homes; and
33	WHEREAS, these hateful messages were projected onto buildings and littered onto
34	private property without the consent of the owners of those properties; and
35	WHEREAS, on February 17 and 18, 2023, anti-Semitic protestors demonstrating in front

2	projectors to cast anti-Semitic messages on the stadium; and				
3	WHEREAS, projections onto private property without the owner's consent, including				
4	but not limited to hate speech, are a threat to the peace, good order, and harmonious coexistence				
5	of many with diverse backgrounds and beliefs within Palm Beach County; and				
6	WHEREAS, immediate enactment of this Emergency Ordinance is necessary to protect				
7	the health, safety, and welfare of the County's residents; and				
8	NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY				
9	COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:				
10					
11	SECTION 1. Chapter 29 is hereby added to the Code of Palm Beach County, Florida as follows:				
12	CHAPTER 29: UNAUTHORIZED PROJECTIONS OF SIGNS ONTO				
13	BUILDINGS, STRUCTURES OR OTHER PLACES.				
14	Sec. 29-1 Authority.				
15	This article is adopted under the authority of Article VIII, Section 1(g) of the				
16	Florida Constitution; Chapter 125, Florida Statutes; and Article 1 of the Palm Beach				
17	County Home Rule Charter.				
18					
19	SECTION 2. Section 29-2 is hereby added to the Code of Palm Beach County, Florida as				
20	follows:				
21	Sec. 29-2 Prohibition on Unauthorized Projections				
22	(a) Projections of light, laser beams, or any other medium to form text, graphics, logos,				
23	or artwork upon streets, walkways, fences, sign structures, land or water surfaces,				
24	or exterior walls or other exterior portions of buildings or any other structure are				
25	prohibited, regardless of the content or viewpoint expressed therein, except that an				
26	owner may project a sign onto an exterior portion of his or her own property.				
27	building, or structure if the projection does not otherwise violate applicable sign				
28	regulations of the Palm Beach County Unified Land Development Code (ULDC)				
29	when located in unincorporated Palm Beach County or the applicable sign				

of the Chabad of South Orlando and outside of the Daytona International Speedway used laser

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regulation when located in incorporated Palm Beach County. The person or

1	business who owns or is advertised or identified on the sign shall be presumed to
2	have permitted the placement of the sign in the absence of credible evidence to the
3	contrary and may be cited for violation of this subsection, and the person or
4	business installing or projecting the sign is also in violation of this subsection.
5	Projections of any text, graphics, logos, or artwork onto a building,
6	structure, or any other place (including public spaces) without the consent of the
7	owner or person in control of the building, structure, or space, regardless of the
8	content or viewpoint expressed therein, shall constitute blight and graffiti and,
9	pursuant to Sections 806.13 and 125.69, Florida Statutes, these violations shall
10	constitute a second degree misdemeanor punishable by a definite term of
11	imprisonment of up to 60 days, a fine exceeding \$500 but not exceeding \$2,000 a
12	day, or both, and any equipment or vehicles used in furtherance of this crime in
13	unincorporated Palm Beach County shall be removed and stored by Palm Beach
14	County Code Enforcement in accordance with Article 8, Chapter I, Sections 4(B)-
15	(F) of the ULDC.
16	(b) The requirements of this Ordinance shall apply within unincorporated areas of Palm
17	Beach County and incorporated areas of the County, where the governing body of
18	a municipality elects to opt in to this Ordinance; this Ordinance shall not apply
19	where it conflicts with a municipal ordinance, regardless of the time of passage of
20	the municipal ordinance, or in the event that the governing body of a municipality
21	does not elect to opt in to this Ordinance within its jurisdiction.
22	
23	SECTION 3. Section 29-3 is hereby added to the Code of Palm Beach County, Florida as
24	follows:
25	Sec. 29.3 Enforcement.
26	(a) Palm Beach County Code Enforcement Officers and any other enforcement

(a) Palm Beach County Code Enforcement Officers and any other enforcement personnel as authorized by the County Administrator are authorized to enforce the provisions of this ordinance within unincorporated Palm Beach County.

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(b) In addition to enforcement under Section 125.69, F.S., the violation of any

1	provision of this ordinance may also be enforced pursuant to terms and procedures
2	in Chapter 162, F.S., Local Government Code Enforcement Boards Act, as may be
3	amended or recodified from time to time. Pursuant to Section 162.09(2)(d), Florida
4	Statutes, the Palm Beach County Special Master may impose fines that shall not
5	exceed one thousand dollars (\$1,000.00) per day per violation for a first violation,
6	five thousand dollars (\$5,000.00) per day per violation for a repeat violation, and
7	up to fifteen thousand dollars (\$15,000.00) per violation if the Palm Beach County
8	Special Master finds the violation to be irreparable or irreversible in nature. In
9	determining the amount of the fine, the Palm Beach County Special Master shall
10	consider:
11	1) The gravity of the violation; and
12	2) Any actions taken by the violator to correct the violation; and
13	3) Any previous violations committed by the violator.
14	(c) In incorporated Palm Beach County, this ordinance shall be enforced by any
15	municipal code enforcement officers or any law enforcement agency having
16	jurisdiction of the area within which the violation has occurred pursuant to Chapter
17	162 and Chapter 166, Florida Statutes, or any applicable municipal code
18	enforcement provision.
19	
20	SECTION 4. If any section, subsection, paragraph, provision, sentence, clause, phrase, or word
21	of this ordinance is held unconstitutional, inoperative, invalid, or void, such holding shall not
22	affect the remainder of this Ordinance.
23	
24	SECTION 5. The provisions of this Ordinance shall become and be made a part of the Code of
25	Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be
26	renumbered or relettered to accomplish such, and the word "Ordinance" may be changed to
27	"section", "article", or any other appropriate word.

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1	SECTION 6. Pursuant to Section 125.66(3)	3), Florida Statutes, this Emergency Ordinance shall	
2	be transmitted by the clerk of the board of county commissioners by e-mail to the Department of		
3	State. It shall be deemed to be filed and sl	nall take effect when a copy has been accepted and	
4	confirmed by the Department by e-mail.		
5			
6	APPROVED and ADOPTED by the	Board of County Commissioners of Palm Beach	
7	County, Florida, on this the day of	, 20	
8			
9 10	JOSEPH ABRUZZO, CLERK	PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS	
11 12	By: Deputy Clerk	By: Gregg Weiss, Mayor	
13	Deputy Clerk	Gregg weiss, Mayor	
13			
14 15	APPROVED AS TO FORM AND LEGAL SUFFICIENCY		
16			
17 18	By: County Attorney		