

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, DIRECTING THE CITY ATTORNEY TO SIGN ON BEHALF OF THE CITY OF KEY WEST AN AMICUS CURIAE BRIEF IN SUPPORT OF THE PLAINTIFFS IN ANY APPEAL OF A TRIAL COURT ORDER IN YANES V. O C FOOD & BEVERAGE, LLC (CASE NO. 18-CA-003554-0), WHICH FOUND THAT THE ORANGE COUNTY HUMAN RIGHTS ORDINANCE WAS PREEMPTED BY THE FLORIDA CIVIL RIGHTS ACT; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on May 20, 2019, Florida's Ninth Circuit Court of Appeals entered an order granting the dismissal of the Plaintiff's complaint in Yanes v. O C Food & Beverage, LLC (Case No. 18-CA-003554-0), finding that the Florida Civil Rights Act ("FRCA") preempts the Orange County Human Rights Ordinance, which prohibits discrimination in a place of public accommodation on the basis of sex; and

WHEREAS, the City of Key West has always been at the forefront of protecting civil rights, and has one of the most comprehensive human rights ordinances in the country; and

WHEREAS, Key West is one of forty-four Florida local governments that have enacted a local Human Rights Ordinance that is more protective and more inclusive than Florida state law as set forth in the Florida Civil Rights Act; and

WHEREAS, the Mayor and City Commission find that the court's dismissal of the Plaintiffs' complaint, finding that the FCRA preempted Orange County's Human Rights Ordinance, and that the FCRA provides a complete structure for litigating discrimination cases sets a dangerous precedent which could jeopardize the validity of Key West's Human Rights Ordinance; and

WHEREAS, prior to this recent ruling, the Florida Supreme Court has long held and established that local governments have the constitutional power to enact these anti-discrimination ordinances, and that local Human Rights Ordinances are not preempted by the FCRA; and

WHEREAS, as such, the Mayor and City Commission desire that the City Attorney should sign or co-sign an Amicus Curiae (friend of the court) brief in support of Plaintiffs and in defense of Orange County's Human Rights Ordinance; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the Key West City Commission hereby directs the City Attorney to sign an Amicus Curiae brief in support of the Plaintiffs in the case of Yanes v O C Food & Beverage, LLC (Case No. 18-CA-003554-0), which case found that the Orange County Human Rights Ordinance was preempted by the Florida Civil Rights Act.

Section 2. That no costs shall be incurred by the City's participation in the Amicus Curiae brief.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Authenticated by the Presiding Officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Filed with the Clerk on \_\_\_\_\_, 2019.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

\_\_\_\_\_  
TERI JOHNSTON, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK