

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA AUTHORIZING THE CITY ATTORNEY TO FILE A DECLARATORY JUDGMENT ACTION AGAINST THE GOVERNOR, RON DESANTIS, AND ALL NECESSARY PARTIES OR JOIN IN THE ACTION OF THE CITY OF SOUTH MIAMI TO DETERMINE THE LEGALITY OF THE REQUIREMENT TO ENTER INTO A 287(G) AGREEMENT; AUTHORIZING THE CITY ATTORNEY TO TAKE ALL NECESSARY ACTIONS TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Key West recognizes the importance of complying with state and federal laws, including those related to immigration enforcement; and

WHEREAS, the Chief of Police for the Key West Police Department previously entered into a 287(g) agreement with the United States Immigration and Customs Enforcement (ICE), which allowed the Key West Police Department to receive federal training and participate in federal immigration operations; and

WHEREAS, on June 30, 2025, the Key West City Commission voted to recognize that the existing 287(g) agreement was void and unenforceable. The Florida Attorney General has interpreted that this act constituted a violation of Florida law, specifically Section 908.103, Florida Statutes, which prohibits sanctuary policies and requires local governments to support federal immigration enforcement efforts; and

WHEREAS, on July 2, 2025, the Attorney General of Florida has

communicated that the rescinding of the 287(g) agreement as void and unenforceable has rendered Key West a sanctuary city, thereby impeding the enforcement of federal immigration laws and exposing the city to potential civil and criminal penalties; and

WHEREAS, Chapter 908 of the Florida Statutes prohibits local government entities from adopting or having in effect any sanctuary policy; and

WHEREAS, a "sanctuary policy" is defined under Section 908.102(6) of the Florida Statutes as a law, policy, practice, procedure, or custom adopted or allowed by a state or local governmental entity which prohibits or impedes a law enforcement agency from complying with 8 U.S.C. § 1373 or which prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency so as to limit such law enforcement agency in, or prohibit the agency from participating in a federal immigration operation with a federal immigration agency as permitted by federal and state law ; and

WHEREAS, there is no settled law that establishes that the mere absence of a 287(g) agreement alone constitutes the establishment of a sanctuary city in violation of Florida Statutes, and

WHEREAS, the City of Key West is committed and will continue to use its best efforts to support the enforcement of federal

immigration law as required by Section 908.104(1) of the Florida Statutes;

WHEREAS, the City Commission of the City of Key West, Florida has a duty to ensure that all agreements and requirements imposed upon the city comply with applicable laws and regulations; and

WHEREAS, the requirement to enter into a 287(g) agreement, which involves local law enforcement in federal immigration enforcement, raises significant legal and policy concerns; and

WHEREAS, The City of South Miami has filed a Complaint for Declaratory Relief in the Circuit Court for the Second Judicial Circuit in and for Leon County, Florida (Case No. 2025 CA 000505) requesting The Court to declare, in part, that Cities are not required to enter into "287(g) agreements" with United States Immigration and Customs Enforcement (ICE); and

WHEREAS, it is in the best interest of City of South Miami to seek a judicial determination regarding the legality of the requirement to enter into a 287(g) agreement;

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

Section 1: The City Attorney is hereby authorized and directed to file a declaratory judgment action against the Governor of Florida or to join in the action initiated by the City of South

Miami, as deemed appropriate, to determine the legality of the requirement to enter into a 287(g) agreement.

Section 2: The City Attorney is authorized to take all necessary actions to effectuate the intent of this Resolution, including but not limited to, engaging outside counsel and incurring reasonable expenses related to the legal action.

Section 3: This Resolution shall take effect immediately upon its adoption.

Passed and adopted by the City Commission at a meeting held this _____ day of _____, 2025.

Authenticated by the Presiding Officer and Clerk of the Commission on this _____ day of _____, 2025.

Filed with the Clerk on _____, 2025

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|---------------------------------|-------|
| Mayor Danise Henriquez | _____ |
| Vice Mayor Lissette Carey | _____ |
| Commissioner Aaron Castillo | _____ |
| Commissioner Monica Haskell | _____ |
| Commissioner Mary Lou Hoover | _____ |
| Commissioner Sam Kaufman | _____ |
| Commissioner Donald "Donie" Lee | _____ |

DANISE HENRIQUEZ, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK