

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 8.01 OF THE KEY WEST CHARTER PROPOSING THAT SECTION 1.04 OF THE KEY WEST CHARTER BE AMENDED TO ADD: "GENDER IDENTITY/EXPRESSION, IRRELIGION, AND IMMIGRATION STATUS" TO THE "EQUALITY OF RIGHTS" SECTION OF THE CITY CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statutes Section 166.031 and Key West Charter Section 8.01 provide the City Commission with the authority to propose by ordinance a Charter amendment; and

WHEREAS, the City shall follow Florida Statutes Section 100.342 concerning notice of a referendum and Florida Statutes Section 101.161 concerning preparation of the referendum ballot; and

WHEREAS, section 1.04 of the City Charter for the City of Key West is a provision stating that the rights of persons in the city cannot be abridged because they are a member of a certain class of people, and;

WHEREAS, The City Charter and District Boundary Committee voted to make a recommendation that Section 1.04 of the city charter be amended expand the categories of people

whose rights should not be abridged because they are a member of such class of people, and;

WHEREAS, the City Commission desires that the proposed referendum appear on the Primary Election ballot of August 23, 2022.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:**

Section 1: That an amendment to Key West Charter section 1.04 shall hereby be presented as a referendum to the voters of Key West. The question appearing on the ballot shall have the following title: "Referendum - Expansion of the classes of people whose rights should not be discriminated against because of their membership to a certain group." The question appearing on the ballot shall be worded as follows:

"Should the city charter be amended to expand the classes of people whose rights should not be abridged because of their gender identity/expression, irreligion, or immigration status?"

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YES

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NO

Section 2: In the event of the passage of the proposed Charter amendment set forth in section 1, above, Section 1.04 of the Key West Charter shall be amended as follows:

**Sec. 1.04 Equality of Rights**

The equality of rights under the laws of the City of Key West shall not be denied or abridged because of sex, sexual orientation, gender identity/expression, age, disability, race, creed, irreligion, color, immigration status, or national origin.

Section 3: The City Clerk is hereby authorized and instructed to take all necessary and proper action to place the referendum question set forth in Section 1, above, on the Primary Election ballot of August 23, 2022, and to provide notice of the referendum election as provided by law.

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\*(Coding: Added language is underlined; deleted language is ~~struck through~~.

Section 4: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 5: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 6: This Ordinance 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.

Read and passed on first reading at a regular meeting  
held this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Read and passed on final reading at a regular meeting  
held this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Authenticated by the presiding officer and Clerk of  
the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Filed with the Clerk \_\_\_\_\_, 2022.

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:

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CHERYL SMITH, CITY CLERK