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Amicus Brief re Yanes v. O.C. Food & Beverage, LLC, Case No. 18-CA-003554-O, Regarding State Pre-emption of Local Human Rights Ordinances (B)

The City Attorney of Miami Beach sent a letter to the Mayor and legal staff asking the City to join an amicus brief supporting local authority to enact laws prohibiting discrimination. In Yanes v. O.C. Food & Beverage, LLC, female plaintiffs alleged that an entertainment venue's policy of refusing to admit females unaccompanied by males violated the Orange County Human Rights Ordinance's prohibition against gender discrimination. The Circuit Court judge, rather than hear the merits of the case, held that the Orange County Human Rights Ordinance was impliedly preempted by the Florida Civil Rights Act which provides "a complete structure for litigating discrimination cases." The judge further held the local ordinance preempted inasmuch as it does not require a party to exhaust administrative remedies prior to filing suit. Plaintiffs have filed an appeal to the Fifth District Court of Appeals.

This matter is a case of state-wide significance that raises important legal issues. If the Circuit Court order were to be affirmed, all Florida county and municipal discrimination ordinances would be in peril of being invalidated. Amicus briefing is being prepared by the City of Miami Beach and Orange County. The City is not requested to provide any funding or staff time, aside from review of the court filings.

The Equal Opportunity Director requests the City Commission authorize the City Attorney to join with the City of Miami Beach and Orange County in filing an amicus brief on behalf of the appellants in Yanes v. O.C. Food & Beverage, LLC.