

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

O C FOOD & BEVERAGE, LLC D/B/A
RACHEL'S AND WEST PALM BEACH
FOOD AND BEVERAGE, LLC D/B/A
RACHEL'S ADULT ENTERTAINMENT
AND STEAKHOUSE,

Appellants,

v.

Case No. 5D21-1061
LT Case No. 2018-CA-03554

ORANGE COUNTY, FLORIDA, ANITA
YANES, AND BRITTNEY SMITH,

Appellees.

Opinion filed May 6, 2022

Appeal from the Circuit Court
for Orange County,
Jeffrey L. Ashton, Judge.

Steven G. Mason, of Law Office of Steven
G. Mason, P.A., Altamonte Springs, for
Appellants.

Elaine Marquardt Asad, and Jeffrey J.
Newton, of Orange County Attorney's
Office, Orlando, for Orange County,
Florida.

Matthew W. Dietz, of Disability Independence Group, Inc., Miami, for Appellees, Anita Yanes, and Brittney Smith.

Rafael Paz, Acting City Attorney, Robert F. Rosenwald, Jr., Deputy City Attorney and Farooq I. Andasheva, Assistant, City Attorney I, Miami Beach, Amicus Curiae for Alachua County, Broward County, Monroe County, Palm Beach County, Pinellas County, City of Atlantic Beach, City of Delray Beach, City of Dunedin, City of Ft. Lauderdale, City of Gainesville, City of Mascotte, City of Miami Beach, City of North Port, City of Orlando, City of Sarasota, City of Tampa, City of Wilton Manors, North Bay Village, and Village of Wellington, in support of Appellee.

Travis R. Hollifield, of Hollifield Legal Centre, Winter Park, and Richard E. Johnson, of Law Office of Richard E. Johnson, Tallahassee, Amicus Curiae for National Employment Lawyers Association, Florida Chapter, in support of Appellees.

Diana L. Martin, of Cohen, Milstein, Sellers & Toll, PLLC, Palm Beach Gardens, Lindsay Nako, Impact Fund, Berkeley, CA, Amicus Curiae for Equality Florida Institute, Impact Fund, National Center for Lesbian Rights, ADL, ACLU of Florida, Freedom for All Americans, Lambda Legal Defense and Education Fund, Inc., League of Women Voters of Florida, Legal Aid At Work, and Zebra Coalition, in support of Appellees.

ON MOTION FOR REHEARING, REHEARING EN BANC AND FOR
CERTIFICATION

HARRIS, J.

We deny Appellee's motion for rehearing and motion for rehearing en banc, but grant the motion for certification. We certify the following question as one of great public importance:

ARE THE ADMINISTRATIVE PRECONDITIONS TO
FILING A LAWSUIT SET FORTH IN SECTION
760.11, FLORIDA STATUTES, APPLICABLE TO
ALL DISCRIMINATION CASES FILED IN THE
COURTS OF THE STATE OF FLORIDA OR ARE
LOCAL GOVERNMENTS PERMITTED TO ENACT
ORDINANCES ON THE SAME SUBJECT MATTER
THAT CONFLICT WITH THE STATUTORY
PRECONDITIONS?

NARDELLA and WOZNIAK, JJ., concur.