

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

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, OPPOSING ANY LEGISLATIVE ACTION THAT TARGETS OR DISPROPORTIONATELY IMPACTS LGBTQ-OWNED BUSINESSES, OR BUSINESSES THAT CATER PRIMARILY TO THE LGBTQ COMMUNITY, IN LIGHT OF THE RECENT ENFORCEMENT ACTIONS TAKEN BY GOVERNOR RON DESANTIS AND THE FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION AGAINST SUCH ESTABLISHMENTS.**

**WHEREAS**, on February 3, 2023, Governor Ron DeSantis, through the state's Department of Business and Professional Regulation, filed a 6-count complaint against the Orlando Philharmonic Foundation Inc., for hosting a drag show in the presence of minors; and

**WHEREAS**, regrettably, this is not the first time Governor DeSantis has taken aim at drag performances, and certainly not the first time he has taken aim at the LGBTQ community; and

**WHEREAS**, in July 2022, Governor DeSantis' Administration filed a similar complaint against Miami restaurant R House, citing a 1947 state Supreme Court case that found "men impersonating women" in the context of "suggestive and indecent" performances constitutes a public nuisance; and

**WHEREAS**, in addition, he signed into the law the infamous "Don't Say Gay" law, putting restrictions on how gender and sexual identity are discussed in Florida classrooms, as well as signing legislation that banned transgender athletes from playing on women's sports teams; and

**WHEREAS**, the governor's efforts are part of a nationwide backlash against LGBTQ rights more broadly; and

**WHEREAS**, a new report by the LGBTQ media advocacy group GLAAD found that in 2022 alone, there were at least 124 instances of drag events being protested, threatened or attacked in 47 states, and nationwide, state lawmakers have introduced at least 200 bills targeting LGBTQ people; and

**WHEREAS**, at least 13 states have considered bills that would redefine any venue that hosts drag performances as an adult-oriented business or cabaret; some of the bills, including two in West Virginia, would also make it a crime for a person who is dressed as a sex different than the one they were assigned at birth to perform at all in front of minors; and

**WHEREAS**, anti-drag show and anti-LGBTQ inflammatory political messaging riddled with disinformation and championed by elected officials nationwide directly contribute to violence against LGBTQ people; and

**WHEREAS**, drag shows are no longer the underground phenomenon they once were, and in many places, are family-themed events often held in many cities for younger audiences; and

**WHEREAS**, these attacks on drag shows and performers strike at the heart of individual rights to gather, and perform together, as drag shows are an exercise of artistic and creative expression that should be free from government suppression; and

**WHEREAS**, in addition, many of the venues hosting drag shows are also venues used for gathering of the LGBTQ community, and represent safe spaces; and

**WHEREAS**, the political theatre and anti-LGBTQ rhetoric aimed at drag shows, disguised as concerns for public decency and welfare of minors, is damaging and must not be tolerated; and

**WHEREAS**, the City of Miami Beach is a diverse and inclusive community and has demonstrated a long history of opposing discrimination based on sexual orientation and gender identity, among other categories; and

**WHEREAS**, the City is also a proud host to iconic LGBTQ establishments such as the gay nightclub Twist, and Palace Bar, famous for its outdoor weekend drag brunch shows open to patrons and curious passersby; and

**WHEREAS**, following the closure of many local LGBTQ nightlife establishments including Score, MOVA, Salvation, and Warsaw, the Miami Beach community has long desired to increase the amount of establishments that serve as a safe space to the LGBTQ community and has led to the recent grand opening of HEAVEN South Beach; and

**WHEREAS**, the Mayor and City Commission vehemently oppose any legislative action that targets or disproportionately impacts LGBTQ-owned businesses, or businesses that cater primarily to the LGBTQ community, in light of the recent enforcement actions taken by Governor Ron DeSantis and the Florida Department Of Business and Professional Regulation against such establishments.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby oppose any legislative action that targets or disproportionately impacts LGBTQ-owned businesses, or businesses that cater primarily to the LGBTQ community, in light of the recent enforcement actions taken by Governor Ron DeSantis and the Florida Department of Business and Professional Regulation against such establishments.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(sponsored by Commissioner Alex J. Fernandez)

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
City Attorney

2-14-23  
Date