

**IN THE SUPREME COURT OF FLORIDA**

SILVIO MEMBRENO and  
FLORIDA ASSOCIATION OF  
VENDORS, INC.,

Case No. SC16-616  
L.T. No. 3D14-2603

Petitioners,

v.

THE CITY OF HIALEAH,  
FLORIDA,

Respondent.

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**AMENDED NOTICE OF INTENT TO FILE AMICUS BRIEF<sup>1</sup>**

Pursuant to Florida Rule of Appellate Procedure 9.370(d), Equality Florida Institute, Inc. (hereinafter “Equality Florida”), hereby gives notice that if the Court accepts jurisdiction it intends to seek leave to file an amicus brief in support of Petitioners Silvio Membreno and Florida Association of Vendors, Inc.

Equality Florida is the largest civil rights organization dedicated to securing full equality for Florida’s lesbian, gay, bisexual, and transgender (LGBT) community. Via legal challenges, among other avenues, Equality Florida focuses on ending workplace and housing discrimination, making schools safe learning environments, securing protections for LGBT families, and ending hate violence that disproportionately targets LGBT people. The decision below is of great

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<sup>1</sup> Amended only as to Certificate of Service.

interest to Equality Florida because it holds that the rational basis test applicable to substantive due process challenges under the Florida Constitution, which historically has required courts to evaluate whether a law is discriminatory, arbitrary, oppressive, and also consider evidence as to whether a law bears a reasonable relationship to a legitimate government interest, is now identical to the test under federal law. The federal test does not require such considerations, making it easier for the government to defend the constitutionality of laws on summary judgment. Equality Florida can assist the Court in understanding how the rational basis test set forth by the district court will affect the ability of civil rights organizations to challenge laws that violate substantive due process, including laws adversely affecting LGBT citizens.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by email to the following on this 16th day of May, 2016:

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