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**ALACHUA COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**ORDINANCE 2013-**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, REPLACING CHAPTER 111 OF THE ALACHUA COUNTY CODE OF ORDINANCES, EQUAL OPPORTUNITY, WITH CHAPTER 111, HUMAN RIGHTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
ALACHUA COUNTY, FLORIDA:

SECTION 1. Chapter 111, Equal Opportunity, is hereby replaced in its entirety with  
Chapter 111, Human Rights, as follows:

**CHAPTER 111. HUMAN RIGHTS**

**ARTICLE I. GENERAL PROVISIONS**

**Sec. 111.01 Legislative Findings.**

It is hereby declared by the Alachua County Board of County Commissioners that:

(a) It is a matter of concern to the Board to protect and safeguard the right and opportunity of all individuals to be free from discrimination, including discrimination based on race, color, national origin, religion, sex, marital status, familial status, age, disability, sexual orientation, gender identity or expression; and

(b) The Board's purpose in enacting this ordinance is to promote the personal dignity, public safety, health and general welfare of all individuals who live in, visit and work in Alachua County; and

(c) Discriminatory practices are contrary to the public policy of Alachua County and are a menace to the personal dignity, public safety, health and general welfare of our citizens and, as such, the Board shall direct its efforts toward eliminating discriminatory practices within Alachua County in the areas of employment, housing and public accommodations.

1 **Sec. 111.02 Title of chapter.**

2 Chapter 111, Articles I-IV shall be known and cited as the "Human Rights Ordinance" of  
3 Alachua County.

4  
5 **Sec. 111.03 Intent of chapter.**

6 It is the intent of this chapter to secure for all individuals within Alachua County freedom  
7 from discrimination because of race, color, national origin, religion, sex, marital status, age,  
8 disability, sexual orientation, gender identity or expression in connection with employment,  
9 housing or public accommodations and familial status in housing.

10  
11 **Sec. 111.04 Territorial jurisdiction.**

12 This chapter shall be applicable to incidents of alleged discriminatory practices within the  
13 geographic boundaries of Alachua County. If any municipality in Alachua County has in force  
14 or adopts its own human rights ordinance, such municipal ordinance shall prevail over the  
15 Human Rights Ordinance of Alachua County to the extent of any conflict between the two  
16 ordinances.

17  
18 **Sec. 111.05 Definitions.**

19 The following words, terms, and phrases, when used in this chapter, shall have the  
20 meanings ascribed to them in this section, except where the context clearly indicates a different  
21 meaning:

22 *Age.* Person(s) who are 18 years of age or older.

23  
24 *Aggrieved person.* Any person who claims to have been injured by a discriminatory  
25 practice or believes that he or she will be injured by a discriminatory practice that is about to  
26 occur.

27  
28 *Because of sex or on the basis of sex* includes but is not limited to, because of or on the  
29 basis of pregnancy, childbirth or related medical conditions.

30  
31 *Board* means the Alachua County Human Rights Board created by this chapter.

32  
33 *Complainant.* A person who files a complaint with the county pursuant to this chapter.

34  
35 *Covered multifamily dwelling:*

36  
37 (1) A building which consists of four or more units and has an elevator; or

38  
39 (2) Ground floor units of a building which consists of four or more units and does not  
40 have an elevator.

41  
42 *Disability* means, as the term pertains to an individual:

43  
44 (1) A physical or mental impairment that substantially limits one or more of the  
45 major life activities of such individual;

- 1  
2 (2) A record of such impairment; or  
3  
4 (3) Being regarded as having such an impairment.  
5

6 For purposes of the sections of this chapter as they relate to employment, such term does  
7 not include any individual who is an alcohol or drug abuser whose current use of alcohol or  
8 drugs prevents such individual from performing the duties of the job in question or whose  
9 employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to  
10 the property or safety of others.

11  
12 *Discriminatory practice* means an act that is unlawful under this chapter.  
13

14 *Domestic partner* means a person in a legal or personal relationship between two  
15 individuals (not related by blood) who live together and share a common domestic life but are  
16 neither joined by marriage nor a civil union, pursuant to a state or municipal Domestic Partner  
17 Registry.  
18

19 (1) Domestic partnership as recognized under this ordinance shall not be construed to  
20 rise to the level of marriage as defined under state or federal law.  
21

22 *Employee* means any individual employed by or seeking employment from an employer.  
23

24 *Employer* means any person employing five (5) or more employees for each working day  
25 in each of four (4) or more consecutive calendar weeks in the current or preceding calendar year,  
26 and any agent of such person. Such term shall include Alachua County Board of County  
27 Commissioners, but shall not include:  
28

29 (1) The United States or a corporation wholly owned by the government of the  
30 United States; the State of Florida, any municipal government within Alachua County, or other  
31 governmental entity within Alachua County;  
32

33 (2) An Indian tribe; or  
34

35 (3) A bona fide private membership club (other than a labor organization) which is  
36 exempt from taxation under section 501(c) of title 26, United States Code.  
37

38 *Employment agency* means any person regularly undertaking, with or without  
39 compensation, to procure employees for an employer, or to procure for employees opportunities  
40 to work for an employer, and includes an agent of such a person.  
41

42 *Familial status* is established when an individual who has not attained the age of 18 years  
43 is domiciled with:  
44

45 (1) A parent or other person having legal custody of such individual; or

1  
2 (2) A designee of a parent or other person having legal custody, with the written  
3 permission of such parent or other person.  
4

5 *Family.* Includes a single individual.  
6

7 *Genetic information.* Includes information about an individual's genetic tests and the  
8 genetic tests of an individual's family members, as well as information about the manifestation  
9 of a disease or disorder in an individual's family members (i.e. family medical history).  
10

11 *Gender identity or expression* shall mean an individual's physical appearance,  
12 presentation or representation of being a male or a female, regardless of that individual's  
13 assigned sex at birth.  
14

15 *Housing or housing accommodation.* Any building, structure, or portion thereof, mobile  
16 home, or trailer, or other facility which is occupied as, or designed or intended for occupancy as,  
17 a residence by one or more families, and any vacant land which is offered for sale or lease for the  
18 construction or location thereon of any such building, structure, or portion thereof, mobile home  
19 or trailer, or other facility.  
20

21 *Labor organization* means:  
22

23 (1) An organization of any kind representing employees in dealing with employers  
24 concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of  
25 employment;  
26

27 (2) A conference, general committee, joint or system board, or joint council which is  
28 subordinate to a national or international labor organization; or  
29

30 (3) An agent of a labor organization.  
31

32 *Lending institution.* Any bank, insurance company, savings and loan association,  
33 mortgage company, or any other person or organization regularly engaged in the business of  
34 lending money or guaranteeing loans, or sources of credit information, including, but not limited  
35 to, credit bureaus.  
36

37 *Major life activities* mean basic activities that the average person in the general  
38 population can perform with little or no difficulty including, but not limited to, caring for  
39 oneself, performing manual tasks, walking, sitting, standing, lifting, seeing, hearing, speaking,  
40 breathing, learning, thinking, concentrating, working and interacting with other people. Major  
41 life activities also includes major bodily functions including, but not limited to, functions of the  
42 immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory,  
43 circulatory, endocrine, and reproductive functions.  
44

45 *Manager* means the manager of the Alachua County Equal Opportunity Office.

1  
2       *Marital Status* means an individual’s status of being married, separated, or unmarried,  
3 including being single, divorced, widowed or a domestic partner.  
4

5       *National Origin* means to be from a particular country or part of the world by ancestry,  
6 naturally, by marriage, or by adoption.  
7

8       *Owner.* Any person, including, but not limited to, a lessee, sub-lessee, assignee, manager,  
9 or agent, and also including Alachua County government, having the right of ownership or  
10 possession, or the authority to sell or lease any housing accommodation.  
11

12       *Person* includes an individual, association, corporation, joint apprenticeship committee,  
13 joint-stock company, labor union, legal representative, mutual company, partnership, receiver,  
14 trust, trustee in bankruptcy, or unincorporated organization, any other legal or commercial entity,  
15 the state, or any other governmental entity or agency.  
16

17       *Place of public accommodation* means an establishment which serves or holds itself out  
18 to serve the public, including where a member of the public would go to seek the goods, services  
19 and facilities which are held out as being open to the public.  
20

21       *Private membership club.* A private organization which is exempt from taxation under  
22 section 501 (c) of title 26, United States Code; has meaningful conditions on limited membership  
23 and eligibility requirements; is controlled or owned by club members and restricts facilities and  
24 services to members and their guests.  
25

26       *Protected status or characteristic.* Race, color, national origin, religion, sex, marital  
27 status, age, disability, sexual orientation, gender identity or expression, and familial status with  
28 regard to housing.  
29

30       *Real estate broker or salesperson.* A person, whether licensed or not, who lists, sells,  
31 purchases, exchanges, rents, or leases real property, or who negotiates or attempts to negotiate  
32 any of these activities, or who holds himself or herself out as engaged in these activities, or who  
33 negotiates or attempts to negotiate a loan secured or to be secured by mortgage or other  
34 encumbrance upon real property, or who is engaged in the business of listing real property in a  
35 publication; or a person employed by or acting on behalf of any of these.  
36

37       *Real estate transaction.* The sale, purchase, exchange, rental, or lease of real property,  
38 and any contract pertaining thereto.  
39

40       *Readily achievable* means easily accomplishable and able to be carried out without much  
41 difficulty or expense.  
42

43       *Rent.* Lease, sublease, assignment, and/or rental, including any contract to do any of the  
44 foregoing, or otherwise granting for a consideration the right to occupy premises that are not  
45 owned by the occupant.

1  
2       *Respondent.* Any person against whom a complaint is filed pursuant to this chapter.  
3

4       *Sale.* Any contract to sell, exchange, or to convey, transfer, or assign legal or equitable  
5 title to, or a beneficial interest in, real property.  
6

7       *Sexual orientation* means an individual's actual or perceived heterosexuality,  
8 homosexuality or bisexuality.  
9

10       *Substantially limits* means how an impairment affects the ability to perform a major life  
11 activity and is to be construed broadly in favor of expansive coverage, to the maximum extent  
12 permitted by the terms of federal or state anti-discrimination laws and regulations.  
13

14       *Transgender* means an individual whose gender identity or expression differs from his or  
15 her assigned sex at birth.  
16

17       *Transitioning* means the process of permanently changing one's gender.  
18

19 **Sec. 111.06 Generally.**

20       It is a violation of this chapter for a person who owns or operates a place of employment,  
21 housing or public accommodation, either personally or through the actions of an employee or  
22 independent contractor, to:  
23

24       (a)     discriminate against a person in employment, housing or public accommodations  
25 because of that individual's protected status or characteristic; or  
26

27       (b)     display or publish any written communication which is to the effect that a person  
28 is unwelcome, objectionable or unacceptable because of that individual's protected status or  
29 characteristic.  
30

31 **Sec. 111.07 Incorporation of federal and state regulations.**

32       With respect to the provisions of this chapter which relate to the prohibition of  
33 discrimination in employment, housing or public accommodations, the applicable provisions of  
34 federal and state anti-discrimination laws and regulations promulgated pursuant thereto are  
35 hereby incorporated by reference as if set out in full herein.  
36

37 **Sec. 111.08 Retaliation, coercion, interference, obstruction, or prevention of compliance**  
38 **with this chapter.**

39       It is an unlawful discriminatory practice for a person to conspire to:  
40

41       (a)     Retaliate or discriminate against a person because he or she has opposed a  
42 discriminatory practice, or because he or she has made a charge, filed a complaint, testified,  
43 assisted, or participated in an investigation, proceeding, or hearing under this chapter.  
44  
45

1 (b) Aid, abet, incite, or coerce a person to engage in an unlawful discriminatory  
2 practice.

3  
4 (c) Willfully interfere with the performance of a duty or the exercise of a power by  
5 the board or manager, or one of their staff members or representatives.

6  
7 (d) Willfully obstruct or prevent a person from complying with the provisions of this  
8 chapter or an order issued hereunder.

9  
10 **Sec. 111.09 Human Rights Manager.**

11  
12 (a) The manager of the Alachua County Equal Opportunity Office is hereby  
13 designated and authorized to serve as the human rights manager and to administer the provisions  
14 of this chapter.

15  
16 (b) The duties, functions, powers, and responsibilities of the human rights manager  
17 are as follows:

18  
19 (1) Implement the provisions of this chapter and the rules and regulations  
20 promulgated hereunder, and all Alachua County ordinances, codes, rules, and regulations  
21 pertaining to discrimination in employment, housing and public accommodations, and advise the  
22 board of county commissioners when changes in the federal or state human rights laws require  
23 revisions to the county's human rights ordinance.

24  
25 (2) Receive and investigate or refer written complaints, as provided by this chapter,  
26 of unlawful practices in violation of this chapter. Refer any written complaints received by the  
27 manager that allege unlawful practices in employment, housing or public accommodations by the  
28 federal government, the State of Florida, any municipality within Alachua County, or any other  
29 governmental entity within Alachua County, to the appropriate agency with authority to  
30 investigate such complaints. Refer any written complaints received by the manager that allege  
31 unlawful discrimination in county programs and services, or by a vendor doing business with  
32 Alachua County to the appropriate federal or state agency for investigation or, at the option of  
33 the complainant, have such complaints investigated internally by the county's equal opportunity  
34 office in accordance with the policies and procedures adopted by the board of county  
35 commissioners for internal investigations.

36  
37 (3) Upon receiving a written complaint, make such investigations as the manager  
38 deems appropriate to ascertain facts and issues.

39  
40 (4) Utilize methods of persuasion, conciliation and mediation or informal resolution  
41 of grievances.

42  
43 (5) Provide assistance in all matters relating to discrimination in equal employment,  
44 housing and public accommodations within Alachua County.

1 (6) Publish and disseminate public information and educational materials relating to  
2 discrimination in employment, housing and public accommodations.  
3

4 (7) Keep the human rights board fully and currently informed of all complaints  
5 alleging violations of this chapter and actions taken thereon, and of other actions taken by the  
6 manager under the provisions of this chapter, and attend all meetings of the human rights board,  
7 or send a designee.  
8

9 (8) Implement recommendations received from the human rights board concerning  
10 this chapter and the carrying out of its intent. When, in the opinion of the manager, effectuating  
11 any such recommendation would be undesirable or unfeasible, the manager shall promptly so  
12 report to the board, with his or her reasons. Any differences of judgment not able to be resolved  
13 between the board and the manager shall be referred to the county manager for his or her  
14 determination, and the board may, if it feels the matter warrants, further carry any such  
15 unresolved differences to the board of county commissioners for decision.  
16

17 (9) Make annual reports to the board of county commissioners, through the county  
18 manager, and to the human rights board, of activities under the provisions of this chapter, and  
19 make recommendations concerning methods by which to reduce discrimination, and such other  
20 comments and recommendations as the manager may choose to make.  
21

22 (10) Conduct educational and public information activities that are designed to  
23 promote the policy of this chapter.  
24

25 (11) Bring to the attention of the board of county commissioners, through the county  
26 manager, those items that may require the board of county commissioners' notice or action to  
27 resolve.  
28

29 **Sec. 111.10 Human Rights Board.**

30 (a) The board shall be composed of seven members plus one alternate member  
31 appointed by the board of county commissioners. The membership shall consist, whenever  
32 possible, of the following: a member of the Alachua County Citizens Disability Advisory  
33 Committee, an attorney eligible to practice in the State of Florida, a residential rental manager, a  
34 representative of a lending institution, and four citizens-at-large. Membership shall be  
35 representative of the county's population and, whenever possible, should reflect racial, ethnic,  
36 and religious minorities, as well as geographic, economic, and gender considerations.  
37

38 (b) Members of the board shall serve terms of three years each; provided, however,  
39 that three of the initial appointments shall be for a term of one year, two of the initial  
40 appointments shall be for a term of two years, and the remaining two initial appointments shall  
41 be for a term of three years. Thereafter, all appointments shall be for three-year terms.  
42

43 (c) The members of the board shall receive no compensation.  
44  
45



1 (d) The board shall annually elect one of its members as chair and one as vice-chair.  
2 Elections shall be held at the first regularly scheduled meeting after appointment of the board.  
3 The chair shall preside and conduct meetings of the board. The vice-chair shall act in the absence  
4 of the chair. A quorum for the conduct of lawful business of the board shall be a majority of the  
5 current members. Unless otherwise stated in this chapter, all actions and decisions of the board  
6 may be by a simple majority vote of those members present at a lawful meeting of the board.  
7

8 (e) The attendance policy for the board shall be in accordance with the attendance  
9 policy for boards and committees as set forth in the Alachua County Board of County  
10 Commissioners Rules of Procedure. The attendance policy shall apply to the alternate member.  
11

12 (f) The board shall have the power and authority to promulgate such procedures and  
13 rules as necessary to conduct the business of the board, provided such rules are not inconsistent  
14 with this chapter and provided that such rules may be subject to review and repeal by and at the  
15 discretion of the board of county commissioners.  
16

17 (g) The board shall meet as often as necessary. The manager shall schedule each  
18 meeting and give notice of the time and place of the meetings to all board members, all parties to  
19 be heard, and the public. Special meetings of the board may be convened by the chair, with the  
20 concurrence of the manager, upon giving notice thereof to the members of the board, or may be  
21 called by written notice signed by three members of the board and the manager. The notice of a  
22 special meeting shall be given, whenever possible, at least 24 hours prior thereto. All meetings  
23 shall be public.  
24

25 (h) The county manager shall provide clerical and administrative support, through the  
26 county's equal opportunity office, to the board as may be reasonably required by the board to  
27 discharge its duties and responsibilities. The county manager shall provide a regular meeting  
28 place for the board.  
29

30 **Sec. 111.11 Powers and duties.**

31 The board shall have the following duties, powers, functions, and responsibilities:  
32

33 (a) Adopt rules and procedures necessary to conduct the business of the board.  
34

35 (b) Make recommendations to the manager for the enforcement of this chapter and  
36 the carrying out of its intent.  
37

38 (c) Subpoena and compel the production of evidence necessary for investigation of  
39 complaints filed for any alleged violation of this chapter. Administer oaths and compel the  
40 attendance of witnesses and production of evidence by subpoenas issued by the chair of the  
41 board.  
42

43 (d) Review the manager's actions and decisions on all complaints of discrimination as  
44 provided for in this chapter.  
45

1 (e) Review and comment on the manager's annual report, and forward such  
2 comments to the board of county commissioners.  
3

4 (f) In coordination with the manager, take other informational, educational, or  
5 persuasive actions to implement the intent of this chapter.  
6

7 (g) Apply to the circuit court for enforcement of any subpoena upon the refusal to  
8 answer or produce the requested document or information, wherein the circuit court shall  
9 determine the matter.  
10

11 (h) Recommend that the county seek prompt judicial action for appropriate temporary  
12 or preliminary relief pending final disposition of a complaint if the board determines that such  
13 action is necessary to carry out the intent of this chapter.  
14

15 (i) Any other powers and duties provided elsewhere in this chapter.  
16

17 **Sec. 111.12 Filing of complaints.**

18 (a) Any person claiming to be aggrieved by an unlawful practice prohibited by this  
19 chapter may file a written, verified complaint with the manager, or his or her designated  
20 representative. The complaint shall state the name and address of the complainant and the person  
21 or persons against whom the complaint is made (hereinafter referred to as the "respondent"). The  
22 complaint shall set forth the facts upon which the complaint is made, and such other information  
23 as the manager requires. The complaint must be filed within one-hundred eighty (180) days after  
24 the date the alleged unlawful practice has most recently occurred. The complaint may be  
25 withdrawn by the complainant at any time.  
26

27 (b) When it is determined that a complaint has been timely filed, the manager shall  
28 serve notice of the filing and a copy of the complaint upon the respondent. Notice should be  
29 served within ten (10) business days of the date of filing. An amendment likewise shall be served  
30 upon the respondent. The notice shall advise the respondent of relevant procedural rights and  
31 obligations.  
32

33 (c) The manager shall serve notice upon the complainant acknowledging the filing of  
34 the complaint and advising the complainant of relevant procedural rights and remedies. The  
35 notice shall advise the complainant of remedies and choice of forums and inform the  
36 complainant that the administrative procedure provided for in this chapter is neither an obstacle  
37 nor a prerequisite to the complainant commencing a separate civil action on his or her own.  
38

39 (d) Once a complaint has been served on the respondent, the respondent shall  
40 preserve all records and other evidence which may pertain to the complaint until the matter has  
41 been finally determined.  
42  
43

1 (e) The respondent shall file an answer to the complaint not later than ten (10)  
2 business days after receipt of the notice of the filing. The answer shall be sworn to or affirmed  
3 before a notary public or other person duly authorized by law to administer oaths and take  
4 acknowledgments.

5  
6 (f) A complaint or answer may be amended at any time when it would be fair and  
7 reasonable to do so, and the manager shall furnish a copy of each amended complaint or answer  
8 to the respondent or the complainant, respectively, as promptly as practicable. With respect to  
9 any complaint filed pursuant to this chapter, the burden of proof is on the complainant.

10  
11 **Sec. 111.13 Processing of complaints.**

12 (a) Within thirty (30) days after the filing of a complaint, the manager shall  
13 commence such investigation as deemed appropriate to ascertain facts and issues. The manager  
14 may utilize the services and information gathered from other public agencies charged with the  
15 administration of equal opportunity laws.

16  
17 (b) The following investigation procedures shall be followed:

18  
19 (1) *Complaint verification.* As part of the investigation process, the  
20 complaining party may be required to provide an additional sworn written statement which shall  
21 include:

22  
23 a. A statement of each particular harm or potential harm which the  
24 aggrieved person has suffered or will suffer and the date on which each harm occurred or will  
25 occur.

26  
27 b. For each harm, a statement specifying the act, policy, or practice  
28 which is alleged to be unlawful.

29  
30 c. For each act, policy, or practice alleged to have harmed the  
31 aggrieved person, a statement of the facts which led the complainant to believe that the act,  
32 policy, or practice is discriminatory.

33  
34 (2) *Requests for information.* In investigating a complaint, the manager and/or  
35 the manager's designee may obtain information by:

36  
37 a. Oral interview; and/or

38  
39 b. Requests for written statement or affidavit; and/or

40  
41 c. Any discovery methods set forth in the Florida Rules of Civil  
42 Procedure.

43  
44 (3) *Investigations.* The investigations will seek the voluntary cooperation of  
45 all persons in obtaining information. If, however, the manager is unable to obtain the voluntary

1 cooperation of persons, he or she shall request the board to issue subpoenas. The board shall  
2 have the power to issue subpoenas or subpoenas duces tecum. Any subpoena issued by the board  
3 must be approved by the county attorney as to the subpoena's legality before it is issued.  
4

5 (4) *Complaining party's failure to cooperate.* Where the complainant fails to  
6 provide a necessary information statement; fails or refuses to appear or be available for  
7 interviews or conferences; fails or refuses to provide necessary information requested by the  
8 manager pursuant to this section; or otherwise refuses to cooperate to the extent that impedes the  
9 investigation, the manager shall dismiss the complaint after providing twenty (20) days' notice to  
10 the complainant unless the manager, with board approval, determines there is sufficient grounds  
11 and sufficient evidence to proceed with the complaint.  
12

13 (5) *Access to files during investigation.* Information obtained during the  
14 investigation of a complaint shall be disclosed only to the complainant, the respondent, or their  
15 authorized representatives, or to witnesses, only when disclosure is deemed necessary by the  
16 manager for the investigation or for securing appropriate disposition of the complaint. The  
17 manager may direct that a particular record, document, or portion thereof be withheld from  
18 inspection by a party only when necessary for the protection of a witness or third party, or for the  
19 preservation of a trade secret, and only in accordance with the provisions of the Florida Public  
20 Records Law.  
21

22 (c) The manager shall, within one hundred (100) days after the filing of a complaint,  
23 complete the investigation of the alleged unlawful discriminatory practice, unless it is  
24 impracticable to do so. If the manager is unable to complete the investigation within one hundred  
25 (100) days after the filing of a complaint, the manager shall notify, by certified mail or by  
26 personal service, the complainant and the respondent in writing of the reasons for not so doing.  
27 The manager shall notify the aggrieved person and the respondent if administrative disposition of  
28 the complaint pursuant to this chapter cannot be accomplished within one year of the filing of the  
29 complaint.  
30

31 (d) Beginning with the filing of the complaint and ending with the filing of a  
32 reasonable cause charge, as provided for in subsection (g) herein, the manager shall attempt to  
33 conciliate the matter by methods of initial conference and persuasion with all interested parties  
34 and such representatives as the parties may choose to assist them. Such conciliation conferences  
35 may be by whatever method the manager determines to be most appropriate. The manager shall  
36 attempt to achieve a just resolution of all violations found, and to obtain agreement that the  
37 respondent will eliminate the unlawful practice and provide appropriate affirmative relief. Except  
38 as provided in subsection (e) herein, nothing that is said or done in the course of conciliation or  
39 such informal endeavors may be made public or used as evidence in a subsequent proceeding  
40 without the written consent of the persons concerned.  
41

42 (e) Where conciliation attempts are successful, the terms of a settlement of a  
43 complaint shall be reduced to a written conciliation agreement. The agreement must be executed  
44 by the respondent and the complainant, and is subject to the approval of the manager. The  
45 conciliation agreement shall seek to protect the interests of the aggrieved person, other persons

1 similarly situated, and the public interest. Confidentiality of conciliation agreements shall be  
2 maintained in accordance with Florida public records law.

3  
4 (f) A duly executed conciliation agreement shall operate as a dismissal of the  
5 complaint.

6  
7 (g) If conciliation has not been reached within one hundred (100) days of the filing of  
8 the complaint and the complaint has not been withdrawn, the manager shall make a  
9 recommendation as to whether or not reasonable cause exists to believe that an unlawful  
10 discriminatory practice has occurred or is about to occur. Reasonable cause shall be based upon  
11 sufficiently trustworthy information which would lead an impartial observer to believe that a  
12 discriminatory practice has occurred or is likely to occur. The manager and/or the manager's  
13 designee shall report the results of the investigation and his or her recommendation to the board.  
14 The board shall receive a copy of the manager's report and shall have the opportunity to review  
15 the report and submit comments to the manager. If the board determines that reasonable cause  
16 exists to believe that a discriminatory practice has occurred or is about to occur, it shall issue a  
17 notice of determination of reasonable cause. A copy of the notice shall be served upon the  
18 respondent, the complainant, and the aggrieved person within twenty (20) days after the notice  
19 has been issued; along with the notice, the parties shall be advised of the options available under  
20 this section.

21  
22 (h) When the board has issued a notice of determination of reasonable cause, the  
23 aggrieved person may either:

24  
25 (1) Bring a civil action against the person named in the complaint in any court  
26 of competent jurisdiction no later than one year after the date of determination of reasonable  
27 cause by the board; or

28  
29 (2) Request an administrative hearing as provided for in subsection (j) herein.  
30 The request for an administrative hearing must be in writing and must be made no later than  
31 thirty-five (35) days after the date of determination of reasonable cause by the board. The  
32 election by the aggrieved person of filing a civil action or requesting an administrative hearing  
33 under this subsection is the exclusive procedure available to the aggrieved person pursuant to this  
34 chapter.

35  
36 (i) If the manager determines that the complaint lacks reasonable grounds upon  
37 which to base a violation of this chapter, the manager shall dismiss the complaint, then shall  
38 inform the board of his or her findings through a written report. The board, in its discretion, may  
39 order that the matter be closed or may order, by a three-fourths majority vote, such further  
40 investigation as may be deemed necessary. If further investigation is ordered, the results thereof  
41 shall be presented to the board in the form of a written report within sixty (60) days and shall be  
42 acted upon by the board within an additional thirty (30) days.

43  
44 (j) If a request for an administrative hearing is timely made under subsection (h), an  
45 administrative hearing shall be held and shall be conducted according to the procedures provided

1 in F.S. §§ 120.57(l) . Any conciliation agreement reached prior to a scheduled hearing may result  
2 in such hearing being cancelled. The county, through the county manager's office, shall arrange  
3 for the services of a hearing officer to conduct the administrative hearing.  
4

5 (k) In conducting any administrative hearing to determine whether or not there has  
6 occurred a failure to comply with the provisions of this chapter, the hearing officer shall have the  
7 power to administer oaths, issue subpoenas, compel the production of books, paper, and other  
8 documents, and receive evidence. In interpreting the provisions of this chapter, the hearing  
9 officer may consider administrative and judicial interpretations of substantially equivalent  
10 provisions of federal or state laws.  
11

12 (l) The hearing officer shall transmit the recommended order conforming to the  
13 requirements of Chapter 120, F.S. § 120.59 to the board. The manager and the board shall review  
14 such order and, in an addendum to such order, the board may set forth its findings and  
15 recommendations with respect to the order. In reviewing such recommended order, the board  
16 shall not have the power to receive or consider additional evidence. The board shall have no  
17 power to reject or modify the findings of fact contained in the recommended order, unless the  
18 board first determines from a review of the complete record, and states with particularity in its  
19 addendum to the recommended order, that the findings were not based upon competent,  
20 substantial evidence, or that the proceedings on which the findings in the recommended order  
21 were based did not comply with the essential requirements of law. The recommended order  
22 together with the addendum of the board shall be considered as the final order of the board. The  
23 final order shall be served upon the complainant and respondent within 10 business days of  
24 adoption by the board. If the hearing officer finds that a discriminatory practice has occurred or  
25 is about to occur, he or she shall issue a recommended order to the board prohibiting the practice  
26 and recommending affirmative relief from the effects of the practice, including actual damages  
27 and reasonable attorneys' fees and costs and other injunctive or equitable relief. Judgment for the  
28 amount of damages and costs assessed pursuant to a final order by the board may be entered in  
29 any court having jurisdiction thereof and may be enforced as any other judgment.  
30

31 (m) Final orders of the board are subject to judicial review pursuant to F.S. § 120.68.  
32 Unless specifically ordered by the court, the commencement of any appeal does not suspend or  
33 stay an order of the board. In the event the aggrieved person is the prevailing party on any  
34 appeal, he or she shall be entitled to reasonable attorneys' fees and costs.  
35

36 (n) Either party to the administrative proceeding or the county shall have authority to  
37 bring an action in equity in the circuit court to enforce the final administrative order to ensure  
38 compliance with this chapter. The court of equity shall be empowered to issue mandatory or  
39 prohibitive injunctions to implement such administrative order.  
40

41 (o) Should any party fail or refuse to comply with the final order issued by the board  
42 or breach a conciliation agreement as provided herein, then, following the expiration of the  
43 appeal time as provided herein, the board shall forward such order or conciliation agreement to  
44 the board of county commissioners with a request that the board of county commissioners

1 authorize the county attorney to bring such action or actions as necessary to obtain compliance  
2 with this chapter.

3  
4 **Sec. 111.14 Civil action and penalties.**

5 In any civil action commenced under subsection (h) of section 111.13, the court may  
6 issue an order prohibiting the discriminatory practice and providing affirmative relief from the  
7 effects of the practice, including back pay. The court may also award compensatory damages,  
8 punitive damages, and other relief in accordance with federal and state anti-discrimination laws.  
9 A civil action brought under this chapter shall be commenced no later than one (1) year after the  
10 date of determination of reasonable cause by the board. The commencement of a civil action  
11 shall divest the board of jurisdiction of the complaint.

12  
13 **Sec. 111.15 Implementation date.**

14 This ordinance shall be implemented on January 1, 2014.

15  
16 (Sec. 111.16 -111.24 reserved for future use)

17  
18 ARTICLE II. EQUAL EMPLOYMENT OPPORTUNITY

19  
20 **Sec. 111.25 Discrimination in employment.**

21 (a) *Employers.* It is an unlawful discriminatory practice for an employer, on the basis  
22 of a protected status or characteristic, to:

23  
24 (1) Fail or refuse to hire, discharge, or otherwise discriminate against a person  
25 with respect to compensation or the terms, conditions, or privileges of employment.

26  
27 (2) Limit, segregate, or classify an employee in any way which would deprive  
28 or tend to deprive a person of employment opportunities or otherwise adversely affect the status  
29 of an employee.

30  
31 (3) Discriminate against any person because of a physical or mental disability  
32 except with respect to a bona fide occupational qualification.

33  
34 (b) *Employment agencies.* It is an unlawful discriminatory practice for an  
35 employment agency, on the basis of a protected status or characteristic, to:

36  
37 (1) Fail or refuse to refer for employment or otherwise discriminate against an  
38 individual; or

39  
40 (2) Classify or refer for employment an individual on such a discriminatory  
41 basis.

42  
43 (c) *Labor organizations.* It is an unlawful discriminatory practice for a labor  
44 organization, on the basis of a protected status or characteristic, to:

1 (1) Exclude or to expel from membership or otherwise discriminate against  
2 any individual.

3  
4 (2) Limit, segregate, classify membership or applicants for membership, or  
5 refuse to refer an individual for employment in a way which would deprive or tend to deprive,  
6 limit, or adversely affect an individual's employment opportunities.

7  
8 (3) Discriminate against any person because of a physical or mental disability  
9 except with respect to a bona fide occupational qualification.

10  
11 (4) Cause, assist, or attempt to cause or assist an employer to violate this  
12 article.

13  
14 (d) *Training programs.* It is an unlawful discriminatory practice for an employer,  
15 labor organization, or training committee, on the basis of a protected status or characteristic, to  
16 discriminate against an individual in a training program providing apprenticeship or other  
17 training.

18  
19 (e) *Genetic Information Discrimination.* It is an unlawful discriminatory practice for  
20 an employer, employment agency, labor organization or training/apprenticeship program to use  
21 genetic information to make employment decisions or to disclose genetic information about  
22 applicants, employees or members. Employers and agencies referenced above are restricted from  
23 requesting, requiring or purchasing genetic information except as allowed under federal law.

24  
25 (f) *Pregnancy Discrimination.* It is unlawful and discriminatory for an employer,  
26 employment agency, labor organization or training/apprenticeship program, to fail to treat  
27 women affected by pregnancy, childbirth or related medical conditions the same for all  
28 employment-related purposes including receipt of benefits under fringe benefit programs, as  
29 other persons are treated who are not so affected but similar in their ability or inability to work.

30  
31 (g) *Advertising.* It is an unlawful and discriminatory practice for an employer, labor  
32 organization, or employment agency to publish an advertisement relating to employment,  
33 indicating a preference, limitation, specification, or discrimination on the basis of a protected  
34 status or characteristic.

35  
36 (h) *Discriminatory information gathering.* Except as permitted and required by  
37 regulations of the county, or by applicable federal or state law, or bona fide occupation  
38 qualifications, it is a discriminatory practice for an employer or employment agency to elicit  
39 information about an employee, because of a protected status or characteristic, to keep or  
40 disclose a record of such information for the purpose of effecting discrimination.

41  
42 **Sec. 111.26 Exceptions.**

43 (a) It is not a discriminatory practice under this chapter for:

44  
45 (1) An employer to hire and employ employees;



1  
2 (2) An employment agency to classify or refer for employment any  
3 individual;

4  
5 (3) A labor organization to classify its membership or to classify or refer for  
6 employment any individual; or

7  
8 (4) A joint labor/management committee controlling apprenticeship or other  
9 training or retraining program to admit or employ any programs to admit any person in any such  
10 program;

11  
12 on the basis of an individual's protected status or characteristic in those certain instances where  
13 race, color, national origin, religion, sex, marital status, age, or disability, sexual orientation or  
14 gender identity is a bona fide occupational qualification reasonably necessary to the normal  
15 operation of that particular business or enterprise.

16  
17 (b) It is not a discriminatory practice for a religious corporation, association,  
18 educational institution, or society to employ or give preference in employment to individuals of a  
19 particular religion to perform work connected with the carrying on by such corporations,  
20 associations, educational institutions, or societies of its various activities.

21  
22 (c) It is not a discriminatory practice to observe the terms of a bona fide seniority  
23 system, a bona fide employee benefit plan such as a retirement, pension, or insurance plan, or a  
24 system which measures earnings by quantity or quality of production, which is not designated,  
25 intended, or used to evade the purposes of this article. However, no such employee benefit plan  
26 or system which measures earnings shall be excused the failure to hire, and no such seniority  
27 system, employee benefit plan or system which measures earnings shall execute the involuntary  
28 retirement of any individual on the basis of any factor not related to the ability of such individual  
29 to perform the particular employment for which such individual has applied or in which such  
30 individual is engaged. This subsection shall not be construed to make unlawful the rejection or  
31 termination of employment when the individual applicant or employee has failed to meet bona  
32 fide requirements for the job or position sought or held or to require any changes in any bona  
33 fide retirement or pension programs or existing collective bargaining agreements during the life  
34 of the contract, nor shall this article preclude such physical and medical examinations of  
35 applicants and employees as an employer may require of applicants and employees to determine  
36 fitness for the job or position held.

37  
38 (d) It is not a discriminatory practice to take or fail to take any action on the basis of  
39 age pursuant to law or regulation governing any employment or training program designed to  
40 benefit persons of a particular age group.

41  
42 (e) Inadvertent acquisitions of genetic information, such as in situations where a  
43 manager or supervisor overhears someone talking about a family member's illness or an  
44 employee voluntarily discloses such information, shall not be construed as a violation of this  
45 article.

1  
2 (f) This article shall not be construed to require an employer to provide an  
3 accommodation on the basis of disability, religion or gender-identity, that creates an undue  
4 burden or hardship on the employer. In determining whether an accommodation is readily  
5 achievable or creates an undue burden or hardship, factors to be considered include:

- 6 (1) The nature and cost of the action;  
7 (2) The overall financial resources of the employer, the effect on expenses and  
8 resources and the impact on operations.  
9

10 (g) The domestic partner provision shall not be construed to require an employer to  
11 provide employee benefit plans that violate state or federal law, such as the Employment  
12 Retirement Income Security Act (ERISA).  
13

14 (h) This article shall not be construed to prohibit an employer from requiring an  
15 employee to adhere to reasonable dress or grooming standards at work, provided the employer  
16 permits an employee who is undergoing gender transition to adhere to the same dress or  
17 grooming standards for the gender to which the employee is transitioning.  
18

19 (Sec. 111.27-111.39 reserved for future use.)  
20

### 21 ARTICLE III. FAIR HOUSING 22

#### 23 **Sec. 111.40 Discrimination in housing.**

24 Except as provided in section 111.41, the following shall be unlawful and discriminatory  
25 housing practices, by an owner, real estate broker, as defined in this chapter, or any other person  
26 engaging in a real estate transaction, on the basis of a protected status or characteristic:  
27

28 (a) *Sale or rental; advertising.*  
29

30 (1) *Refusal.* To refuse to engage in a real estate transaction or otherwise make  
31 unavailable or deny housing to any person;  
32

33 (2) *Terms; free association.* To discriminate against a person in the terms,  
34 conditions, or privileges of a real estate transaction, or in the furnishing of facilities or services in  
35 connection therewith, or because of such person's exercise of his right to free association;  
36

37 (3) *Offer.* To refuse to receive or to fail to transmit a bona fide offer to engage  
38 in a real estate transaction from any person;  
39

40 (4) *Negotiation.* To refuse to negotiate for a real estate transaction with a  
41 person;  
42

43 (5) *Availability; inspection.* To represent to a person that housing is not  
44 available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a

1 property listing to such person's attention, or to refuse to permit him or her to inspect the  
2 housing;

3  
4 (6) *Leading.* To steer any person away from or to any housing;

5  
6 (7) *Notice; record.* To make, print, publish, circulate, post, or mail, or cause  
7 to be made, printed, published, or circulated, any notice, statement, advertisement, or sign, or to  
8 use a form of application or photograph for a real estate transaction or, except in connection with  
9 a written affirmative action plan, to make a record or oral or written inquiry in connection with a  
10 prospective real estate transaction, which indicates directly or indirectly an intent to make a  
11 limitation, specification, or discrimination with respect thereto;

12  
13 (8) *Listing.* To offer, solicit, accept, use, or retain a listing of housing with the  
14 understanding that a person may be discriminated against in a real estate transaction or in the  
15 furnishing of facilities or services in connection therewith;

16  
17 (9) *Proximity of certain housing.* To induce or attempt to induce any person to  
18 transfer an interest in any housing by representations regarding the existing or potential  
19 proximity of housing owned, used, or occupied by any person protected by the terms of this  
20 article;

21  
22 (10) *Misrepresentation of listing.* To make any misrepresentation concerning  
23 the listing for sale or rental, or the anticipated listing for sale or rental, or the sale or rental of any  
24 housing for the purpose of inducing or attempting to induce any such listing or any of the above  
25 transactions;

26  
27 (11) *Retaliation.* To retaliate or discriminate in any manner against any person  
28 because of their opposition to a practice declared unlawful by this article, or because he or she  
29 has filed a complaint, testified, assisted, or participated in any manner in any investigation,  
30 proceeding, or conference under this article;

31  
32 (12) *Opposition.* To aid, abet, incite, compel, or coerce any person to engage in  
33 any of the practices prohibited by the provisions of this article, or to obstruct or prevent any  
34 person from complying with the provisions of this article, or any conciliation agreement entered  
35 into hereunder;

36  
37 (13) *Causing violation.* By causing any person to compel any practice  
38 prohibited by the provisions of this article;

39  
40 (14) *Denying accommodation.* Otherwise to deny to, or withhold, any housing  
41 accommodations from a person;

42  
43 (15) *Inciting unrest.* To promote, incite, influence, or attempt to promote,  
44 induce, or influence by the use of postal cards, letters, circulars, telephone, visitation, or any  
45 other means, directly or indirectly, a property owner, occupant, or tenant to list for sale, sell,

1 remove from, lease, assign, transfer, or otherwise dispose of any housing by referring, as a part  
2 of a process or pattern of inciting neighborhood unrest, community tension based on a protected  
3 status or characteristic of actual or anticipated neighbors, tenants, or other prospective buyers of  
4 any housing;

5  
6 (16) *False information to obtain listing.* To cause to be made any untrue or  
7 intentionally misleading statement or advertisement or, in any other manner, attempt, as a part of  
8 a process or pattern of inciting neighborhood unrest, community tension in any street, block,  
9 neighborhood, or any other area, to obtain a listing of any housing for sale, rental, assignment,  
10 transfer, or other disposition, where such statement or other representation is false or materially  
11 misleading, or where there is insufficient basis to judge its truth or falsity to warrant making the  
12 statement, or to make any other material misrepresentation in order to obtain such listing, sale,  
13 removal from, lease, assignment, transfer, or other disposition of said housing; or

14  
15 (17) *Signs.* To place a sign or display any other device, either purporting to  
16 offer to sell, lease, assign, transfer, or make other disposition or tending to lead to the belief that  
17 a bona fide offer is being made to sell, lease, assign, transfer, or otherwise dispose of any  
18 housing that is not in fact available or offered for sale, lease, assignment, transfer, or other  
19 disposition.

20  
21 (b) *Financing and residential real estate transactions.*

22  
23 (1) It shall be unlawful and a discriminatory housing practice for any lending  
24 institution, as defined in this chapter, to deny a loan or other financial assistance to a person  
25 applying therefor for the purpose of purchasing, constructing, improving, repairing, or  
26 maintaining housing, or to discriminate against such person in the fixing of the amount, interest  
27 rate, duration or other terms or conditions of such loan or other financial assistance, because of a  
28 protected status or characteristic of such person or of any person associated with such person in  
29 connection with such loan or other financial assistance, or for purposes of such loan or other  
30 assistance, or of the present or prospective owners, lessees, tenants, or occupants of the housing  
31 in relation to which such loan or other financial assistance is to be made or given; provided that  
32 nothing contained in this subsection shall impair the scope or effectiveness of the exceptions  
33 contained in section 111.41

34  
35 (2) It is unlawful for any person or entity whose business includes engaging in  
36 residential real estate transactions to discriminate against any person in making available such a  
37 transaction, or in the terms or conditions of such a transaction, because of a protected status or  
38 characteristic. The term "residential real estate transaction" means any of the following:

39  
40 a. The making or purchasing of loans or providing other financial  
41 assistance:

42  
43 1. For purchasing, constructing, improving, repairing, or  
44 maintaining a dwelling; or



1 (1) A refusal to permit, at the expense of the person with a disability,  
2 reasonable modifications of existing premises occupied or to be occupied by such person if such  
3 modifications may be necessary to afford such person full enjoyment of the premises;  
4

5 (2) A refusal to make reasonable accommodations in rules, policies, practices,  
6 or services, when such accommodations may be necessary to afford such person equal  
7 opportunity to use and enjoy a dwelling; or  
8

9 (3) In connection with the design and construction of covered multifamily  
10 dwellings for first occupancy on or after March 13, 1991, a failure to design and construct those  
11 dwellings in such a manner that:  
12

13 a. The public use and common use portions of such dwellings are  
14 readily accessible to and usable by persons with disabilities.  
15

16 b. All doors designed to allow passage into and within all premises  
17 within such dwellings are sufficiently wide to allow passage by a person in a wheelchair.  
18

19 c. All premises within such dwellings contain the following features  
20 of adaptive design:  
21

22 1. An accessible route into and through the dwelling.  
23

24 2. Light switches, electrical outlets, thermostats, and other  
25 environmental controls in accessible locations.  
26

27 3. Reinforcements in bathroom walls to allow later  
28 installation of grab bars.  
29

30 4. Usable kitchens and bathrooms such that a person in a  
31 wheelchair can maneuver about the space.  
32

33 (4) Compliance with the appropriate requirements of the Florida Accessible  
34 Building Code, providing accessibility and usability for persons with physical disabilities,  
35 suffices to satisfy the requirements of subsection (h)(3)c. State agencies with building  
36 construction regulation responsibility or local governments, as appropriate, shall review the plans  
37 and specifications for the construction of covered multifamily dwellings to determine  
38 consistency with the requirements of this subsection.  
39

40 (5) For the purposes of subsection (h)(1) above, in the case of a rental, a  
41 landlord may, where it is reasonable to do so, condition permission for a modification on the  
42 renter agreeing to restore the interior of the premises to the condition that existed before the  
43 modification, reasonable wear and tear excepted. The landlord may not increase for persons with  
44 disabilities any customarily required security deposit. However, where it is necessary in order to  
45 ensure with reasonable certainty that funds will be available to pay for the restorations at the end

1 of the tenancy, the landlord may negotiate as part of such a restoration agreement a provision  
2 requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a  
3 reasonable amount of money, not to exceed the cost of the restorations. The interest in any such  
4 account shall accrue to the benefit of the tenant. A landlord may condition permission for a  
5 modification on the renter providing a reasonable description of the proposed modifications, as  
6 well as reasonable assurances that the work will be done in accordance with applicable building  
7 codes and that any required building permits will be obtained.  
8

9 **Sec. 111.41 Exceptions.**

10 (a) *Religious societies.* Nothing contained in section 111.40 shall prohibit a religious  
11 organization, association, or society, or any nonprofit charitable or educational institution or  
12 organization operated, supervised, or controlled by or in conjunction with a religious  
13 organization, association, or society, from limiting or from advertising the sale, rental, or  
14 occupancy of housing which it owns or operates for other than a commercial purpose to persons  
15 of the same religion, or from giving preference to such persons, unless membership in such  
16 religion is restricted on the basis of a protected status or characteristic.  
17

18 (b) *Single-family houses.* Nothing in section 111.40, other than subsection (a)(7)  
19 thereof, shall apply to:  
20

21 (1) Any single-family house sold or rented by its owner, provided that such  
22 private individual owner does not own more than three such single-family houses at any one  
23 time; provided further that, in the case of the sale of any such single-family house by a private  
24 individual owner not residing in such house at the time of such sale or who was not the most  
25 recent resident of such house prior to such sale, the exemption granted by this subsection shall  
26 apply only with respect to one such sale within any 24-month period; provided further that such  
27 bona fide private individual owner does not own any interest in, nor is there owned or reserved  
28 on such owner's behalf, under any express or voluntary agreement, title to or any right to all or a  
29 portion of the proceeds from the sale or rental of more than three such single-family houses at  
30 any one time; provided further that the owner sells or rents such housing:  
31

32 a. Without the use in any manner of the sales or rental facilities or the  
33 sales or rental services of any real estate broker, agent, or salesperson, or of such facilities or  
34 services of any person in the business of selling or renting housing, or of any employee or agent  
35 of any such broker, agent, salesperson, or person; and  
36

37 b. Without the publication, posting, or mailing, after notice, of any  
38 advertisement or written notice in violation of subsection 111.40(a)(7); however, nothing in this  
39 provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and  
40 other such professional assistance as necessary to perfect or transfer the title; or  
41

42 (2) Rooms or units in housing containing living quarters occupied or intended  
43 to be occupied by no more than four families living independently of each other if the owner  
44 actually maintains and occupies one of such living quarters as such owner's residence, provided  
45 that the owner sells or rents such rooms or units:

1  
2 a. Without the use in any manner of the sales or rental facilities or the  
3 sales or rental services of any real estate broker, agent, or salesperson, or of such facilities or  
4 services of any person in the business of selling or renting housing, or of any employee or  
5 agency of any such broker, agent, salesperson, or person; and  
6

7 b. Without the publication, posting, or mailing, after notice, of any  
8 advertisement or written notice in violation of subsection 111.40(a)(7).  
9

10 (3) Nothing in this section shall prohibit the use of attorneys, escrow agents,  
11 abstractors, title companies, and other such professional assistance as necessary to perfect or  
12 transfer the title. For the purpose of this section, a person shall be deemed to be in the business of  
13 selling or renting housing if:  
14

15 a. Within the preceding 12 months, a person participated as principal  
16 in three or more transactions involving the sale or rental of any housing or any interest therein; or  
17

18 b. Within the preceding 12 months, a person participated as agent,  
19 other than in the sale of his or her own personal residence, in providing sales or rental facilities  
20 or sales or rental services in two or more transactions involving the sale or rental of any housing  
21 or any interest therein; or  
22

23 c. A person is the owner of any housing designed or intended for  
24 occupancy by, or occupied by, five or more families.  
25

26 (c) *Physical accessibility.* Nothing in section 111.40 requires any person renting or  
27 selling a dwelling constructed for first occupancy before March 13, 1991, to modify, alter, or  
28 adjust the dwelling in order to provide physical accessibility, except as otherwise required by  
29 law.  
30

31 (d) *Housing for older persons—Definition.* Any provision of this article regarding  
32 familial status or age does not apply with respect to housing for older persons. As used in this  
33 subsection, the term "housing for older persons" means housing:  
34

35 (1) Provided under any local, state, or federal program that the Secretary of  
36 the United States Department of Housing and Urban Development determines is specifically  
37 designed and operated to assist elderly persons, as defined in the local, state, or federal program;  
38

39 (2) Intended for, and solely occupied by, persons 62 years of age or older; or  
40

41 (3) Intended and operated for occupancy by at least one person 55 years of  
42 age or older per unit. In determining whether housing qualifies as housing for older persons  
43 under this subparagraph, the manager shall consider at least the following factors:  
44



1 a. The existence of significant facilities and services specifically  
2 designed to meet the physical or social needs of older persons; or, if providing such facilities and  
3 services is not practicable, such housing is necessary to provide important housing opportunities  
4 for older persons;

5  
6 b. At least 80 percent of the units are occupied by at least one person  
7 55 years of age or older per unit; and

8  
9 c. The publication of and adherence to policies and procedures which  
10 demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or  
11 older.

12  
13 (e) *Same—Additional criteria.* Housing shall not fail to be considered housing for  
14 older persons if:

15  
16 (1) A person who resides in such housing on or after September 13, 1988,  
17 does not meet the age requirements of this subsection, provided that any new occupant meets  
18 such age requirements; or

19  
20 (2) One or more units are unoccupied, provided that any unoccupied units are  
21 reserved for occupancy by persons who meet the age requirements of this subsection.

22  
23 (f) *Miscellaneous exceptions.* Nothing in section 111.40

24  
25 (1) Prohibits a person engaged in the business of furnishing appraisals of real  
26 property from taking into consideration factors other than a protected status or characteristic.

27  
28 (2) Limits the applicability of any reasonable local restriction regarding the  
29 maximum number of occupants permitted to occupy a dwelling.

30  
31 (3) Requires that a dwelling be made available to an individual whose tenancy  
32 would constitute a direct threat to the health or safety of other individuals or whose tenancy  
33 would result in substantial physical damage to the property of others.

34  
35 (4) Prohibits conduct against a person because such person has been convicted  
36 by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled  
37 substance as defined under F.S. ch. 893.

38  
39 (Sec. 111.42 – 111.59 Reserved for future use.)

40  
41 **ARTICLE IV. EQUAL ACCESS TO PLACES OF PUBLIC ACCOMMODATION**

42  
43 **Sec. 111.60 Discrimination in public accommodations.**

44 It is an unlawful discriminatory practice for any person to deny, withhold, or refuse a  
45 person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and

1 accommodations of a place of public accommodation because of a protected status or  
2 characteristic.

3  
4 **Sec. 111.61 Places of public accommodation.**

5 The following words, terms and phrases, when used in this article, shall have the  
6 following meanings ascribed to them in this article, except where the context clearly indicates a  
7 different meaning:

8  
9 *Operator* shall mean and include any owner, lessee, proprietor, manager, superintendent,  
10 agent, or occupant of a place of accommodation or an employee or independent contractor of any  
11 such person.

12  
13 *Public accommodation* shall mean a place open to the public which serves or holds itself  
14 out as serving the public, including, but not limited to, lodgings, facilities principally engaged in  
15 selling food for consumption on the premises, gasoline stations, places of exhibition or  
16 entertainment, and other covered establishments. Each of the following establishments which  
17 serve the public is a place of public accommodation within the meaning of this section:

18  
19 (1) Any inn, hotel, motel, resort or other establishment which provides lodging to  
20 transient guests, other than an establishment located within a building which contains not more  
21 than four (4) rooms for rent or hire and which is actually occupied by the proprietor of such  
22 establishment as his or her residence.

23  
24 (2) Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, buffet or other  
25 facility principally engaged in selling food for consumption on the premises, including, but not  
26 limited to, any such facility located on the premises of any retail establishment, or any gasoline  
27 station.

28  
29 (3) Any tavern, bar, liquor lounge, package store or other facility holding a license for  
30 the sale of alcoholic beverages issued by the division of alcoholic beverages and tobacco of the  
31 department of business and professional regulation of the state, and which serves or which holds  
32 itself out as serving the general public.

33  
34 (4) Any pool or billiard hall, bowling alley, motion picture house, theater, concert  
35 hall, sports arena, place of amusement, skating rink, amusement park, golf courses, swimming  
36 pool, or other place of exhibition or entertainment.

37  
38 (5) Any gasoline station, retail establishment, convenience store, beauty parlor,  
39 barbershop, styling salon, or laundry establishment.

40  
41 (6) Facilities, or portions of facilities, when open to the general public, including, but  
42 not limited to: hospitals, nurseries, schools, libraries or educational facilities supported in part or  
43 whole by public funds, kindergartens, day care centers.

1 (7) Any transportation conveyance open to the general public, including, but not  
2 limited to: taxis, limousines, trains, and buses.

3  
4 (8) Any professional office, generally open to the public, such as those of attorneys,  
5 physicians, dentists, architects, or accountants.

6  
7 (9) Any establishment which is physically located within the premises of any  
8 establishment otherwise covered by this section, or within the premises of which is physically  
9 located any such covered establishment, and which holds itself out as serving patrons of such  
10 covered establishment.

11  
12 **Sec. 111.62 Prohibition of discrimination in public accommodations.**

13 (a) It is a violation of this article for a person who owns or operates a place of public  
14 accommodation, whether personally or through the actions of an employee or independent  
15 contractor, to deny or refuse to another individual the full and equal enjoyment of the facilities  
16 and services of any place of public accommodation on the basis of that individual's protected  
17 status or characteristic.

18  
19 (b) It is a violation of this article for a person who owns or operates a place of public  
20 accommodation, either personally or through the actions of an employee or independent  
21 contractor, to display or publish any written communication which is to the effect that any of the  
22 facilities and/or services of a place of public accommodation will be denied to any individual or  
23 that any such individual is unwelcome, objectionable or unacceptable because of that individual's  
24 protected status or characteristic.

25  
26 (c) All people have an equal right to the access and safe use of restrooms or other  
27 facilities that are segregated by sex (gender), consistent with their gender identity as presented.

28  
29 (1) In gender-specific facilities where nudity in the presence of other people  
30 may be unavoidable, such as shared showers or changing areas, a transgender individual who has  
31 completed the transitioning process shall be allowed access and safe use of the facility that is  
32 consistent with the individual's gender identity as presented.

33  
34 (2) This provision shall not be construed to require the construction of new or  
35 additional facilities.

36  
37 (d) In gender-specific facilities or programs where identification is required for  
38 membership or participation, such as a women's only gym, exercise class or other gender-based  
39 program, membership or participation may not be denied to any individual with an identification  
40 that designates the gender they are asserting. Alternative forms of gender identification, such as a  
41 letter from a healthcare provider or counselor, are acceptable.

42  
43 **Sec. 111.63 Exceptions.**

44 (a) The provisions of this article shall not prohibit a religious organization or any  
45 nonprofit institution or organization operated, supervised, or controlled by or in conjunction with

1 a religious organization from limiting the full and equal enjoyment of the goods, services,  
2 facilities, privileges, advantages, and accommodations of any place of public accommodation  
3 which it owns or operates, other than for a commercial purpose, to individuals of the same  
4 religion, or to individuals who subscribe to its tenets or beliefs, or from giving preference to such  
5 individuals.

6  
7 (b) The provisions of this article shall not apply to lodge halls or other similar  
8 facilities of private organizations which are available for public use occasionally or periodically.  
9

10 (c) The provisions of this article shall not apply to any private membership club or  
11 other establishment which is not, in fact, open to the public, except to the extent that the facilities  
12 of the club or establishment are made available to the customers or patrons of another  
13 establishment which is a place of public accommodation. However, any institution, club or place  
14 of public accommodation which provides regular meal service and regularly receives payment  
15 for dues, fees, use of space, facilities, services, meals or beverages, directly or indirectly, from,  
16 or on behalf of, nonmembers for the furtherance of the trade or business, shall not receive an  
17 exemption as a private club under this article.  
18

19 (d) The provisions of this article shall not be construed to require an establishment to  
20 provide an accommodation on the basis of disability, religion or gender-identity, that creates an  
21 undue burden or hardship on the business. In determining whether an accommodation is readily  
22 achievable or creates an undue burden or hardship, factors to be considered include:  
23

24 (1) The nature and cost of the action;

25  
26 (2) The overall financial resources of the facility, the effect on expenses and  
27 resources and the impact on the operations of the facility.  
28

29 (e) The domestic partner provision shall not be construed to require an establishment  
30 to treat unmarried couples in the same manner as married couples for the purposes of  
31 membership benefits or discounts, but does not prohibit the extending of such benefits to  
32 domestic partners.  
33

34 (f) The provisions of this article shall not be construed to prohibit the separation on  
35 the basis of gender in transient shelters or dormitory-lodging facilities.  
36

37 (g) The provisions of this article shall not be construed as prohibiting the giving of  
38 special discounts or promotions on goods and services on the basis of gender or age by a place of  
39 public accommodation, provided such goods and services, at other than such special discount  
40 rates or promotions, are not denied to individuals on the basis of race, color, national origin,  
41 religion, sex, marital status, age, disability, sexual orientation, gender identity or expression,  
42 unless such denial is pursuant to federal or state laws. Examples of such special discounts or  
43 promotions include senior citizen discounts or ladies' night promotions.  
44

45 SECTION 2. Severability. It is the declared intent of the Board of County

1 Commissioners that, if any section, subsection, sentence, clause, phrase, or provision of this  
2 ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity  
3 or unconstitutionality shall not be so construed as to render invalid or unconstitutional the  
4 remaining provisions of this ordinance.

5 SECTION 3. Repealing Clause. All ordinances or portions thereof in conflict herewith  
6 are, to the extent of such conflict, hereby repealed on January 1, 2014 (see Sec. 111.15).

7 SECTION 4. Inclusion in the Code. It is the intention of the Board of County  
8 Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this  
9 ordinance shall become and be made part of the Alachua County Code of Ordinances of Alachua  
10 County, Florida; that the Code may be renumbered or relettered to accomplish this intention.

11 SECTION 5. Effective Date. A certified copy of this ordinance shall be filed with the  
12 Department of State by the Clerk of the Board of County Commissioners within ten (10) days  
13 after enactment by the Board of County Commissioners, and shall take effect upon filing with  
14 the Department of State.

15 DULY ADOPTED in regular session, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2013.

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BOARD OF COUNTY COMMISSIONERS  
OF ALACHUA COUNTY, FLORIDA

By: \_\_\_\_\_  
Mike Byerly, Chair

ATTEST

\_\_\_\_\_  
J.K. Irby, Clerk  
(SEAL)

APPROVED AS TO FORM

\_\_\_\_\_  
Alachua County Attorney