

ORDINANCE NO.

0-07-88

[Title]

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the Auditorium of City Hall in the City of Gainesville; and

WHEREAS, the Public Hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:**

Section 1. Section 8-1, Declaration of findings and policy, Code of Ordinances of the City of Gainesville, is amended to read as follows:

**Sec. 8-1. Declaration of findings and policy.**

(a) The city commission hereby finds that:

'1) The right of access to and the full and equal enjoyment of places of public accommodation as defined hereafter, without discrimination on the basis of sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability, or gender identity is a matter of concern to the citizens of the city and more particularly of concern to the city in providing for the health, welfare, safety and morals of the citizens of the municipality;

(2) The availability of adequate housing without discrimination on the basis of sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability, or gender identity is a matter of concern to the citizens of the city and more particularly of concern to the city in providing for the health, welfare, safety and morals of the citizens of the municipality;

(3) Employment practices without discrimination on the basis of sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability, or gender identity, is a matter of concern to the citizens of the city and more particularly of concern to the city in providing for the health, welfare, safety and morals of the citizens of the municipality.

(4) The extension of credit without discrimination on the basis of sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability, or gender identity is a matter of concern to the citizens of the city and more particularly of concern to the city

^ providing for the health, welfare, safety and morals of the citizens of the municipality; and

(5) Employment discrimination against persons having physical or mental disabilities that do not constitute bona fide occupational qualifications is a matter of concern to the citizens of the city and more particularly of concern to the city in providing for the health, welfare, safety and morals of the citizens of the municipality.

(6) Religious institutions, organizations, corporations, associations or societies (hereinafter "institutions") have long been important in this country's constitutional framework, and exempting out the application of sexual orientation and gender identity provisions in those institutions is rationally related to the legitimate purpose of alleviating significant governmental interference with the ability of religious institutions to define and carry out their religious missions.

(b) The above findings being made, the city commission hereby declares the policy of the city to be, for the protection of the public health, safety and general welfare, for the maintenance of business and good government, and for the promotion of the city's trade, commerce and manufacturing, to prohibit discrimination in the access to and equal enjoyment of places of public accommodation, to ensure equal opportunity to all persons to live in decent housing facilities, regardless of sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity and to that end to prohibit discrimination in the extension of credit without regard to sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity and to prohibit employment discrimination against persons because of sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity that do not constitute bona fide occupational qualifications. Section 2. Section 8-6, "Sexual orientation' defined," Code of Ordinances of the City of Gainesville, is amended to read as follows: Sec. 8-6. "Sexual orientation,," Gender identity" and "Readily achievable" defined.

(a) As used in this chapter, "sexual orientation" means the condition of being heterosexual, homosexual, or bisexual or having a history of such identification. This definition is not intended to permit any practice prohibited by federal, state or local law.

(b) As used in this chapter, "gender identity" means an inner sense of being a specific gender, or the expression of a gender identity by verbal statement, appearance, or mannerisms, or other gender-related characteristics of an individual with or without regard to the individual's designated sex at birth.

~~(c) As used in this chapter, "readily achievable" means easily fulfilled, carried out without much difficulty or expense, determined in accordance with the following factors:~~

~~(1) the nature and cost of the modification; the overall financial resources of the facility or facilities involved in the modification; the number of persons employed at such facility; the~~

~~effect on expenses and resources, or the impact otherwise of such action upon the operation of the facility;~~

~~(3) the overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and~~

~~(4) the type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity.~~

Section 3. Paragraphs (1), (5) and (6) of subsection (b), Section 8-21, "Equal opportunity director," Code of Ordinances of the City of Gainesville, are amended to read as follows:

Sec. 8-21. Equal opportunity director.

(b) The duties, functions, powers, and responsibilities authorized by this article are as follows:

(1) Implement the provisions of this chapter and the rules and regulations promulgated hereunder and all City of Gainesville ordinances, codes, rules and regulations pertaining to discrimination of the basis of sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity in employment fair housing, fair credit, and public accommodations, and advise the city commissioners when changes in the federal or state human rights laws require revisions to this chapter.

(5) Provide assistance in all matters relating to equal employment, fair housing, equal credit opportunity and public accommodations opportunity relating to sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity within the City of Gainesville.

(6) Publish and disseminate public information and educational materials relating to discrimination in employment, fair housing, equal credit opportunity and public accommodations relating to sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity

Section 4. Section 8-48, "Prohibition of discrimination in employment practices," Code of Ordinances of the City of Gainesville, is amended to read as follows:

Sec. 8-48. Prohibition of discrimination in employment practices.

(a) It shall be an unlawful employment practice for an employer to:

(1) Fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his/her Compensation, terms, conditions or privileges of employment because of the individual's sexual orientation, race, color, gender, age,

religion, national origin, marital status, or disability or gender identity. Provided further that failure to provide reasonable access to, and use of, facilities as described in subsection 8-49(d) shall not be unlawful unless and until said provisions become effective as describee therein and as provided in section 8-49(d)(1).

(2) Limit, segregate or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his/her status as an employee, because of such individual's sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity;

(3) Discriminate against any person because of his/her physical or mental disability except in respect to a bona fide occupational qualification.

(b) It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against any individual because of his/her sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity or to classify or refer for employment any individual on the basis of his/her sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity, except where sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity is a bona fide occupational qualification.

(c) It shall be an unlawful employment practice for a labor organization to:

(1) Exclude or expel from its membership or otherwise to discriminate against any individual because of his/her sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity;

(2) Limit, segregate or classify its membership, or applicants for membership, or to classify or fail or refuse to refer for employment, any individual in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his/her status as an employee or as an applicant for employment, because of the individual's sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity;

(3) Discriminate against any person because of his/her disability except in respect to a bona fide occupational qualification;

(4) Cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of his/her sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity in admission to, or employment in, any program established to provide apprenticeship or other training.

(e) It shall be an unlawful employment practice for an employer, labor organization, employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, or relating to admission to, or employment in, any program established to provide apprenticeship or other training by such a joint labor-management committee indicating any preference, limitation, specification or discrimination based on sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity, except that such a notice or advertisement may indicate a preference limitation, specification or discrimination based on sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity when sexual orientation, race, color, gender, age, religion, national origin, marital status or disability is a bona fide occupational qualification for employment

(f) It shall be an unlawful employment practice for an employer to discriminate against any of his/her employees or applicants for employment, for an employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he/she has made a charge, testified, assisted or participated in any matter in an investigation, proceeding or hearing under this article.

Section 5. Section 8-49, "Exceptions," Code of Ordinances of the City of Gainesville, is amended to read as follows: Sec.

8-49. Exceptions.

(a) Section 848 shall not apply to an employer with respect to a religious corporation, association, educational institution or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by the corporation, association, educational institution or society of its activities in those certain instances where sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test provided that the test, its administration or action upon the results, is not designed, intended or used to discriminate because of sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity.

(d) Notwithstanding any other provisions of this article, it shall not be an unlawful employment practice for an employer to hire and

employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or to refer for employment any individual, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs, to admit or employ any individual in any such program on the basis of his/her sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity in those certain instances where sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

(c) Notwithstanding any other provisions of this article, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earning by quantity or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test provided that the test, its administration or action upon the results, is not designed, intended or used to discriminate because of sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity. It shall not be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test provided that such test, or its administration or action upon the results, is not designed, intended or used to discriminate on the basis of physical or mental disability, except in respect to a bona fide occupational qualification. It shall not be an unlawful employment practice under this article for any employer to differentiate upon the basis of sex in determining the amount of wages; or compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of Section 6(d) of the Fair Labor Standards Act of 1938, as amended (19 U.S.C. 206(d)).

~~(d) Where the employer provides shared facilities for its employees, which are distinctly private in nature where being soon fully unclothed is unavoidable, such as shower rooms and dressing rooms, prohibitions against discrimination on the basis of gender identity in access to and use of such facilities shall be governed as follows:~~

~~(1) Denial of access to and use of such facilities on the basis of gender identity would be permitted if the employer provides reasonable access to and use of adequate facilities that are not inconsistent with the employee's gender identity, as established with the employer at the time of initial employment, or upon notification to the employer that the employee has undergone or is undergoing gender transition, whichever is later. If providing reasonable access to and use of other adequate facilities is not readily achievable,~~

then the denial of access to and use of shared facilities on the basis of gender identity is not prohibited until such time as providing reasonable access to and use of other adequate facilities is readily achievable.

(2) Provision of standalone, "unisex," single-occupancy shower stalls, dressing areas or other facilities distinctly private in nature^  
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such facilities that are shared could be partitioned and divided so as to provide such, along with a reasonably accoosible route not  
visible from areas distinctly private in nature where being seen fully unclothed is unavoidable

Nothing in this Act shall be construed to establish an unlawful employment practice based on actual or perceived gender identity due to the denial of access to shared shower or dressing facilities in which being seen fully unclothed is unavoidable.

(e) The provisions in this article relating to sexual orientation shall not apply to any religious institution, organization, corporation, association, society, or any nonprofit charitable or educational institution, or organization operated, supervised, or controlled by or in conjunction with a religious institution, organization, corporation, association, or society.

**Section 6.** Subsection 8-67(a), "Prohibition of discrimination in places of public accommodation; equal access," Code of Ordinances of the City of Gainesville, is amended to read as follows:

**Sec. 8-67. Prohibition of discrimination in places of public accommodation; equal access.**

(a) All persons shall be entitled to the full and equal enjoyment, of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity.

**Section 7.** Section 8-68, "Prohibition against deprivation of, interfering with and punishment for exercising rights under this article," Code of Ordinances of the City of Gainesville, is amended to read as follows:

**Sec. 8-68. Prohibition against deprivation of, interfering with and punishment for exercising rights under this article.**

It shall be unlawful for any person to:

(1) Withhold, deny or attempt to withhold or deny, or deprive or attempt to deprive, any other person of the right to full and equal enjoyment of places of public accommodation because of sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity. Provided further that failure to provide reasonable access to, and use of, facilities as described

~~in subsection 8-69(c) shall not be unlawful until said provisions become effective as described therein and as provided in section 8-69(c)(1).~~

(2) Intimidate, threaten or coerce, or attempt to intimidate, threaten or coerce any person with the purpose of interfering with the right to full and equal enjoyment of places of public accommodation because of sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity. Provided further that failure to provide reasonable access to, and use of, facilities as described in section 8-69(c) shall not be unlawful unless and until said provisions become effective as described therein and as provided in section 20 of this ordinance.

(3) Punish or attempt to punish any person for exercising or attempting to exercise any right to full and equal enjoyment of places of public accommodation because of sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity.

Section 8. Section 8-69, "Exceptions," Code of Ordinances of the City of Gainesville, is amended to read as follows: Sec. 8-69. Exceptions.

(a) The provisions of sections 8-67 and 8-68 prohibiting discrimination on the basis of sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity shall not apply to a private club or other establishment, not in fact open to the public, except to the extent that the facilities of the club or establishment are made available to the customers or patrons of an establishment within the scope of section 8-67(b).

(b) The provisions of sections 8-67 and 8-68 prohibiting discrimination on the basis of sex or marital status shall not apply to:

(1) The refusal to rent any housing facility jointly to two or more unmarried persons of different sex.

(2) The refusal to rent or continue to rent any housing facility on the grounds that two or more unmarried persons of different sex are or would thereby be in joint occupancy thereof. "Joint occupancy" is hereby defined as two or more persons using a single housing facility or portion thereof which is used or occupied or intended, arranged or designed to be used or occupied as the home, residence or living quarters of such two or more persons.

(3) Bar any person from operating a housing facility for the exclusive occupancy of a single sex if the housing facility provides only communal bath or toilet facilities. "Communal bath or toilet facilities" is hereby defined as bath or toilet facilities provided for regular and ordinary use for occupants of more than one separate living unit.

~~(n) Where a public accommodation provides shared facilities, which are distinctly private in nature where being seen fully unclothed is~~



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and use of such facilities shall be governed as follows:

~~(1) Denial of access to and use of such facilities on the basis of gender identity would be permitted if the public accommodation provides reasonable access to and use of adequate facilities that are not inconsistent with the member of the public's gender identity, as established with the public accommodation at the time of attempted initial access to, or upon notification to the public accommodation that the member of the public desiring access has undergone or is undergoing gender transition, whichever occurrence is later. If providing reasonable access to and use of other adequate facilities is not readily achievable, then the denial of access to and use of shared facilities on the basis of gender identity is not prohibited until such time as providing reasonable access to and use of other adequate facilities is readily achievable.~~

~~(2) Provision of standalone, "unisex," single occupancy shower stalls, dressing areas or other facilities distinctly private in nature, where if shared would involve being seen fully unclothed, would be deemed providing reasonable access to other adequate facilities; or such facilities that are shared could be partitioned and divided so as to provide such, along with a reasonably accessible route not visible from areas distinctly private in nature where being seen fully unclothed is unavoidable, which would be deemed providing reasonable access to other adequate facilities?~~

~~Nothing in this chapter shall be construed to establish an unlawful discriminatory practice based on actual or perceived gender identity due to the denial of access to shared shower or dressing facilities in which being seen fully unclothed is unavoidable.~~

(c) The provisions in this article relating to sexual orientation and gender identity shall not apply to any religious institution, organization, corporation, association, society, or any nonprofit charitable or educational institution, or organization operated, supervised, or controlled by or in conjunction with a religious institution, organization, corporation, association, or society.

Section 9. Section 8-86, "Declaration of policy," Code of Ordinances of the City of Gainesville, is amended to read as follows:

Sec. 8-86. Declaration of policy.

It is hereby declared to be the policy of the city, in the exercise of its police power for the public safety, public health and general welfare, to assure equal opportunity for each person so desiring to obtain housing of the person's choice in the city regardless of sexual orientation, race, color, gender, age, religion, national origin, marital status or disability and, to that end, to prohibit discrimination in housing on basis of sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity by any person.

Section 10. Subsection (a) of section 8-88, "Prohibition of discrimination in the sale or rental of housing," Code of Ordinances of the City of Gainesville, is amended to read as follows:

Sec. 8-88. Prohibition of discrimination in the sale or rental of housing.

(a) Except as provided in section 8-94, it shall be unlawful and a discriminatory housing practice for an owner, or any other person engaging in a real estate transaction, or for a real estate broker, as defined in this chapter:

- (1) To refuse to sell, purchase, rent or lease, or otherwise deny or withhold any housing accommodation from a person or to evict a person because of such person's sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity;
- (2) To evict a person from or to refuse to negotiate with a person for the sale, purchase, rental, assignment or other transfer of the title leasehold or other interest in any housing facility because of such person's sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity.
- (3) To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing facility from or to a person because of such person's sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity;
- (4) To discriminate against any person in the terms, conditions or privileges of the sale, purchase, rental, assignment or other transfer of any housing facility, or in the furnishing of facilities or services in connection therewith, because of sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity. Provided further that failure to provide reasonable access to, and use of, facilities as described in section 8-94(g) of this chapter shall not be unlawful unless and until said provisions become effective as described therein and as provided in section 8-94(g)(1).
- (5) To represent to any person that any housing facility is not available for inspection, sale, purchase, rental or lease, assignment or other transfer when in fact it is so available, or to refuse to permit a person to inspect any housing facility, because of such person's sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity when such a dwelling is in fact available to persons who are financially qualified;
- (6) To make, as part of a process or pattern of discouraging the purchase, sale, rental, occupancy or other use of any housing facility in a particular block, area or neighborhood of the city, any representation to a person known to be a prospective purchaser, seller or renter that such a block, area or neighborhood may undergo, is undergoing or has undergone a change in composition with respect to sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity;

(7) To induce, or attempt to induce, a person to transfer any interest in a housing facility by representations regarding the existing or potential proximity of real property owned, used or occupied by a person of a particular sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity;

(8) To promote, induce or influence, or attempt to promote, induce or influence, by the use of postal cards, letters, circulars, telephone calls, visitation or any other means, directly or indirectly, a person to sell, list for sale, remove from listing, rent, assign, transfer or otherwise, any housing facility by referring, as a part of the pattern or process of inciting neighborhood unrest, community tension or fear of change in composition in a block, street, neighborhood or area of the city by creating or playing upon fear, by representing that the presence or anticipated presence in that area of persons of any particular sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity will or may result in the lowering of property values in the area, the increase in criminal or anti-social behavior in the area, or a decline in the quality of the schools serving the area;

(9) To engage in, or hire or conspire with others to engage in, acts or activities of any nature, the purpose of which is to harass, degrade, embarrass or cause economic loss to a person who has provided or offered to provide housing facilities or services to any person, regardless of sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity;  
or

(10) To engage in, or hire or conspire with others to engage in, acts or activities of any nature, the purpose of which is to harass, degrade, embarrass or cause economic loss to a person who has purchased or leased, or contracted to purchase or lease, any housing facility or service because of such person's sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity.

Section 11. Section 8-89, "Prohibition of discrimination in advertising practices," Code of Ordinances of the City of Gainesville, is amended to read as follows:

Sec. 8-89. Prohibition of discrimination in advertising practices.

Except as provided in section 8-94, it shall be unlawful and a discriminatory and advertising practice for an owner or any other person engaging in a real estate transaction or for a real estate broker, as defined in this chapter:

(1) To make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale, rental, assignment or other transfer of a housing facility, that indicates any preference, limitation or discrimination based on sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity, or any intention to make any

such preference, limitation or discrimination;

(2) To make or cause to be made an untrue or intentionally misleading statement or advertisement, or in any other manner, attempt as part of a process or pattern of inciting neighborhood unrest, community tension or fear of change in composition of sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity in any street, block, neighborhood, or any other area, to obtain a listing of any housing facility for sale, rental, assignment, transfer or other disposition, where such statement, advertisement or other representation is false or materially misleading, or where there is insufficient basis to judge its truth or falsity to warrant making the statement, or to make any other material misrepresentations in order to obtain such listing, sale, removal from listing, rental, lease, assignment, transfer or other disposition of said housing facility;

(3) To place a sign or display any other device either purporting to offer for sale, rental, assignment, transfer or other disposition or tending to lead to the belief that a bona fide offer is being made to sell, rent, assign, transfer or otherwise dispose of any housing facility that is not in fact available or offered for sale, rental, assignment, transfer or other disposition because of sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity.

**Section 12.** Section 8-90, "Prohibition of discrimination in building practices," Code of Ordinances of the City of Gainesville, is amended to read as follows:

**Sec. 8-90. Prohibition of discrimination in building practices.**

It shall be an unfair and discriminatory building practice and shall be unlawful for any building contractor:

(1) To refuse to design, redesign, construct, reconstruct, repair, remodel or otherwise maintain any housing facility because of the sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity of the owner, lessee, tenant, assignee or other occupant of such housing facility, or of the prospective owner, lessee, tenant, assignee or other occupant of such housing facility;

(2) To include in the terms, conditions or privileges of any design or construction contract pertaining to a housing facility, any clause, condition or restriction which discriminates against any person, directly or indirectly, because of such person's sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity;

(3) To discriminate in the provision of facilities or services related to a design or construction contract pertaining to a housing facility because of sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity.

**Section 13.** Section 8-91, "Prohibition of discrimination in financing of housing or in residential real estate transactions," Code of

Ordinances of the City of Gainesville, is amended to read as follows:

Sec. 8-91. Prohibition of discrimination in financing of housing or in residential real estate transactions.

(a) Discriminatory financing practices. It shall be unlawful and a discriminatory financing practice for any bank, savings and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or part in the making of commercial real estate loans, to which application is made for financial assistance for the purchase, acquisition, construction, reconstruction, rehabilitation, repair or maintenance of any dwelling or housing facility, or an officer, agent or employee thereof:

(1) To discriminate against any such applicant or applicants because of sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity of such applicant or applicants or any member, stockholder, director, officer or employee of such applicant or applicants or of the prospective occupants or tenants of such housing facility, in the granting, withholding, extending or renewing, or in the fixing of the rates or other terms or conditions of any such loans or other financial assistance.

(2) To use any form or application for such financial assistance or to make any record or inquiry in connection with application for such financial assistance which expresses, directly or indirectly, any limitation, specification or discrimination as to sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity.

(b) Residential real estate transactions.

(1) It is unlawful for any person or entity whose business includes engaging in residential real estate transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity.

(2) As used in this subsection, the term "residential real estate transaction" means any of the following:

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

1. For purchasing, constructing, improving, repairing or maintaining a dwelling; or
2. Secured by residential real estate.

b. The selling, brokering or appraising of residential real property.

Section 14. Subsection (g) of section 8-94, "Exceptions," Code of Ordinances of the City of Gainesville, is hereby created and added .j read as follows:

Sec. 8-94. Exceptions.

~~(g) Where a housing facility covered by this article provides shared facilities, which are distinctly private in nature where being seen fully unclothed is unavoidable, such as shower rooms and dressing rooms, prohibitions against discrimination on the basis of gender identity in access to and use of such facilities shall be governed as follows:~~

~~(1) Denial of access to and use of such facilities on the basis of gender identity would be permitted if the housing facility provides reasonable access to and use of adequate facilities that are not inconsistent with the person's gender identity, as established with the housing facility at the time of attempted initial access to, or upon notification to the housing facility that the person desiring access has undergone, or is undergoing gender transition, whichever occurrence is later. If providing reasonable access to and use of other adequate facilities is not readily achievable, denial of access to and use of shared facilities on the basis of gender identity is not prohibited until such time as providing reasonable access to and use of other adequate facilities is readily achievable.~~

~~(2) Provision of standalone, "unisex," single-occupancy shower stalls, dressing areas or other facilities distinctly private in nature, where if shared would involve being seen fully unclothed, would be deemed providing reasonable access for use of other adequate facilities; or such facilities that are shared could be partitioned and divided so as to provide such, along with a reasonably accessible route not visible from areas distinctly private in nature where being seen fully unclothed is unavoidable, which would be deemed providing reasonable access to other adequate facilities.~~

~~Nothing in this chapter shall be construed to establish an unlawful housing practice based on actual or perceived gender identity due to the denial of access to shared shower or dressing facilities in which being seen fully unclothed is unavoidable.~~

Section 15. Section 8-113, "Prohibition of discrimination in credit extension practices," Code of Ordinances of the City of Gainesville, are amended to read as follows:

Sec. 8-113. Prohibition of discrimination in credit extension practices.

It shall be unlawful for any creditor to discriminate against any applicant on the basis of sexual orientation, race, color, gender, age, religion, national origin, marital status, or disability or gender identity with respect to any aspect of a credit transaction.

Section 16. Subsection (4) of section 8-114, "Exceptions," Code of Ordinances of the City of Gainesville, is amended to read as follows:

Sec. 8-114. Exceptions.

Section 8-113 shall not apply to:

(4) The provisions in this article relating to sexual orientation and gender identity shall not apply to any religious institution, organization, corporation, association, society or any nonprofit charitable or educational institution or organization operated, supervised or controlled by or in conjunction with a religious institution, organization, corporation, association or society.

Section 17. It is the intention of the City Commission that the provisions of Sections 1 through 16 of this ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered or relettered in order to accomplish such intentions.

Section 18. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

Section 19. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 20. This ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2008.

PEGEEN HANRAHAN, MAYOR ATTEST:

Approved as to form and legality

KURT M. LANNON MARION J. RADSON CLERK  
OF THE COMMISSION CITY ATTORNEY

This Ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2007.

This Ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2008.