

**LEGISTAR NO.**

**190814**

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**ORDINANCE NO. 190814**

An ordinance of the City of Gainesville, Florida, amending Chapter 8 of the Code of Ordinances, relating to discrimination by revising definitions; by renaming the Equal Opportunity Office; by eliminating redundant code language; and by adding gender identity, citizenship status, and lawful source of income as classes protected against discrimination for purposes of Fair Housing; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

**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 public hearings to be held in the City Commission Auditorium, City Hall, 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.

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

**Section 1.** Article I of Chapter 8 of the Code of Ordinances of the City of Gainesville, is amended to read as follows:

**ARTICLE I. IN GENERAL**

**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, disability or gender identity is a matter of concern to the citizens of the

- 30 city and more particularly of concern to the city in providing for the health,  
31 welfare, safety and morals of the citizens of the municipality;
- 32 (2) The availability of adequate housing without discrimination on the basis of  
33 sexual orientation, race, color, gender, age, religion, national origin, marital  
34 status, disability, ~~or gender identity, citizenship status, or lawful source of~~  
35 income is a matter of concern to the citizens of the city and more particularly  
36 of concern to the city in providing for the health, welfare, safety and morals of  
37 the citizens of the municipality;
- 38 (3) Employment practices without discrimination on the basis of sexual  
39 orientation, race, color, gender, age, religion, national origin, marital status,  
40 disability or gender identity is a matter of concern to the citizens of the city and  
41 more particularly of concern to the city in providing for the health, welfare,  
42 safety and morals of the citizens of the municipality.
- 43 (4) The extension of credit without discrimination on the basis of sexual  
44 orientation, race, color, gender, age, religion, national origin, marital status,  
45 disability or gender identity is a matter of concern to the citizens of the city and  
46 more particularly of concern to the city in providing for the health, welfare,  
47 safety and morals of the citizens of the municipality; and
- 48 (5) Employment discrimination against persons having physical or mental  
49 disabilities that do not constitute bona fide occupational qualifications is a  
50 matter of concern to the citizens of the city and more particularly of concern to  
51 the city in providing for the health, welfare, safety and morals of the citizens of  
52 the municipality.

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

60 (b) The above findings being made, the city commission hereby declares the policy of  
61 the city to be, for the protection of the public health, safety and general welfare, for the  
62 maintenance of business and good government, and for the promotion of the city's trade,  
63 commerce and manufacturing, to prohibit discrimination in the access to and equal enjoyment  
64 of places of public accommodation, to ensure equal opportunity to all persons to live in  
65 decent housing facilities, regardless of sexual orientation, race, color, gender, age, religion,  
66 national origin, marital status, disability, ~~or~~ gender identity, citizenship status, or lawful source  
67 of income and to that end to prohibit discrimination in the extension of credit without regard  
68 to sexual orientation, race, color, gender, age, religion, national origin, marital status,  
69 disability or gender identity and to prohibit employment discrimination against persons  
70 because of sexual orientation, race, color, gender, age, religion, national origin, marital status,  
71 disability or gender identity that do not constitute bona fide occupational qualifications.

72 **Sec. 8-2. Objective.**

73 The objective of the provisions of this chapter is to provide a means for implementation  
74 of the above-declared policy and to discourage and eliminate discriminatory practices.

75

76 **Sec. 8-3. ~~“Person” defined~~ Definitions.**

77 The following words and terms shall have the following meanings ascribed to them as  
78 used in this chapter:

79 ~~(a) As used in this chapter, the term “p~~Person” includes one or more individuals, labor  
80 unions, partnerships, associations, corporations, legal representatives, mutual companies, joint  
81 stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title 11  
82 U.S.C., receivers, fiduciaries, and the Gainesville-Alachua County Regional Airport Authority.  
83 Except as otherwise noted above, the term shall not include any federal, state or local  
84 government or any agency thereof, ~~but shall include all natural persons whether or not acting as~~  
85 ~~agents for such governmental entities.~~

86 (b) “Sexual orientation” means the condition of being heterosexual, homosexual, or  
87 bisexual or having a history of such identification. This definition is not intended to permit any  
88 practice prohibited by federal, state or local law.

89 (c) “Gender identity” means an inner sense of being a specific gender, or the expression  
90 of a gender identity by verbal statement, appearance, or mannerisms, or other gender-related  
91 characteristics of an individual with or without regard to the individual’s designated sex at birth.

92 (d) “Citizenship status” means a perception that the person has a particular citizenship  
93 status based on his or her national origin, race, color, other physical attribute(s) or language, or  
94 that the person is associated with a person who has, or is perceived to have, a particular  
95 citizenship status.

96 (e) “Lawful source of income” means the lawful, verifiable income received by or on  
97 behalf of a person, including but not limited to, income derived from social security,  
98 supplemental security income, child support, alimony, veteran’s benefits, disability benefits.

99 pension and retirement benefits, or any form of federal, state, or local public, food, or housing  
100 assistance or subsidy, including assistance from the Supplemental Nutrition Assistance Program  
101 (SNAP) and the Housing Choice Voucher Program or "Section 8" vouchers, whether such  
102 income is received directly or indirectly by the renter or purchaser and includes supplemental  
103 income.

104 (f) "Marital status" means an individual's status of being married, separated, or  
105 unmarried, including being single, divorced, widowed or a domestic partner.

106 (g) The terms "race," "color" and "national origin" shall have the same meanings as  
107 provided under title VII of the Civil Rights Act of 1964.

108 (h) Discrimination on the basis of "gender" shall have the same meaning as  
109 discrimination "because of sex" as defined within section 701 of title VII of the Civil Rights Act  
110 of 1964.

111 (i) The term "religion" shall have the same meaning as defined within section 701 of  
112 title VII of the Civil Rights Act of 1964.

113 **Sec. 8-4. Violations; penalty.**

114 (a) It shall be unlawful and punishable as provided in this section for any person to  
115 commit any act in violation of this chapter.

116 (b) It shall be unlawful and punishable as provided in this section for any person to aid,  
117 abet, compel, coerce or participate in the doing of any act declared to be unlawful by this  
118 chapter, or to obstruct or prevent enforcement of compliance with the provisions of this chapter.

119 (c) It shall be unlawful and punishable as provided in this section for any person to  
120 engage in any reprisal against any person because that person has filed a complaint, testified,

121 assisted or participated in any manner in any investigation, proceeding or hearing under this  
122 chapter.

123 (d) Any person convicted of violating any of the provisions of this chapter shall upon  
124 conviction be punished as provided in section 1-9.

125 **Sec. 8-5. Cumulative effect of provisions.**

126 Nothing in this chapter shall be deemed to exempt or relieve any person from any  
127 liability, duty, penalty or punishment provided by any applicable state or federal law or local  
128 ordinance.

129 **Sec. 8-6. ~~“Sexual orientation,” and “gender identity” defined~~ Office of Equity and Inclusion**

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

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

137 (a) The City of Gainesville Equal Opportunity Office is hereby renamed the “Office  
138 of Equity and Inclusion.”

139 (b) The City of Gainesville Equal Opportunity Director shall administer the  
140 provisions of this chapter in addition to performing all functions prescribed by Section 3.08 of  
141 the Charter of the City of Gainesville.

142 **Secs. 8-7 – 8-20. Reserved.**

143           **Section 2.** Section 8-21 of Article II of Chapter 8 of the Code of Ordinances of the City  
144 of Gainesville, is deleted in its entirety and replaced as follows:

145 **Sec. 8-21. ~~Equal opportunity director.~~ Reserved.**

146           ~~(a) The director of the City of Gainesville Equal Opportunity Office is hereby~~  
147 ~~designated to administer the provisions of this chapter.~~

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

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

157           ~~(2) Receive and investigate written complaints, as provided by this chapter, of~~  
158 ~~unlawful practices in violation of this chapter when a complainant seeks to file~~  
159 ~~a complaint. Refer any written complaints received by the director that allege~~  
160 ~~unlawful practices in employment, fair housing, fair credit, or public~~  
161 ~~accommodations by the federal government or the State of Florida to the~~  
162 ~~appropriate agency with authority to investigate such complaints.~~

163           ~~(3) Upon receiving a written complaint, make such investigations as the director~~  
164 ~~deems appropriate to ascertain facts and issues.~~



- 165       ~~(4) Utilize methods of conciliation and mediation or informal adjustment of~~  
166           ~~grievances.~~
- 167       ~~(5) Provide assistance in all matters relating to equal employment, fair housing,~~  
168           ~~equal credit opportunity and public accommodations opportunity relating to~~  
169           ~~sexual orientation, race, color, gender, age, religion, national origin, marital~~  
170           ~~status, disability or gender identity within the City of Gainesville.~~
- 171       ~~(6) Publish and disseminate public information and educational materials relating~~  
172           ~~to discrimination in employment, fair housing, equal credit opportunity and~~  
173           ~~public accommodations relating to sexual orientation, race, color, gender, age,~~  
174           ~~religion, national origin, marital status, disability or gender identity.~~
- 175       ~~(7) Implement recommendations received from the human rights board concerning~~  
176           ~~this chapter and the carrying out of its purpose. When, in the opinion of the~~  
177           ~~director, effectuating any such recommendation would be undesirable or~~  
178           ~~unfeasible, the director shall promptly so report to the board, with his or her~~  
179           ~~reasons. Any differences of judgment not able to be resolved between the~~  
180           ~~board and the director may, if the board feels the matter warrants, be carried to~~  
181           ~~the city commission for decision.~~
- 182       ~~(8) Make annual reports to the city commission of activities under the provisions~~  
183           ~~of this chapter, and make recommendations concerning methods by which to~~  
184           ~~reduce discrimination, and such other comments and recommendations as the~~  
185           ~~director may choose to make.~~
- 186       ~~(9) Conduct educational and public information activities that are designed to~~  
187           ~~promote the policy of this chapter.~~

188           ~~(10) Bring to the attention of the city commission, those items that may require the~~  
189                           ~~city commission's notice or action to resolve.~~

190           Section 3. Article V of Chapter 8 of the Code of Ordinances of the City of Gainesville, is  
191 amended to read as follows:

192           **ARTICLE V. FAIR HOUSING**

193           **Sec. 8-86. Declaration of policy.**

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

201           **Sec. 8-87. Definitions.**

202           The following words and terms shall have the following meanings ascribed to them as  
203 used in this article:

204           (1)    *Discriminatory housing practice* means an act that is unlawful under the terms of  
205                    this article.

206           (2)    *Age* means the chronological age of an individual who is 18 years old or older.

207           (3)    *Disability:*

208                   a.    "Disability," as used in this chapter, means, with respect to a person:

209                            1. A physical or mental impairment which substantially limits one or  
210    more of such person's major life activities;

- 211                           2. A record of having such an impairment; or
- 212                           3. Being regarded as having such an impairment.
- 213                   b. The term "disability" excludes current, illegal use of or addiction to a
- 214                           controlled substance as defined by law. The term "disability" does not
- 215                           include the following sexual and behavioral disorders:
- 216                           1. Transvestitism, transsexualism, pedophilia, exhibitionism, voyeurism,
- 217                                   gender identity disorders not resulting from physical impairments, or
- 218                                   other sexual behavior disorders;
- 219                           2. Compulsive gambling, kleptomania, or pyromania; or
- 220                           3. Psychoactive substance use disorders resulting from current illegal use
- 221                                   of drugs.

222           ~~(2) Person includes one or more human beings, individuals, governments,~~

223                           ~~governmental agencies, governmental departments, governmental programs,~~

224                           ~~political subdivisions, labor unions, mortgage companies, firms, associations,~~

225                           ~~joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries,~~

226                           ~~corporations, and all other groups or combinations.~~

227           ~~(3-4)~~ *Owner* includes the owner, lessee, sub lessee, assignee, manager, agent, or other

228                           person, firm, or corporation having the right to sell, rent, lease, or transfer any

229                           housing facility, real property, or interest therein, within the corporate limits of

230                           the city.

231           ~~(4-5)~~ *Building contractor* includes any person, partnership, association, organization,

232                           firm or corporation engaged in the designing, redesigning, constructing,

233 reconstructing, repairing or remodeling of any housing facility within the  
234 corporate limits of the city.

235 ~~(5-6)~~ *Dwelling or housing facility* includes any facility, structure, mobile home, hotel,  
236 motel, or any other building, or portion thereof, which is used or occupied or  
237 intended, arranged or designed to be used or occupied as the home, residence or  
238 living quarters of one or more persons, or any parcel of land or portion thereof  
239 available or intended for the construction or location of such a facility, structure,  
240 mobile home, hotel, motel or other building.

241 ~~(6-7)~~ *Family* means one individual living alone or two or more individuals living  
242 together as a unit.

243 ~~(7-8)~~ *Lending institution* includes any bank, insurance company, savings and loan  
244 association, mortgage company or any other person or organization engaged in  
245 the business of lending money or guaranteeing loans.

246 ~~(8-9)~~ *Real estate broker* includes any person duly licensed as a real estate broker in  
247 accordance with the laws of the state.

248 ~~(9-10)~~ *Real estate salesperson or agent* includes any person, whether licensed or not,  
249 who, for a fee, commission, salary or other valuable consideration, or who, with  
250 the intention or expectation of receiving or collecting the same lists, sells,  
251 purchases, exchanges, rents, leases or otherwise transfers real estate, or the  
252 improvements thereon, including options, or who negotiates or attempts to  
253 negotiate such an activity, or who advertises or holds himself/herself out as  
254 engaged in such activities, or who negotiates or attempts to negotiate a loan  
255 secured by a mortgage or other encumbrance, upon a transfer of real estate, or

256 who is engaged in the business of charging an advanced fee or contracting for  
257 collection of a fee in connection with a contract whereby he/she undertakes to  
258 promote the sale, purchase, exchange, rental, lease or other transfer of real estate  
259 through its listing in a publication issued primarily for such purpose; or a person  
260 employed by, or acting on behalf of any of these.

261 ~~(10-11)~~ *To rent* includes to lease, to sublease, to let and otherwise to grant for a  
262 consideration the right to occupy premises not owned by the occupant.

263 ~~(11-12)~~ *Real property* includes building structures, lands, tenements, leaseholds,  
264 cooperatives and condominiums.

265 ~~(12-13)~~ *Familial status* means one or more individuals who have not attained the age of  
266 18 years and are domiciled with:

- 267 a. A parent or another person having legal custody of such individual(s); or  
268 b. The designee of such parent or other person having such custody, with the  
269 written permission of such parent or other person.

270 The protections afforded against discrimination on the basis of familial status  
271 shall apply to any person who is pregnant or is in the process of securing legal  
272 custody of any individual who has not attained the age of 18 years.

273 ~~(13-14)~~ *Housing for older persons* means housing:

- 274 a. Provided under any state or federal program that is designed specifically  
275 and operated to assist elderly persons, as defined in the state or federal  
276 program;  
277 b. Intended for, and solely occupied by, persons 62 years of age or older; or

- 278 c. Intended and operated for occupancy by at least one person 55 years of  
279 age or older for each unit. In determining whether housing qualifies as  
280 housing intended and operated for occupancy by at least one person 55  
281 years of age or older, the board shall look for at least the following factors:
- 282 1. The existence of significant facilities and services specifically  
283 designed to meet the physical or social needs of older persons or, if the  
284 provision of the facilities and services is not practicable, that the  
285 housing is necessary to provide important housing opportunities for  
286 older persons;
  - 287 2. That at least 80 percent of the dwellings are occupied by at least one  
288 person 55 years of age or older for each unit; and
  - 289 3. The publication of and adherence to policies and procedures which  
290 demonstrate an intent by the owner or manager to provide housing for  
291 persons 55 years of age or older.
- 292 d. Housing does not fail to meet the requirements for housing for older  
293 persons by reason of:
- 294 1. Persons residing in this housing as of the date of enactment of the  
295 ordinance from which this subsection is derived [November 2, 1992]  
296 who do not meet the requirements of subsection b. or c.; or
  - 297 2. Unoccupied units, provided that these units are reserved for occupancy  
298 by persons who meet the new requirements of subsection b. or c.
- 299 (14-15) *Covered multifamily dwelling* means:
- 300 a. A building which consists of four or more units and has an elevator; or

301 b. The ground floor units of a building which consists of four or more units  
302 and does not have an elevator.

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

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

307 (1) To refuse to sell, purchase, rent or lease, or otherwise deny or withhold any  
308 housing accommodation from a person or to evict a person because of such  
309 person's sexual orientation, race, color, gender, age, religion, national origin,  
310 marital status, disability, ~~or gender identity,~~ citizenship status, or lawful source of  
311 income;

312 (2) To evict a person from or to refuse to negotiate with a person for the sale,  
313 purchase, rental, assignment or other transfer of the title, leasehold or other  
314 interest in any housing facility because of such person's sexual orientation, race,  
315 color, gender, age, religion, national origin, marital status, disability, ~~or gender~~  
316 identity, citizenship status, or lawful source of income;

317 (3) To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease  
318 any housing facility from or to a person because of such person's sexual  
319 orientation, race, color, gender, age, religion, national origin, marital status,  
320 disability, ~~or gender identity,~~ citizenship status, or lawful source of income;

321 (4) To discriminate against any person in the terms, conditions or privileges of the  
322 sale, purchase, rental, assignment or other transfer of any housing facility, or in  
323 the furnishing of facilities or services in connection therewith, because of sexual

324 orientation, race, color, gender, age, religion, national origin, marital status,  
325 disability, ~~or gender identity, citizenship status, or lawful source of income;~~

326 (5) To represent to any person that any housing facility is not available for inspection,  
327 sale, purchase, rental or lease, assignment or other transfer when in fact it is so  
328 available, or to refuse to permit a person to inspect any housing facility, because  
329 of such person's sexual orientation, race, color, gender, age, religion, national  
330 origin, marital status, disability, ~~or gender identity, citizenship status, or lawful~~  
331 source of income when such a dwelling is in fact available to persons who are  
332 financially qualified;

333 (6) To make, as part of a process or pattern of discouraging the purchase, sale, rental,  
334 occupancy or other use of any housing facility in a particular block, area or  
335 neighborhood of the city, any representation to a person known to be a  
336 prospective purchaser, seller or renter that such a block, area or neighborhood  
337 may undergo, is undergoing or has undergone a change in composition with  
338 respect to sexual orientation, race, color, gender, age, religion, national origin,  
339 marital status, disability, ~~or gender identity, citizenship status, or lawful source of~~  
340 income;

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



- 346 (8) To promote, induce or influence, or attempt to promote, induce or influence, by  
347 the use of postal cards, letters, circulars, telephone calls, visitation or any other  
348 means, directly or indirectly, a person to sell, list for sale, remove from listing,  
349 rent, assign, transfer or otherwise, any housing facility by referring, as a part of  
350 the pattern or process of inciting neighborhood unrest, community tension or fear  
351 of change in composition in a block, street, neighborhood or area of the city by  
352 creating or playing upon fear, by representing that the presence or anticipated  
353 presence in that area of persons of any particular sexual orientation, race, color,  
354 gender, age, religion, national origin, marital status, disability, ~~or~~ gender identity,  
355 citizenship status, or lawful source of income will or may result in the lowering of  
356 property values in the area, the increase in criminal or anti-social behavior in the  
357 area, or a decline in the quality of the schools serving the area;
- 358 (9) To engage in, or hire or conspire with others to engage in, acts or activities of any  
359 nature, the purpose of which is to harass, degrade, embarrass or cause economic  
360 loss to a person who has provided or offered to provide housing facilities or  
361 services to any person, regardless of sexual orientation, race, color, gender, age,  
362 religion, national origin, marital status, disability, ~~or~~ gender identity, citizenship  
363 status, or lawful source of income; ~~or~~
- 364 (10) To engage in, or hire or conspire with others to engage in, acts or activities of any  
365 nature, the purpose of which is to harass, degrade, embarrass or cause economic  
366 loss to a person who has purchased or leased, or contracted to purchase or lease,  
367 any housing facility or service because of such person's sexual orientation, race,

368 color, gender, age, religion, national origin, marital status, disability, ~~or~~ gender  
369 identity, citizenship status, or lawful source of income:

370 (11) To require or request that any tenant, prospective tenant, occupant, prospective  
371 occupant, or guest of the residential rental property disclose or make any  
372 statement, representation, or certification concerning his or her citizenship status:  
373 or

374 (12) To disclose to any person or entity information regarding or relating to citizenship  
375 status of any tenant, prospective tenant, occupant, or prospective occupant of the  
376 residential rental property for the purpose of harassing or intimidating a tenant,  
377 prospective tenant, occupant, or prospective occupant, retaliating against a tenant  
378 or occupant for the exercise of his or her rights, influencing a tenant or occupant  
379 to vacate a dwelling, or recovering possession of the dwelling.

380 (b) This section does not prohibit an owner, or any other person engaging in a real  
381 estate transaction, or a real estate broker, from doing either of the following:

382 (1) Complying with any legal obligation under state or federal law, including, but not  
383 limited to, any legal obligation(s) under any state or federal government  
384 program(s) that provide for rent limitations or rental assistance to a qualified  
385 tenant, or a subpoena, warrant, or other order issued by a court.

386 (2) Requesting information or documentation necessary to determine or verify the  
387 financial or background qualifications of a prospective tenant, or to determine or  
388 verify the identity of a prospective tenant or prospective occupant.

389 (c) Except as provided in section 8-94:

- 390 (1) It is unlawful to discriminate in the sale or rental of, or to otherwise make  
391 unavailable or deny, a dwelling to any buyer or renter because of a disability of:
- 392 a. That buyer or renter;
  - 393 b. A person residing in or intending to reside in that dwelling after it is sold,  
394 rented or made available; or
  - 395 c. Any person associated with the buyer or renter.
- 396 (2) It is unlawful to discriminate against any person in the terms, conditions or  
397 privileges of sale or rental of a dwelling or in the provision of services or facilities  
398 in connection with such dwelling, because of a disability of:
- 399 a. That buyer or renter;
  - 400 b. A person residing in or intending to reside in that dwelling after it is sold,  
401 rented or made available; or
  - 402 c. Any person associated with the buyer or renter.
- 403 (3) For purposes of subsections (1) and (2), discrimination includes:
- 404 a. A refusal to permit, at the expense of the disabled person, reasonable  
405 modifications of existing premises occupied or to be occupied by such  
406 person if such modifications may be necessary to afford such person full  
407 enjoyment of the premises, except that, in the case of rental, the landlord  
408 may, where it is reasonable to do so, condition permission for a  
409 modification on the renter agreeing to restore the interior of the premises  
410 to the condition that existed before the modification, reasonable wear and  
411 tear excepted.

- 412           b.     A refusal to make reasonable accommodations in rules, policies, practices  
413                     or services when such accommodations may be necessary to afford such  
414                     person equal opportunity to use and enjoy a dwelling.
- 415           c.     Covered multifamily dwellings as defined herein which are intended for  
416                     first occupancy after the effective date of the ordinance from which this  
417                     section is derived [November 2, 1992] shall be designed and constructed  
418                     to have at least one building entrance on an accessible route unless it is  
419                     impractical to do so because of the terrain or unusual characteristics of the  
420                     site. Such buildings shall also be designed and constructed in such a  
421                     manner that:
- 422                     1. The public use and common use portions of such dwellings are readily  
423                         accessible to and usable by disabled persons.
  - 424                     2. All doors designed to allow passage into and within all premises  
425                         within such dwellings are sufficiently wide to allow passage by a  
426                         person in a wheelchair.
  - 427                     3. All premises within such dwelling contain the following features of  
428                         adaptive design:
    - 429                             (a) An accessible route into and through the dwelling.
    - 430                             (b) Light switches, electrical outlets, thermostats and other  
431                                 environmental controls in accessible locations.
    - 432                             (c) Reinforcements in bathroom walls to allow later installation of  
433                                 grab bars.

434 (d) Usable kitchens and bathrooms such that a person in a wheelchair  
435 can maneuver about the space.

436 (4) Compliance with the appropriate requirements of the American National  
437 Standards Institute for buildings and facilities providing accessibility and usability  
438 for physically disabled people, commonly cited as ANSI A117.1 1986, suffices to  
439 satisfy the requirements of subparagraph (3).

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

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

444 (1) To make, print or publish, or cause to be made, printed or published, any notice,  
445 statement or advertisement, with respect to the sale, rental, assignment or other  
446 transfer of a housing facility, that indicates any preference, limitation or  
447 discrimination based on sexual orientation, race, color, gender, age, religion,  
448 national origin, marital status, disability, ~~or~~ gender identity, citizenship status, or  
449 lawful source of income, or any intention to make any such preference, limitation  
450 or discrimination;

451 (2) To make or cause to be made an untrue or intentionally misleading statement or  
452 advertisement, or in any other manner, attempt as part of a process or pattern of  
453 inciting neighborhood unrest, community tension or fear of change in  
454 composition of sexual orientation, race, color, gender, age, religion, national  
455 origin, marital status, disability, ~~or~~ gender identity, citizenship status, or lawful  
456 source of income in any street, block, neighborhood, or any other area, to obtain a

457 listing of any housing facility for sale, rental, assignment, transfer or other  
458 disposition, where such statement, advertisement or other representation is false  
459 or materially misleading, or where there is insufficient basis to judge its truth or  
460 falsity to warrant making the statement, or to make any other material  
461 misrepresentations in order to obtain such listing, sale, removal from listing,  
462 rental, lease, assignment, transfer or other disposition of said housing facility;

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

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

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

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

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

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

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

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

497 (1) To discriminate against any such applicant or applicants because of sexual  
498 orientation, race, color, gender, age, religion, national origin, marital status,  
499 disability, or gender identity, citizenship status, or lawful source of income of  
500 such applicant or applicants or any member, stockholder, director, officer or  
501 employee of such applicant or applicants or of the prospective occupants or  
502 tenants of such housing facility, in the granting, withholding, extending or

503 renewing, or in the fixing of the rates or other terms or conditions of any such  
504 loans or other financial assistance.

505 (2) To use any form or application for such financial assistance or to make any record  
506 or inquiry in connection with application for such financial assistance which  
507 expresses, directly or indirectly, any limitation, specification or discrimination as  
508 to sexual orientation, race, color, gender, age, religion, national origin, marital  
509 status, disability, ~~or gender identity, citizenship status, or lawful source of income.~~

510 (b) *Residential real estate transactions.*

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

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

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

520 1. For purchasing, constructing, improving, repairing or maintaining a  
521 dwelling; or

522 2. Secured by residential real estate.

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

524



525 **Sec. 8-92. Prohibition of discrimination in provision of brokerage practices.**

526 It shall be an unfair and discriminatory brokerage practice and shall be unlawful to deny  
527 any qualified person access to or membership or participation in any multiple listing service, real  
528 estate brokers' organization, or any other service, organization or facility relating to the business  
529 of selling or renting housing facilities or to discriminate against this person in the terms or  
530 conditions of such assess, membership or participation because of sexual orientation, race, color,  
531 gender, age, religion, national origin, marital status, ~~or~~ disability, gender identity, citizenship  
532 status, or lawful source of income.

533 **Sec. 8-93. Prohibition of other discriminatory housing practices.**

534 It shall be unlawful and a discriminatory housing practice for any person:

- 535 (1) To retaliate or discriminate in any manner against a person because he/she has  
536 opposed a practice declared unlawful by this article, or because he/she has filed a  
537 complaint, testified, assisted, or participated in any manner in any investigation,  
538 proceeding, hearing or conference under this article; or
- 539 (2) To resist, prevent, impede, or interfere with the human relations advisory board,  
540 or any of its members or representatives in the lawful performance of its or their  
541 duty under this article; or
- 542 (3) To commit by canvassing, any unlawful practices prohibited by this article; or
- 543 (4) To otherwise deny to or withhold any housing accommodation from a person  
544 because of such person's sexual orientation, race, color, gender, age, religion  
545 national origin, marital status, ~~or~~ disability, gender identity, citizenship status, or  
546 lawful source of income.

547

548 **Sec. 8-94. Exceptions.**

549 (a) Nothing in sections 8-88 through 8-91 and 8-93(4) applies to rooms or units in  
550 dwellings containing living quarters occupied or intended to be occupied by no more than four  
551 families living independently of each other, if the owner actually maintains and occupies one of  
552 such living quarters as his/her residence.

553 (b) Nothing in this article prohibits a religious organization, association or society, or  
554 any nonprofit institution or organization operated, supervised or controlled by or in conjunction  
555 with a religious organization, association or society, from limiting the sale, rental or occupancy  
556 of any dwelling which it owns or operates for other than a commercial purpose to persons of the  
557 same religion or from giving preference to such persons. Nothing in this article prohibits a  
558 private club not in fact open to the public, which as an incident to its primary purpose or  
559 purposes provides lodgings which it owns or operates for other than a commercial purpose, from  
560 limiting the rental or occupancy of such lodgings to its members or from giving preference to its  
561 members.

562 (c) Nothing in this article requires any person renting or selling a dwelling constructed  
563 for first occupancy before the effective date of the ordinance from which this section is derived  
564 [November 2, 1992] to modify, alter or adjust the dwelling in order to provide physical  
565 accessibility except as otherwise required by law.

566 (d) Any provision of this article regarding familial status does not apply with respect to  
567 housing for older persons.

568 (e) Nothing in this article:

569 (1) Prohibits a person engaged in the business of furnishing appraisals of real  
570 property from taking into consideration factors other than sexual orientation, race,

571 color, gender, age, religion, national origin, marital status, ~~or~~ disability, gender  
572 identity, citizenship status, or lawful source of income.

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

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

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

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

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

588 **Sec. 8-95. Complaint procedure.**

589 (a) Any aggrieved person may file with the director, or his designated representative, a  
590 written complaint, which shall be verified. The complaint shall state the name and address of the  
591 complainant and the person or persons against whom the complaint is made (hereinafter referred  
592 to as the "respondent"). The complaint shall set forth the facts upon which the complaint is made  
593 and such other information as the director requires. The complaint must be filed within one year

594 after the alleged unlawful practice has occurred. The complaint may be withdrawn by the  
595 complainant at any time.

596 (b) When it is determined that a complaint has been timely filed, the director shall cause  
597 notice of the filing and a copy of the complaint to be served upon the respondent. Notice shall be  
598 served within ten days of the date of filing. An amendment likewise shall be served upon the  
599 respondent. The notice shall advise the respondent of relevant procedural rights and obligations.  
600 The notice shall advise the respondent of the complainant's rights to commence a civil action in a  
601 court of competent jurisdiction not later than two years after the occurrence or termination of the  
602 alleged discriminatory housing practice. The notice shall state that the computation of this two-  
603 year period excludes any time during which the matter is pending for administrative relief with  
604 respect to a complaint or charge based on the alleged discriminatory housing practice. The notice  
605 shall state, however, that the time period includes the time during which an action arising from a  
606 breach of a conciliation agreement under this article is pending. The notice shall advise the  
607 respondent that retaliation against any person because he or she made a complaint or testified,  
608 assisted, or participated in an investigation or conciliation under this article is a discriminatory  
609 housing practice that is prohibited.

610 (c) The director shall serve notice upon the aggrieved person acknowledging the filing of  
611 the complaint and advising the aggrieved person of relevant procedural rights and remedies. The  
612 notice shall advise the aggrieved person of remedies and choice of forums and inform the  
613 aggrieved person that the administrative procedure provided for in this article is neither an  
614 obstacle nor a prerequisite to the aggrieved person commencing a separate civil action on his  
615 own. The notice shall advise the aggrieved person of his right to commence a civil action in a  
616 court not later than two years after the occurrence or termination of the alleged discriminatory

617 housing practice. The notice shall state that the computation of this two-year period excludes any  
618 time during which the matter is pending for administrative relief with respect to a complaint or  
619 charge based on the alleged discriminatory housing practice. The notice shall also state, however,  
620 that the time period includes the time during which an action arising from a breach of a  
621 conciliation agreement under this article is pending. The notice shall advise the aggrieved person  
622 that retaliation against any person because he or she made a complaint or testified, assisted or  
623 participated in an investigation or conciliation under this article is a discriminatory housing  
624 practice that is prohibited.

625 (d) Once a complaint has been served on the respondent, the respondent shall preserve  
626 all records and other evidence which may pertain to the complaint until the matter has been  
627 finally determined.

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

631 (f) A complaint or answer may be amended at any time when it would be fair and  
632 reasonable to do so, and the director shall furnish a copy of each amended complaint or answer  
633 to the respondent or aggrieved person, respectively, as promptly as practicable. With respect to  
634 any complaint filed pursuant to this article, the initial burden of proof is on the complainant.

635 (g) Within 30 days after the filing of a complaint, the director shall commence such  
636 investigation as deemed appropriate to ascertain facts and issues. The director may utilize the  
637 services and information gathered from other public agencies charged with the administration of  
638 equal opportunity laws.

639 (h) The following investigation procedures shall be followed:

- 640 (1) *Complaint verification.* As part of the investigation process, the complaining party  
641 may be required to provide an additional sworn written statement which shall  
642 include:
- 643 a. A statement of each particular harm or potential harm which the aggrieved  
644 person has suffered or will suffer and the date on which each harm  
645 occurred or will occur.
- 646 b. For each harm, a statement specifying the act, policy, or practice which is  
647 alleged to be unlawful.
- 648 c. For each act, policy, or practice alleged to have harmed the aggrieved  
649 person, a statement of the facts which led the complainant to believe that  
650 the act, policy, or practice is discriminatory.
- 651 (2) *Requests for information.* In investigating a complaint, the director and/or the  
652 director's designee may obtain information by:
- 653 a. Oral interview; and/or  
654 b. Requests for written statement or affidavit; and/or  
655 c. Any discovery methods set forth in the Florida Rules of Civil Procedure.
- 656 (3) *Investigations.* The investigations will seek the voluntary cooperation of all  
657 persons in obtaining information. If, however, the director is unable to obtain the  
658 voluntary cooperation of persons, the director shall request the board issue  
659 subpoenas. The board shall have the power to issue subpoenas or subpoenas duces  
660 tecum. Any subpoena issued by the board must be approved by the city attorney  
661 as to the subpoena's form and legality before it is issued.

662 (4) *Complaining party's failure to cooperate.* Where the complainant fails to provide  
663 a necessary information statement; fails or refuses to appear or be available for  
664 interviews or conferences; fails or refuses to provide necessary information  
665 requested by the director pursuant to this section; or otherwise refuses to  
666 cooperate to the extent that the director shall dismiss the complaint after providing  
667 20 days' notice to the complainant unless the director, with board approval,  
668 determines there is sufficient grounds and sufficient evidence to proceed with the  
669 complaint.

670 (5) *Access to files during investigation.* Access to files during investigation shall be in  
671 accordance with the provisions of the Florida Public Records Law.

672 (i) The director shall, within 100 days after the filing of a complaint, complete the  
673 investigation of the alleged unlawful discriminatory practice, unless it is impracticable to do so.  
674 If the director is unable to complete the investigation within 100 days after the filing of a  
675 complaint, the director shall notify, by certified mail or by personal service, the complainant and  
676 the respondent in writing of the reasons for not so doing. The director shall notify the aggrieved  
677 person and the respondent if administrative disposition of the complaint pursuant to this article  
678 cannot be accomplished within one year of the filing of the complaint.

679 (j) Beginning with the filing of the complaint and ending with the filing of a reasonable  
680 cause charge as provided for in subsection (n) herein, the director shall attempt to conciliate the  
681 matter by methods of initial conference and conciliation with all interested parties and such  
682 representatives as the parties may choose to assist them. Such conciliation conferences may be  
683 by whatever method the director determines to be most appropriate. The director shall attempt to  
684 achieve a just resolution of all violations found, and to obtain agreement that the respondent will

685 eliminate the unlawful practice and provide appropriate affirmative relief. Except as provided in  
686 subsection (k) of this section, nothing that is said or done in the course of conciliation or such  
687 informal endeavors may be made public or used as evidence in a subsequent proceeding without  
688 the written consent of the persons concerned.

689 (k) Where conciliation attempts are successful, the terms of a settlement of a complaint  
690 shall be reduced to a written conciliation agreement. The agreement must be executed by the  
691 respondent and the complainant, and is subject to the approval of the director. The conciliation  
692 agreement shall seek to protect the interests of the aggrieved person, other persons similarly  
693 situated, and the public interest. Notwithstanding the provisions of subsection (j) above, each  
694 conciliation agreement shall be made public in accordance with the public records law.

695 (l) A conciliation agreement negotiated under this article to resolve a discriminatory real  
696 estate transaction may include, but is not limited to:

- 697 (1) The sale, exchange, lease, rental, assignment, or sublease of real property to an  
698 individual;
- 699 (2) The extension to all persons the full and equal enjoyment of the advantages,  
700 facilities, privileges, and services of the respondent;
- 701 (3) The reporting as to the manner of compliance;
- 702 (4) The posting of notice in conspicuous places in the respondent's place of business,  
703 indicating compliance with equal housing opportunity, and inclusion of such  
704 notices in advertising material;
- 705 (5) The payment to the complainant of damages for injury, expenses incurred by the  
706 complainant in securing alternate housing or facilities, and other costs actually  
707 incurred by the complainant as a direct result of such discriminatory practice.



708 (m) A duly executed conciliation agreement shall operate as a dismissal of the  
709 complaint.

710 (n) If conciliation has not been reached within 100 days of the filing of the complaint  
711 and if the complaint has not been withdrawn, the director shall make a determination as to  
712 whether reasonable cause exists to believe that an unlawful discriminatory practice has occurred  
713 or is about to occur. Reasonable cause shall be based upon sufficiently trustworthy information  
714 which would lead an impartial observer to a belief that a discriminatory housing practice has  
715 occurred or is likely to occur. The director and/or the director's designee shall report the results  
716 of the investigation and his or her determination to the board. The board shall receive a copy of  
717 the director's report and shall have the opportunity to review the report and submit comments to  
718 the director. If the board determines that reasonable cause exists to believe that a discriminatory  
719 housing practice has occurred or is about to occur, it shall issue a written notice of determination  
720 of reasonable cause. A copy of the notice shall be served upon the respondent, the complainant,  
721 and the aggrieved person within ten days of the date of the written notice. At the time the notice  
722 of determination of reasonable cause is served, notice shall be given that a complainant, a  
723 respondent, or an aggrieved person on whose behalf the complaint was filed may elect, in lieu of  
724 an administrative hearing pursuant to this article, to have the claims asserted in the charge  
725 decided in a civil action and advise that such election must be made not later than 20 days after  
726 the date of receipt of the notice of determination of reasonable cause. The person making the  
727 election shall give notice to the board and all other parties.

728 (o) If the director determines that the complaint lacks reasonable grounds upon which to  
729 base a violation of this article, the director shall dismiss the complaint, then the director shall  
730 inform the board of his or her findings through a written report. The board, in its discretion, may

731 order that the matter be closed or may order, by a three-fourths majority vote, such further  
732 investigation as may be deemed necessary. If further investigation is ordered, the results thereof  
733 shall be presented to the board in the form of a written report within ten days and shall be acted  
734 upon by the board within an additional 20 days.

735 (p) If timely election of a civil action is not made under subsection (n), the charge will  
736 proceed to an administrative hearing. An evidentiary hearing on the merits shall be held. Any  
737 conciliation agreement reached prior to a scheduled hearing may result in such hearing being  
738 cancelled. The city, through the city attorney's office, shall arrange for the services of a hearing  
739 officer to conduct the administrative hearing.

740 (q) In conducting any administrative hearing to determine whether or not there has  
741 occurred a failure to comply with the provisions of this article, the hearing officer shall have the  
742 power to administer oaths, issue subpoenas, compel the production of books, paper, and other  
743 documents, and receive evidence. All parties shall have an opportunity to respond, to present  
744 evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal  
745 evidence, to submit proposed findings of facts and orders, to file exceptions to the hearing  
746 officer's recommended order, and to be represented by counsel or other qualified representative.  
747 Hearsay evidence may be used for the purpose of supplementing or explaining other evidence,  
748 but it shall not be sufficient in itself to support a finding unless it would be admissible over  
749 objection in civil actions. In interpreting the provisions of this article, the hearing officer may  
750 consider administrative and judicial interpretations of substantially equivalent provisions of state  
751 or federal laws.

752 (r) The hearing officer shall prepare a recommended order consisting of findings of fact,  
753 conclusions of law and affirmative relief, if applicable. The hearing officer shall transmit the

754 recommended order to the board and all parties. Each party shall have 15 days from the date of  
755 the hearing officer's order to submit written exceptions to the hearing officer's order to the board.  
756 The board shall review such order and any written exceptions and may set forth any deficiencies  
757 it finds with respect to the order. Said deficiencies shall be limited to determinations that the  
758 findings were not based upon competent, substantial evidence, or that the proceedings on which  
759 the findings were based did not comply with the essential requirements of law. In reviewing such  
760 recommended order, the board shall not have the power to receive or consider additional  
761 evidence. The board shall have no power to reject or modify the findings of fact contained in the  
762 recommended order. The board may either adopt the recommended order as the final order, or by  
763 a three-fourths majority vote, remand the recommended order along with the delineated  
764 deficiencies back to the hearing officer for consideration of the deficiencies. The hearing officer  
765 shall address the identified deficiencies in an addendum to the recommended order. The hearing  
766 officer's order along with the addendum addressing the concerns of the board shall be the final  
767 order of the board. The final order shall be served upon the complainant and respondent within  
768 ten days of adoption by the board. If the hearing officer finds that a discriminatory practice has  
769 occurred or is about to occur, the hearing officer may recommend affirmative relief from the  
770 effects of the practice, including actual damages, equitable and injunctive relief and reasonable  
771 attorneys fees and costs. Judgment for the amount of damages, equitable relief and costs assessed  
772 pursuant to a final order by the board may be entered in any court of competent jurisdiction  
773 thereof and may be enforced as any other judgment.

774 (s) Any sale, encumbrance, or rental consummated prior to the issuance of an order by  
775 the board issued under the authority of this article and involving a bona fide purchaser,

776 encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil  
777 action under the provisions of this article shall not be affected.

778 (t) Either party to such administrative proceedings shall have the right to appeal the final  
779 administrative order described herein by certiorari review. Unless specifically ordered by the  
780 court, the commencement of an appeal does not suspend or stay an order of the board. Costs or  
781 fees may not be assessed against the board in any appeal from a final order issued by the board  
782 under this article. Either party to the administrative proceeding or the city shall have authority to  
783 bring an action in equity in a court of competent jurisdiction to enforce the final administrative  
784 order to ensure compliance with this article. The court shall be empowered to issue mandatory or  
785 prohibitive injunction to implement such administrative order.

786 (u) Should any party fail or refuse to comply with the final order issued by the board or  
787 breach a conciliation agreement as provided herein, then, following the expiration of the appeal  
788 time as provided herein, the board shall forward such order or conciliation agreement to the city  
789 commission with a request that the city commission authorize the city attorney to bring such  
790 action or actions as necessary to obtain compliance with this article.

791 **Sec. 8-96. Civil action and penalties.**

792 (a) In addition to the election of remedies provisions if, as a result of investigation under  
793 this article, the director finds there is reasonable cause to believe that an unlawful discriminatory  
794 housing practice has occurred, at the request of the person aggrieved, the board may recommend  
795 to the city commission that the matter be referred to the state attorney's office for appropriate  
796 proceedings to enforce the provisions of this article. The board may also recommend to the city  
797 commissioners that the city attorney bring a civil action in a court of competent jurisdiction if the  
798 director is unable to conciliate a complaint or if the city is unable to obtain voluntary compliance

799 with this article. The city and/or the board need not have requested or petitioned for an  
800 administrative hearing or exhausted any administrative remedies prior to bringing a civil action.

801 (b) If an aggrieved person wishes to bring a civil action, such action shall be commenced  
802 no later than two years after an alleged discriminatory practice has occurred. The aggrieved  
803 person need not have requested or petitioned for an administrative hearing or exhausted his or  
804 her administrative remedies prior to bringing a civil action. Such two-year period does not  
805 include any time during which conciliation efforts or an administrative hearing action was  
806 pending with respect to such complaint.

807 (c) Whenever an action filed in a court of competent jurisdiction pursuant to this article  
808 comes to trial, the director shall immediately terminate all efforts to obtain conciliation.

809 (d) In a civil action brought under this article, if a court finds that a discriminatory  
810 housing practice has occurred, it shall issue an order prohibiting the practice and providing  
811 affirmative relief from the effects of the practice, including injunctive and other equitable relief,  
812 actual damages, and reasonable attorneys' fees and costs. If the city has brought the civil action,  
813 the court shall award reasonable attorneys' fees and costs to the city in any action in which the  
814 city prevails.

815 (e) It is hereby found and declared that a violation of any provision of this article  
816 constitutes an irreparable injury to the citizens of the City of Gainesville.

817 **Sec. 8-97. Additional remedies.**

818 The procedures prescribed by this article do not constitute an administrative prerequisite  
819 to another action or remedy available under other law. Nothing in this article shall be deemed to  
820 modify, impair, or otherwise affect any right or remedy conferred by the constitution or laws of  
821 the United States or the State of Florida, and the provisions of this article shall be in addition to

822 those provided by such other laws. Nothing herein shall prevent any person from exercising any  
823 right or seeking any remedy to which he might otherwise be entitled, or from filing any  
824 complaint with any other agency or any court having proper jurisdiction.

825 **Secs. 8-98—8-101. Reserved.**

826 **Secs. 8-102—8-110. Reserved.**

827 **Section 4.** It is the intention of the City Commission that the provisions of Sections 1  
828 through 3 of this ordinance shall become and be made a part of the Code of Ordinances of the  
829 City of Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be  
830 renumbered or relettered in order to accomplish such intentions.

831 **Section 5.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
832 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
833 finding shall not affect the other provisions or applications of the ordinance which can be given  
834 effect without the invalid or unconstitutional provisions or application, and to this end the  
835 provisions of this ordinance are declared severable.

836 **Section 6.** All ordinances or parts of ordinances, in conflict herewith are to the extent of  
837 such conflict hereby repealed.

838 **Section 7.** This ordinance shall become effective immediately upon adoption.

839 **PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

840  
841  
842  
843

\_\_\_\_\_  
LAUREN POE  
MAYOR

844 ATTEST:

Approved as to form and legality

845

846

847

848

849 \_\_\_\_\_  
OMICHELE D. GAINNEY  
850 CLERK OF THE COMMISSION

\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

851

852

853 This ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2020.

854

855 This ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2020.