

CHAPTER 111. - HUMAN RIGHTS^[3]

Footnotes:

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Editor's note— Ord. No. 2013-10, § 1, adopted Aug. 13, 2013, repealed former Ch. 111, §§ 111.20—111.33, 111.60—111.72, in its entirety and enacted new provisions as herein set out. Former Ch. 111 pertained to equal opportunity, and see the Code Comparative Table at the end of the volume for a listing of ordinances that amended this former chapter.

Cross reference— Assurance of equal rights, § 21.05; purchasing regulations relating to small and minority businesses, § 22.30 et seq.; personnel, ch. 23; business licenses and regulations, tit. 6; discrimination in provision of cable television service, § 61.20.

State Law reference— Discrimination in the treatment of persons, F.S. § 760.01 et seq.

ARTICLE I. - GENERAL PROVISIONS

Sec. 111.01. - Legislative findings.

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

- (a) It is a matter of concern to the board to protect and safeguard the right and opportunity of all individuals to be free from discrimination, including discrimination based on race, color, national origin, religion, sex, marital status, age, disability, sexual orientation, gender identity or expression; and
- (b) The board's purpose in enacting this ordinance is to promote the personal dignity, public safety, health and general welfare of all individuals who live in, visit and work in Alachua County; and
- (c) Discriminatory practices are contrary to the public policy of Alachua County and are a menace to the personal dignity, public safety, health and general welfare of our citizens and, as such, the board shall direct its efforts toward eliminating discriminatory practices within Alachua County in the areas of employment, housing and public accommodations.

(Ord. No. 2013-10, § 1, 8-13-13; [Ord. No. 2019-11](#), § 1, 4-23-19)

Sec. 111.02. - Title of chapter.

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

(Ord. No. 2013-10, § 1, 8-13-13)

Sec. 111.03. - Intent of chapter.

It is the intent of this chapter to:

- (a) Secure for all individuals within Alachua County freedom from discrimination because of race, color, national origin, religion, sex, marital status, age, disability, sexual orientation, gender identity or expression in connection with employment, housing or public accommodations; and
- (b) Prohibit discrimination in housing and real estate transactions based on familial status, veterans or service member status, lawful source of income, citizenship status, or being the victim of dating violence, domestic violence, or stalking.

(Ord. No. 2013-10, § 1, 8-13-13; [Ord. No. 2019-11](#), § 1, 4-23-19)

Sec. 111.04. - Territorial jurisdiction.

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

(Ord. No. 2013-10, § 1, 8-13-13)

Sec. 111.05. - Definitions.

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

Age means person(s) who are 18 years of age or older.

Aggrieved person means any person who claims to have been injured by a discriminatory practice or believes that he or she will be injured by a discriminatory practice that is about to occur.

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

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

Citizenship status includes a perception that the person has a particular citizenship status, or that the person is associated with a person who has, or is perceived to have, a particular citizenship status.

Complainant means a person who files a complaint with the county pursuant to this chapter.

Covered multifamily dwelling means:

- (1) A building which consists of four or more units and has an elevator; or
- (2) Ground floor units of a building which consists of four or more units and does not have an elevator.

Disability means, as the term pertains to an individual:

- (1) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
 - (a) *Major life activities* means basic activities that the average person in the general population can perform with little or no difficulty including, but not limited to, caring for oneself, performing manual tasks, walking, sitting, standing, lifting, seeing, hearing, speaking, breathing, learning, thinking, concentrating, working and interacting with other people. Major life activities also includes major bodily functions including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
 - (b) *Substantially limits* means how an impairment affects the ability to perform a major life activity and is to be construed broadly in favor of expansive coverage, to the maximum extent permitted by the terms of federal or state anti-discrimination laws and regulations.
- (2) A record of such impairment; or
- (3) Being regarded as having such an impairment.

For purposes of the sections of this chapter as they relate to employment, such term does not include any individual who is an alcohol or drug abuser whose current use of alcohol or drugs prevents

such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to the property or safety of others.

Discriminatory practice means an act that is unlawful under this chapter.

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

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

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

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

- (1) The United States or a corporation wholly owned by the government of the United States; the State of Florida, any municipal government within Alachua County, or other governmental entity within Alachua County;
- (2) An Indian tribe; or
- (3) A bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of title 26, United States Code.

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

Familial status means a status that is established when an individual who has not attained the age of 18 years is domiciled with:

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

Family includes a single individual.

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

Gender identity or expression means an individual's physical appearance, presentation or representation of being a male or a female, regardless of that individual's assigned sex at birth.

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

Housing and real estate transaction means the sale, purchase, exchange, rental, or lease of real property, and any agreement or contract pertaining thereto.

Labor organization means:

- (1) An organization of any kind representing employees in dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment;
- (2) A conference, general committee, joint or system board, or joint council which is subordinate to a national or international labor organization; or

(3) An agent of a labor organization.

Lawful source of income means the lawful, verifiable income paid directly to a tenant or paid to a representative of a tenant, including but not limited to, income derived from social security, supplemental security income, child support, alimony, veteran's benefits, disability benefits, pension and retirement benefits, or any form of federal, state, or local public, food, or housing assistance or subsidy, including assistance from the Supplemental Nutrition Assistance Program (SNAP) and the Housing Choice Voucher Program or "Section 8" vouchers, whether such income is received directly or indirectly by the renter or purchaser and includes supplemental income.

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

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

Marital status means an individual's status of being married, separated, or unmarried, including being single, divorced, widowed or a domestic partner.

National origin means to be from a particular country or part of the world by ancestry, naturally, by marriage, or by adoption.

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

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

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

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

Protected status or characteristic means race, color, national origin, religion, sex, marital status, age, disability, sexual orientation, gender identity or expression.

Protected status or characteristic in housing and real estate transactions means race, color, national origin, religion, sex, marital status, age, disability, sexual orientation, gender identity or expression, familial status, veteran or service member status, lawful source of income, citizenship status, or being the victim of dating violence, domestic violence, or stalking.

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

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

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

Respondent means any person against whom a complaint is filed pursuant to this chapter.

Sale means any contract to sell, exchange, or to convey, transfer, or assign legal or equitable title to, or a beneficial interest in, real property.

Service member status means a status as defined by federal law and includes the state of serving on active duty in the armed forces of the United States, including the Reserves and National Guard.

Sexual orientation means an individual's actual or perceived heterosexuality, homosexuality or bisexuality.

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

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

Veteran status means the state of having served in any branch of the armed forces of the United States, including the Reserves and National Guard, and having been discharged or released under conditions other than dishonorable as defined under federal law.

Victim of dating violence means a person who has been subjected to acts or threats of violence, not including acts of self-defense, during the course of a significant relationship of a romantic or intimate nature, committed by another person under the following circumstances:

- (1) The nature of the relationship was characterized by the expectation of affection or sexual involvement between the individuals; and
- (2) The frequency and type of interaction between the individuals was on a continuous basis during the course of the relationship.

This does not include violence between individuals involved in a casual acquaintanceship or individuals who have engaged only in ordinary fraternization in a business or social context.

Victim of domestic violence means a family or household member who has been subjected to acts or threats of violence, not including acts of self-defense, by another family or household member.

For purposes of this chapter, "family or household member" includes:

- (1) A current or former spouse of the victim;
- (2) A person with whom the victim shares a child in common;
- (3) A person who is cohabitating with or has cohabitated with the victim; or
- (4) A person who is or has continually or at regular intervals lived in the same household as the victim.

Victim of stalking means a victim of acts that constitute or are deemed under state law to be willful, malicious, and repeated following, harassing or cyberstalking of another person, or the making of a credible threat with the intent to place that victim in reasonable fear of death or bodily injury of the person, or the person's spouse, child, parent, sibling or dependent. The term "cyberstalking" means engaging in a course of conduct to communicate or cause to be communicated, words, images or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

(Ord. No. 2013-10, § 1, 8-13-13; [Ord. No. 2019-11](#), § 1, 4-23-19)

Sec. 111.06. - Generally.

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

- (a) Discriminate against a person in employment, housing or public accommodations because of that individual's protected status or characteristic; or

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

(Ord. No. 2013-10, § 1, 8-13-13)

Sec. 111.07. - Incorporation of federal and state regulations.

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

(Ord. No. 2013-10, § 1, 8-13-13)

Sec. 111.08. - Retaliation, coercion, interference, obstruction, or prevention of compliance with this chapter.

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

- (a) Retaliate or discriminate against a person because he or she has opposed a discriminatory practice, or because he or she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under this chapter.
- (b) Aid, abet, incite, or coerce a person to engage in an unlawful discriminatory practice.
- (c) Willfully interfere with the performance of a duty or the exercise of a power by the board or manager, or one of their staff members or representatives.
- (d) Willfully obstruct or prevent a person from complying with the provisions of this chapter or an order issued hereunder.

(Ord. No. 2013-10, § 1, 8-13-13)

Sec. 111.09. - Human rights manager.

- (a) The manager of the Alachua County Equal Opportunity Office is hereby designated and authorized to serve as the human rights manager and to administer the provisions of this chapter.
- (b) The duties, functions, powers, and responsibilities of the human rights manager are as follows:
 - (1) Implement the provisions of this chapter and the rules and regulations promulgated hereunder, and all Alachua County ordinances, codes, rules, and regulations pertaining to discrimination in employment, housing and public accommodations, and advise the board of county commissioners when changes in the federal or state human rights laws require revisions to the county's human rights ordinance.
 - (2) Receive and investigate or refer written complaints, as provided by this chapter, of unlawful practices in violation of this chapter. Refer any written complaints received by the manager that allege unlawful practices in employment, housing or public accommodations by the federal government, the State of Florida, any municipality within Alachua County, or any other governmental entity within Alachua County, to the appropriate agency with authority to investigate such complaints. Refer any written complaints received by the manager that allege unlawful discrimination in county programs and services, or by a vendor doing business with Alachua County to the appropriate federal or state agency for investigation or, at the option of the complainant, have such complaints investigated internally by the county's equal opportunity

office in accordance with the policies and procedures adopted by the board of county commissioners for internal investigations.

- (3) Upon receiving a written complaint, make such investigations as the manager deems appropriate to ascertain facts and issues.
- (4) Utilize methods of persuasion, conciliation and mediation or informal resolution of grievances.
- (5) Provide assistance in all matters relating to discrimination in equal employment, housing and public accommodations within Alachua County.
- (6) Publish and disseminate public information and educational materials relating to discrimination in employment, housing and public accommodations.
- (7) Keep the human rights board fully and currently informed of all complaints alleging violations of this chapter and actions taken thereon, and of other actions taken by the manager under the provisions of this chapter, and attend all meetings of the human rights board, or send a designee.
- (8) Implement recommendations received from the human rights board concerning this chapter and the carrying out of its intent. When, in the opinion of the manager, effectuating any such recommendation would be undesirable or unfeasible, the manager shall promptly so report to the board, with his or her reasons. Any differences of judgment not able to be resolved between the board and the manager shall be referred to the county manager for his or her determination, and the board may, if it feels the matter warrants, further carry any such unresolved differences to the board of county commissioners for decision.
- (9) Make annual reports to the board of county commissioners, through the county manager, and to the human rights board, of activities under the provisions of this chapter, and make recommendations concerning methods by which to reduce discrimination, and such other comments and recommendations as the manager may choose to make.
- (10) Conduct educational and public information activities that are designed to promote the policy of this chapter.
- (11) Bring to the attention of the board of county commissioners, through the county manager, those items that may require the board of county commissioners' notice or action to resolve.

(Ord. No. 2013-10, § 1, 8-13-13)

Sec. 111.10. - Human rights board.

- (a) The board shall be composed of seven members plus one alternate member appointed by the board of county commissioners. The membership shall consist, whenever possible, of the following: a member of the Alachua County Citizens Disability Advisory Committee, an attorney eligible to practice in the State of Florida, a residential rental manager, a representative of a lending institution, and four citizens-at-large. Membership shall be representative of the county's population and, whenever possible, should reflect racial, ethnic, and religious minorities, as well as geographic, economic, and gender considerations.
- (b) Members of the board shall serve terms of three years each; provided, however, that three of the initial appointments shall be for a term of one year, two of the initial appointments shall be for a term of two years, and the remaining two initial appointments shall be for a term of three years. Thereafter, all appointments shall be for three-year terms.
- (c) The members of the board shall receive no compensation.
- (d) The board shall annually elect one of its members as chair and one as vice-chair. Elections shall be held at the first regularly scheduled meeting after appointment of the board. The chair shall preside and conduct meetings of the board. The vice-chair shall act in the absence of the chair. A quorum for the conduct of lawful business of the board shall be a majority of the current members. Unless

otherwise stated in this chapter, all actions and decisions of the board may be by a simple majority vote of those members present at a lawful meeting of the board.

- (e) The attendance policy for the board shall be in accordance with the attendance policy for boards and committees as set forth in the Alachua County Board of County Commissioners Rules of Procedure. The attendance policy shall apply to the alternate member.
- (f) The board shall have the power and authority to promulgate such procedures and rules as necessary to conduct the business of the board, provided such rules are not inconsistent with this chapter and provided that such rules may be subject to review and repeal by and at the discretion of the board of county commissioners.
- (g) The board shall meet as often as necessary. The manager shall schedule each meeting and give notice of the time and place of the meetings to all board members, all parties to be heard, and the public. Special meetings of the board may be convened by the chair, with the concurrence of the manager, upon giving notice thereof to the members of the board, or may be called by written notice signed by three members of the board and the manager. The notice of a special meeting shall be given, whenever possible, at least 24 hours prior thereto. All meetings shall be public.
- (h) The county manager shall provide clerical and administrative support, through the county's equal opportunity office, to the board as may be reasonably required by the board to discharge its duties and responsibilities. The county manager shall provide a regular meeting place for the board.

(Ord. No. 2013-10, § 1, 8-13-13)

Sec. 111.11. - Powers and duties.

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

- (a) Adopt rules and procedures necessary to conduct the business of the board.
- (b) Make recommendations to the manager for the enforcement of this chapter and the carrying out of its intent.
- (c) Subpoena and compel the production of evidence necessary for investigation of complaints filed for any alleged violation of this chapter. Administer oaths and compel the attendance of witnesses and production of evidence by subpoenas issued by the chair of the board.
- (d) Review the manager's actions and decisions on all complaints of discrimination as provided for in this chapter.
- (e) Review and comment on the manager's annual report, and forward such comments to the board of county commissioners.
- (f) In coordination with the manager, take other informational, educational, or persuasive actions to implement the intent of this chapter.
- (g) Apply to the circuit court for enforcement of any subpoena upon the refusal to answer or produce the requested document or information, wherein the circuit court shall determine the matter.
- (h) Recommend that the county seek prompt judicial action for appropriate temporary or preliminary relief pending final disposition of a complaint if the board determines that such action is necessary to carry out the intent of this chapter.
- (i) Any other powers and duties provided elsewhere in this chapter.

(Ord. No. 2013-10, § 1, 8-13-13)

Sec. 111.12. - Filing of complaints.

- (a) Any person claiming to be aggrieved by an unlawful practice prohibited by this chapter may file a written, verified complaint with the manager, or his or her designated representative. The complaint shall state the name and address of the complainant and the person or persons against whom the complaint is made (hereinafter referred to as the "respondent"). The complaint shall set forth the facts upon which the complaint is made, and such other information as the manager requires. The complaint must be filed within 180 days after the date the alleged unlawful practice has most recently occurred. The complaint may be withdrawn by the complainant at any time.
- (b) When it is determined that a complaint has been timely filed, the manager shall serve notice of the filing and a copy of the complaint upon the respondent. Notice should be served within ten business days of the date of filing. An amendment likewise shall be served upon the respondent. The notice shall advise the respondent of relevant procedural rights and obligations.
- (c) The manager shall serve notice upon the complainant acknowledging the filing of the complaint and advising the complainant of relevant procedural rights and remedies. The notice shall advise the complainant of remedies and choice of forums and inform the complainant that the administrative procedure provided for in this chapter is neither an obstacle nor a prerequisite to the complainant commencing a separate civil action on his or her own.
- (d) Once a complaint has been served on the respondent, the respondent shall preserve all records and other evidence which may pertain to the complaint until the matter has been finally determined.
- (e) The respondent shall file an answer to the complaint not later than ten business days after receipt of the notice of the filing. The answer shall be sworn to or affirmed before a notary public or other person duly authorized by law to administer oaths and take acknowledgments.
- (f) A complaint or answer may be amended at any time when it would be fair and reasonable to do so, and the manager shall furnish a copy of each amended complaint or answer to the respondent or the complainant, respectively, as promptly as practicable. With respect to any complaint filed pursuant to this chapter, the burden of proof is on the complainant.

(Ord. No. 2013-10, § 1, 8-13-13)

Sec. 111.13. - Processing of complaints.

- (a) Within 30 days after the filing of a complaint, the manager shall commence such investigation as deemed appropriate to ascertain facts and issues. The manager may utilize the services and information gathered from other public agencies charged with the administration of equal opportunity laws.
- (b) The following investigation procedures shall be followed:
 - (1) *Complaint verification.* As part of the investigation process, the complaining party may be required to provide an additional sworn written statement which shall include:
 - a. A statement of each particular harm or potential harm which the aggrieved person has suffered or will suffer and the date on which each harm occurred or will occur.
 - b. For each harm, a statement specifying the act, policy, or practice which is alleged to be unlawful.
 - c. For each act, policy, or practice alleged to have harmed the aggrieved person, a statement of the facts which led the complainant to believe that the act, policy, or practice is discriminatory.
 - (2) *Requests for information.* In investigating a complaint, the manager and/or the manager's designee may obtain information by:
 - a. Oral interview; and/or
 - b. Requests for written statement or affidavit; and/or

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

- (3) *Investigations.* The investigations will seek the voluntary cooperation of all persons in obtaining information. If, however, the manager is unable to obtain the voluntary cooperation of persons, he or she shall request the board to issue subpoenas. The board shall have the power to issue subpoenas or subpoenas duces tecum. Any subpoena issued by the board must be approved by the county attorney as to the subpoena's legality before it is issued.
 - (4) *Complaining party's failure to cooperate.* Where the complainant fails to provide a necessary information statement; fails or refuses to appear or be available for interviews or conferences; fails or refuses to provide necessary information requested by the manager pursuant to this section; or otherwise refuses to cooperate to the extent that impedes the investigation, the manager shall dismiss the complaint after providing 20 days' notice to the complainant unless the manager, with board approval, determines there is sufficient grounds and sufficient evidence to proceed with the complaint.
 - (5) *Access to files during investigation.* Information obtained during the investigation of a complaint shall be disclosed only to the complainant, the respondent, or their authorized representatives, or to witnesses, only when disclosure is deemed necessary by the manager for the investigation or for securing appropriate disposition of the complaint. The manager may direct that a particular record, document, or portion thereof be withheld from inspection by a party only when necessary for the protection of a witness or third party, or for the preservation of a trade secret, and only in accordance with the provisions of the Florida Public Records Law.
- (c) The manager shall, within 100 days after the filing of a complaint, complete the investigation of the alleged unlawful discriminatory practice, unless it is impracticable to do so. If the manager is unable to complete the investigation within 100 days after the filing of a complaint, the manager shall notify, by certified mail or by personal service, the complainant and the respondent in writing of the reasons for not so doing. The manager shall notify the aggrieved person and the respondent if administrative disposition of the complaint pursuant to this chapter cannot be accomplished within one year of the filing of the complaint.
 - (d) Beginning with the filing of the complaint and ending with the filing of a reasonable cause charge, as provided for in subsection (g) herein, the manager shall attempt to conciliate the matter by methods of initial conference and persuasion with all interested parties and such representatives as the parties may choose to assist them. Such conciliation conferences may be by whatever method the manager determines to be most appropriate. The manager shall attempt to achieve a just resolution of all violations found, and to obtain agreement that the respondent will eliminate the unlawful practice and provide appropriate affirmative relief. Except as provided in subsection (e) herein, nothing that is said or done in the course of conciliation or such informal endeavors may be made public or used as evidence in a subsequent proceeding without the written consent of the persons concerned.
 - (e) Where conciliation attempts are successful, the terms of a settlement of a complaint shall be reduced to a written conciliation agreement. The agreement must be executed by the respondent and the complainant, and is subject to the approval of the manager. The conciliation agreement shall seek to protect the interests of the aggrieved person, other persons similarly situated, and the public interest. Confidentiality of conciliation agreements shall be maintained in accordance with Florida public records law.
 - (f) A duly executed conciliation agreement shall operate as a dismissal of the complaint.
 - (g) If conciliation has not been reached within 100 days of the filing of the complaint and the complaint has not been withdrawn, the manager shall make a recommendation as to whether or not reasonable cause exists to believe that an unlawful discriminatory practice has occurred or is about to occur. Reasonable cause shall be based upon sufficiently trustworthy information which would lead an impartial observer to believe that a discriminatory practice has occurred or is likely to occur. The manager and/or the manager's designee shall report the results of the investigation and his or her recommendation to the board. The board shall receive a copy of the manager's report and shall have the opportunity to review the report and submit comments to the manager. If the board

determines that reasonable cause exists to believe that a discriminatory practice has occurred or is about to occur, it shall issue a notice of determination of reasonable cause. A copy of the notice shall be served upon the respondent, the complainant, and the aggrieved person within 20 days after the notice has been issued; along with the notice, the parties shall be advised of the options available under this section.

- (h) When the board has issued a notice of determination of reasonable cause, the aggrieved person may either:
 - (1) Bring a civil action against the person named in the complaint in any court of competent jurisdiction no later than one year after the date of determination of reasonable cause by the board; or
 - (2) Request an administrative hearing as provided for in subsection (j) herein. The request for an administrative hearing must be in writing and must be made no later than 35 days after the date of determination of reasonable cause by the board. The election by the aggrieved person of filing a civil action or requesting an administrative hearing under this subsection is the exclusive procedure available to the aggrieved person pursuant to this chapter.
- (i) If the manager determines that the complaint lacks reasonable grounds upon which to base a violation of this chapter, the manager shall dismiss the complaint, then shall inform the board of his or her findings through a written report. The board, in its discretion, may order that the matter be closed or may order, by a three-fourths majority vote, such further investigation as may be deemed necessary. If further investigation is ordered, the results thereof shall be presented to the board in the form of a written report within 60 days and shall be acted upon by the board within an additional 30 days.
- (j) If a request for an administrative hearing is timely made under subsection (h), an administrative hearing shall be held and shall be conducted according to the procedures provided in F.S. § 120.57(l). Any conciliation agreement reached prior to a scheduled hearing may result in such hearing being cancelled. The county, through the county manager's office, shall arrange for the services of a hearing officer to conduct the administrative hearing.
- (k) In conducting any administrative hearing to determine whether or not there has occurred a failure to comply with the provisions of this chapter, the hearing officer shall have the power to administer oaths, issue subpoenas, compel the production of books, paper, and other documents, and receive evidence. In interpreting the provisions of this chapter, the hearing officer may consider administrative and judicial interpretations of substantially equivalent provisions of federal or state laws.
- (l) The hearing officer shall transmit the recommended order conforming to the requirements of Chapter 120, F.S. § 120.59 to the board. The manager and the board shall review such order and, in an addendum to such order, the board may set forth its findings and recommendations with respect to the order. In reviewing such recommended order, the board shall not have the power to receive or consider additional evidence. The board shall have no power to reject or modify the findings of fact contained in the recommended order, unless the board first determines from a review of the complete record, and states with particularity in its addendum to the recommended order, that the findings were not based upon competent, substantial evidence, or that the proceedings on which the findings in the recommended order were based did not comply with the essential requirements of law. The recommended order together with the addendum of the board shall be considered as the final order of the board. The final order shall be served upon the complainant and respondent within ten business days of adoption by the board. If the hearing officer finds that a discriminatory practice has occurred or is about to occur, he or she shall issue a recommended order to the board prohibiting the practice and recommending affirmative relief from the effects of the practice, including actual damages and reasonable attorneys' fees and costs and other injunctive or equitable relief. Judgment for the amount of damages and costs assessed pursuant to a final order by the board may be entered in any court having jurisdiction thereof and may be enforced as any other judgment.
- (m) Final orders of the board are subject to judicial review pursuant to F.S. § 120.68. Unless specifically ordered by the court, the commencement of any appeal does not suspend or stay an order of the

board. In the event the aggrieved person is the prevailing party on any appeal, he or she shall be entitled to reasonable attorneys' fees and costs.

- (n) Either party to the administrative proceeding or the county shall have authority to bring an action in equity in the circuit court to enforce the final administrative order to ensure compliance with this chapter. The court of equity shall be empowered to issue mandatory or prohibitive injunctions to implement such administrative order.
- (o) Should any party fail or refuse to comply with the final order issued by the board or breach a conciliation agreement as provided herein, then, following the expiration of the appeal time as provided herein, the board shall forward such order or conciliation agreement to the board of county commissioners with a request that the board of county commissioners authorize the county attorney to bring such action or actions as necessary to obtain compliance with this chapter.

(Ord. No. 2013-10, § 1, 8-13-13)

Sec. 111.14. - Civil action and penalties.

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

(Ord. No. 2013-10, § 1, 8-13-13)

Sec. 111.15. - Implementation date.

The amendments made by Ordinance No. 2013-10 shall be implemented on January 1, 2014.

(Ord. No. 2013-10, § 1, 8-13-13)

Secs. 111.16—111.24. - Reserved.

ARTICLE II. - EQUAL EMPLOYMENT OPPORTUNITY

Sec. 111.25. - Discrimination in employment.

- (a) *Employers.* It is an unlawful discriminatory practice for an employer, on the basis of a protected status or characteristic, to:
 - (1) Fail or refuse to hire, discharge, or otherwise discriminate against a person with respect to compensation or the terms, conditions, or privileges of employment.
 - (2) Limit, segregate, or classify an employee in any way which would deprive or tend to deprive a person of employment opportunities or otherwise adversely affect the status of an employee.
 - (3) Discriminate against any person because of a physical or mental disability except with respect to a bona fide occupational qualification.
- (b) *Employment agencies.* It is an unlawful discriminatory practice for an employment agency, on the basis of a protected status or characteristic, to:
 - (1) Fail or refuse to refer for employment or otherwise discriminate against an individual; or
 - (2) Classify or refer for employment an individual on such a discriminatory basis.

- (c) *Labor organizations.* It is an unlawful discriminatory practice for a labor organization, on the basis of a protected status or characteristic, to:
 - (1) Exclude or to expel from membership or otherwise discriminate against any individual.
 - (2) Limit, segregate, classify membership or applicants for membership, or refuse to refer an individual for employment in a way which would deprive or tend to deprive, limit, or adversely affect an individual's employment opportunities.
 - (3) Discriminate against any person because of a physical or mental disability except with respect to a bona fide occupational qualification.
 - (4) Cause, assist, or attempt to cause or assist an employer to violate this article.
- (d) *Training programs.* It is an unlawful discriminatory practice for an employer, labor organization, or training committee, on the basis of a protected status or characteristic, to discriminate against an individual in a training program providing apprenticeship or other training.
- (e) *Genetic information discrimination.* It is an unlawful discriminatory practice for an employer, employment agency, labor organization or training/apprenticeship program to use genetic information to make employment decisions or to disclose genetic information about applicants, employees or members. Employers and agencies referenced above are restricted from requesting, requiring or purchasing genetic information except as allowed under federal law.
- (f) *Pregnancy Discrimination .* It is unlawful and discriminatory for an employer, employment agency, labor organization or training/apprenticeship program, to fail to treat women affected by pregnancy, childbirth or related medical conditions the same for all employment-related purposes including receipt of benefits under fringe benefit programs, as other persons are treated who are not so affected but similar in their ability or inability to work.
- (g) *Advertising.* It is an unlawful and discriminatory practice for an employer, labor organization, or employment agency to publish an advertisement relating to employment, indicating a preference, limitation, specification, or discrimination on the basis of a protected status or characteristic.
- (h) *Discriminatory information gathering.* Except as permitted and required by regulations of the county, or by applicable federal or state law, or bona fide occupation qualifications, it is a discriminatory practice for an employer or employment agency to elicit information about an employee, because of a protected status or characteristic, to keep or disclose a record of such information for the purpose of effecting discrimination.

(Ord. No. 2013-10, § 1, 8-13-13)

Sec. 111.26. - Exceptions.

- (a) It is not a discriminatory practice under this chapter for:
 - (1) An employer to hire and employ employees;
 - (2) An employment agency to classify or refer for employment any individual;
 - (3) A labor organization to classify its membership or to classify or refer for employment any individual; or
 - (4) A joint labor/management committee controlling apprenticeship or other training or retraining program to admit or employ any programs to admit any person in any such program;

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

- (b) It is not a discriminatory practice for a religious corporation, association, educational institution, or society to employ or give preference in employment to individuals of a particular religion to perform work connected with the carrying on by such corporations, associations, educational institutions, or societies of its various activities.
- (c) It is not a discriminatory practice to observe the terms of a bona fide seniority system, a bona fide employee benefit plan such as a retirement, pension, or insurance plan, or a system which measures earnings by quantity or quality of production, which is not designated, intended, or used to evade the purposes of this article. However, no such employee benefit plan or system which measures earnings shall be excused the failure to hire, and no such seniority system, employee benefit plan or system which measures earnings shall execute the involuntary retirement of any individual on the basis of any factor not related to the ability of such individual to perform the particular employment for which such individual has applied or in which such individual is engaged. This subsection shall not be construed to make unlawful the rejection or termination of employment when the individual applicant or employee has failed to meet bona fide requirements for the job or position sought or held or to require any changes in any bona fide retirement or pension programs or existing collective bargaining agreements during the life of the contract, nor shall this article preclude such physical and medical examinations of applicants and employees as an employer may require of applicants and employees to determine fitness for the job or position held.
- (d) It is not a discriminatory practice to take or fail to take any action on the basis of age pursuant to law or regulation governing any employment or training program designed to benefit persons of a particular age group.
- (e) Inadvertent acquisitions of genetic information, such as in situations where a manager or supervisor overhears someone talking about a family member's illness or an employee voluntarily discloses such information, shall not be construed as a violation of this article.
- (f) This article shall not be construed to require an employer to provide an accommodation on the basis of disability, religion or gender-identity, that creates an undue burden or hardship on the employer. In determining whether an accommodation is readily achievable or creates an undue burden or hardship, factors to be considered include:
 - (1) The nature and cost of the action;
 - (2) The overall financial resources of the employer, the effect on expenses and resources and the impact on operations.
- (g) The domestic partner provision shall not be construed to require an employer to provide employee benefit plans that violate state or federal law, such as the Employment Retirement Income Security Act (ERISA).
- (h) This article shall not be construed to prohibit an employer from requiring an employee to adhere to reasonable dress or grooming standards at work, provided the employer permits an employee who is undergoing gender transition to adhere to the same dress or grooming standards for the gender to which the employee is transitioning.

(Ord. No. 2013-10, § 1, 8-13-13)

Secs. 111.27—111.39. - Reserved.

ARTICLE III. - FAIR HOUSING

Sec. 111.40. - Discrimination in housing.

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

(a) *Sale or rental*; advertising of sale or rental.

- (1) *Refusal*. To refuse to engage in a real estate transaction or otherwise make unavailable or deny housing to any person;
- (2) *Terms; free association*. To discriminate against a person in the terms, conditions, or privileges of a real estate transaction, or in the furnishing of facilities or services in connection therewith, or because of such person's exercise of his right to free association;
- (3) *Offer*. To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from any person;
- (4) *Negotiation*. To refuse to negotiate for a real estate transaction with a person;
- (5) *Availability; inspection*. To represent to a person that housing is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to such person's attention, or to refuse to permit him or her to inspect the housing;
- (6) *Leading*. To steer any person away from or to any housing;
- (7) *Notice; record*. To make, print, publish, circulate, post, or mail, or cause to be made, printed, published, or circulated, any notice, statement, advertisement, or sign, or to use a form of application or photograph for a real estate transaction or, except in connection with a written affirmative action plan, to make a record or oral or written inquiry in connection with a prospective real estate transaction, which indicates directly or indirectly an intent to make a limitation, specification, or discrimination with respect thereto;
- (8) *Listing*. To offer, solicit, accept, use, or retain a listing of housing with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;
- (9) *Proximity of certain housing*. To induce or attempt to induce any person to transfer an interest in any housing by representations regarding the existing or potential proximity of housing owned, used, or occupied by any person protected by the terms of this article;
- (10) *Misrepresentation of listing*. To make any misrepresentation concerning the listing for sale or rental, or the anticipated listing for sale or rental, or the sale or rental of any housing for the purpose of inducing or attempting to induce any such listing or any of the above transactions;
- (11) *Retaliation*. To retaliate or discriminate in any manner against any person because of their opposition to a practice declared unlawful by this article, or because he or she has filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or conference under this article;
- (12) *Opposition*. To aid, abet, incite, compel, or coerce any person to engage in any of the practices prohibited by the provisions of this article, or to obstruct or prevent any person from complying with the provisions of this article, or any conciliation agreement entered into hereunder;
- (13) *Causing violation*. By causing any person to compel any practice prohibited by the provisions of this article;
- (14) *Denying accommodation*. Otherwise to deny to, or withhold, any housing accommodations from a person;
- (15) *Inciting unrest*. To promote, incite, influence, or attempt to promote, induce, or influence by the use of postal cards, letters, circulars, telephone, visitation, or any other means, directly or indirectly, a property owner, occupant, or tenant to list for sale, sell, remove from, lease, assign, transfer, or otherwise dispose of any housing by referring, as a part of a process or pattern of inciting neighborhood unrest, community tension based on a protected status or characteristic of actual or anticipated neighbors, tenants, or other prospective buyers of any housing;

- (16) *False information to obtain listing.* To cause to be made any untrue or intentionally misleading statement or advertisement or, in any other manner, attempt, as a part of a process or pattern of inciting neighborhood unrest, community tension in any street, block, neighborhood, or any other area, to obtain a listing of any housing for sale, rental, assignment, transfer, or other disposition, where such statement 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 misrepresentation in order to obtain such listing, sale, removal from, lease, assignment, transfer, or other disposition of said housing; or
- (17) *Signs.* To place a sign or display any other device, either purporting to offer to sell, lease, assign, transfer, or make other disposition or tending to lead to the belief that a bona fide offer is being made to sell, lease, assign, transfer, or otherwise dispose of any housing that is not in fact available or offered for sale, lease, assignment, transfer, or other disposition.
- (18) *Citizenship status.* A landlord or any agent of a landlord, shall not do either of the following:
- a. Require or request that any tenant, prospective tenant, occupant, prospective occupant, or guest of the residential rental property disclose or make any statement, representation, or certification concerning his or her citizenship status.
 - b. Disclose to any person or entity information regarding or relating to citizenship status of any tenant, prospective tenant, occupant, or prospective occupant of the residential rental property for the purpose of, harassing or intimidating a tenant, prospective tenant, occupant, or prospective occupant, retaliating against a tenant or occupant for the exercise of his or her rights, influencing a tenant or occupant to vacate a dwelling, or recovering possession of the dwelling.
 - c. This section does not prohibit a landlord or any agent of a landlord from doing either of the following:
 - i. Complying with any legal obligation under state or federal law, including, but not limited to, any legal obligation(s) under any state or federal government program(s) that provide for rent limitations or rental assistance to a qualified tenant, or a subpoena, warrant, or other order issued by a court.
 - ii. Requesting information or documentation necessary to determine or verify the financial or background qualifications of a prospective tenant, or to determine or verify the identity of a prospective tenant or prospective occupant.

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

- (1) It shall be unlawful and a discriminatory housing practice for any lending institution, as defined in this chapter, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining housing, or to discriminate against such person in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance, because of a protected status or characteristic of such person or of any person associated with such person in connection with such loan or other financial assistance, or for purposes of such loan or other assistance, or of the present or prospective owners, lessees, tenants, or occupants of the housing in relation to which such loan or other financial assistance is to be made or given; provided that nothing contained in this subsection shall impair the scope or effectiveness of the exceptions contained in section 111.41.
- (2) 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 a protected status or characteristic. The term "residential real estate transaction" means any of the following:

- a. The making or purchasing of loans or providing other financial assistance:
 - i. For purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - ii. Secured by residential real estate.
 - b. The selling, brokering, or appraising of residential real property.
- (c) *Brokerage services.* It shall be unlawful and a discriminatory housing practice to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service organization, or facility related to the business of selling or renting housing, or to discriminate against such person in the terms or conditions of such access, membership, or participation because of a protected status or characteristic.
- (d) *Familial status.* The protection afforded under subsections (a), (b), and (c) of this section against discrimination on the basis of familial status applies to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.
- (e) *Discrimination against persons with disabilities in sale or rental.* It is unlawful to discriminate in the sale or rental of, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:
 - (1) That buyer or renter;
 - (2) A person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
 - (3) Any person associated with the buyer or renter.
- (f) *Same—Discrimination in terms or conditions.* It is unlawful to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:
 - (1) That buyer or renter;
 - (2) A person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
 - (3) Any person associated with the buyer or renter.
- (g) *Same—Person acting as agent.* The prohibitions on discrimination because of a disability, as provided for in subsections (e) and (f), are applicable although another person who may be acting as agent or representative for the disabled person in the real estate transaction.
- (h) *Same—Accessibility standards.* For purposes of subsections (e) and (f), discrimination includes:
 - (1) A refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises;
 - (2) A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 - (3) In connection with the design and construction of covered multifamily dwellings for first occupancy on or after March 13, 1991, a failure to design and construct those dwellings in such a manner that:
 - a. The public use and common use portions of such dwellings are readily accessible to and usable by persons with disabilities.
 - b. All doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by a person in a wheelchair.

- c. All premises within such dwellings contain the following features of adaptive design:
 - i. An accessible route into and through the dwelling.
 - ii. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.
 - iii. Reinforcements in bathroom walls to allow later installation of grab bars.
 - iv. Usable kitchens and bathrooms such that a person in a wheelchair can maneuver about the space.
- (4) Compliance with the appropriate requirements of the Florida Accessible Building Code, providing accessibility and usability for persons with physical disabilities, suffices to satisfy the requirements of subsection (h)(3)c. State agencies with building construction regulation responsibility or local governments, as appropriate, shall review the plans and specifications for the construction of covered multifamily dwellings to determine consistency with the requirements of this subsection.
- (5) For the purposes of subsection (h)(1) above, in the case of a rental, a landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted. The landlord may not increase for persons with disabilities any customarily required security deposit. However, where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of such a restoration agreement a provision requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a reasonable amount of money, not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant. A landlord may condition permission for a modification on the renter providing a reasonable description of the proposed modifications, as well as reasonable assurances that the work will be done in accordance with applicable building codes and that any required building permits will be obtained.

(Ord. No. 2013-10, § 1, 8-13-13; [Ord. No. 2019-11](#), § 2, 4-23-19)

Sec. 111.41. - Exceptions.

- (a) *Religious societies.* Nothing contained in section 111.40 shall prohibit a religious organization, association, or society, or any nonprofit charitable or educational institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting or from advertising the sale, rental, or occupancy of housing which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on the basis of a protected status or characteristic.
- (b) *Single-family houses.* Nothing in section 111.40, other than subsection (a)(7) thereof, shall apply to:
 - (1) Any single-family house sold or rented by its owner, provided that such private individual owner does not own more than three such single-family houses at any one time; provided further that, in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24-month period; provided further that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on such owner's behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time; provided further that the owner sells or rents such housing:

- a. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesperson, or of such facilities or services of any person in the business of selling or renting housing, or of any employee or agent of any such broker, agent, salesperson, or person; and
 - b. Without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of subsection 111.40(a)(7); however, nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; or
- (2) Rooms or units in housing containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner actually maintains and occupies one of such living quarters as such owner's residence, provided that the owner sells or rents such rooms or units:
 - a. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesperson, or of such facilities or services of any person in the business of selling or renting housing, or of any employee or agency of any such broker, agent, salesperson, or person; and
 - b. Without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of subsection 111.40(a)(7).
- (3) Nothing in this section shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title. For the purpose of this section, a person shall be deemed to be in the business of selling or renting housing if:
 - a. Within the preceding 12 months, a person participated as principal in three or more transactions involving the sale or rental of any housing or any interest therein; or
 - b. Within the preceding 12 months, a person participated as agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any housing or any interest therein; or
 - c. A person is the owner of any housing designed or intended for occupancy by, or occupied by, five or more families.
- (c) *Physical accessibility.* Nothing in section 111.40 requires any person renting or selling a dwelling constructed for first occupancy before March 13, 1991, to modify, alter, or adjust the dwelling in order to provide physical accessibility, except as otherwise required by law.
- (d) *Housing for older persons—Definition.* Any provision of this article regarding familial status or age does not apply with respect to housing for older persons. As used in this subsection, the term "housing for older persons" means housing:
 - (1) Provided under any local, state, or federal program that the Secretary of the United States Department of Housing and Urban Development determines is specifically designed and operated to assist elderly persons, as defined in the local, state, or federal program;
 - (2) Intended for, and solely occupied by, persons 62 years of age or older; or
 - (3) Intended and operated for occupancy by at least one person 55 years of age or older per unit. In determining whether housing qualifies as housing for older persons under this subparagraph, the manager shall consider at least the following factors:
 - a. The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons; or, if providing such facilities and services is not practicable, such housing is necessary to provide important housing opportunities for older persons;

- b. At least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and
 - c. The publication of and adherence to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.
- (e) *Same—Additional criteria.* Housing shall not fail to be considered housing for older persons if:
 - (1) A person who resides in such housing on or after September 13, 1988, does not meet the age requirements of this subsection, provided that any new occupant meets such age requirements; or
 - (2) One or more units are unoccupied, provided that any unoccupied units are reserved for occupancy by persons who meet the age requirements of this subsection.
- (f) *Miscellaneous exceptions.* Nothing in section 111.40.
 - (1) Prohibits a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than a protected status or characteristic.
 - (2) Limits the applicability of any reasonable local restriction regarding the maximum number of occupants permitted to occupy a dwelling.
 - (3) Requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
 - (4) Prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined under F.S. ch. 893.

(Ord. No. 2013-10, § 1, 8-13-13)

Secs. 111.42—111.59. - Reserved.

ARTICLE IV. - EQUAL ACCESS TO PLACES OF PUBLIC ACCOMMODATION

Sec. 111.60. - Discrimination in public accommodations.

It is an unlawful discriminatory practice for any person to deny, withhold, or refuse a person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation because of a protected status or characteristic.

(Ord. No. 2013-10, § 1, 8-13-13)

Sec. 111.61. - Places of public accommodation.

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

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

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

- (1) Any inn, hotel, motel, resort or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than four rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his or her residence.
- (2) Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, buffet or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment, or any gasoline station.
- (3) Any tavern, bar, liquor lounge, package store or other facility holding a license for the sale of alcoholic beverages issued by the division of alcoholic beverages and tobacco of the department of business and professional regulation of the state, and which serves or which holds itself out as serving the general public.
- (4) Any pool or billiard hall, bowling alley, motion picture house, theater, concert hall, sports arena, place of amusement, skating rink, amusement park, golf courses, swimming pool, or other place of exhibition or entertainment.
- (5) Any gasoline station, retail establishment, convenience store, beauty parlor, barbershop, styling salon, or laundry establishment.
- (6) Facilities, or portions of facilities, when open to the general public, including, but not limited to: hospitals, nurseries, schools, libraries or educational facilities supported in part or whole by public funds, kindergartens, day care centers.
- (7) Any transportation conveyance open to the general public, including, but not limited to: taxis, limousines, trains, and buses.
- (8) Any professional office, generally open to the public, such as those of attorneys, physicians, dentists, architects, or accountants.
- (9) Any establishment which is physically located within the premises of any establishment otherwise covered by this section, or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment.

(Ord. No. 2013-10, § 1, 8-13-13)

Sec. 111.62. - Prohibition of discrimination in public accommodations.

- (a) It is a violation of this article for a person who owns or operates a place of public accommodation, whether personally or through the actions of an employee or independent contractor, to deny or refuse to another individual the full and equal enjoyment of the facilities and services of any place of public accommodation on the basis of that individual's protected status or characteristic.
- (b) It is a violation of this article for a person who owns or operates a place of public accommodation, either personally or through the actions of an employee or independent contractor, to display or publish any written communication which is to the effect that any of the facilities and/or services of a place of public accommodation will be denied to any individual or that any such individual is unwelcome, objectionable or unacceptable because of that individual's protected status or characteristic.
- (c) All people have an equal right to the access and safe use of restrooms or other facilities that are segregated by sex (gender), consistent with their gender identity as presented.
 - (1) In gender-specific facilities where nudity in the presence of other people may be unavoidable, such as shared showers or changing areas, a transgender individual who has completed the transitioning process shall be allowed access and safe use of the facility that is consistent with the individual's gender identity as presented.
 - (2) This provision shall not be construed to require the construction of new or additional facilities.

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

(Ord. No. 2013-10, § 1, 8-13-13)

Sec. 111.63. - Exceptions.

- (a) The provisions of this article shall not prohibit a religious organization or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization from limiting the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation which it owns or operates, other than for a commercial purpose, to individuals of the same religion, or to individuals who subscribe to its tenets or beliefs, or from giving preference to such individuals.
- (b) The provisions of this article shall not apply to lodge halls or other similar facilities of private organizations which are available for public use occasionally or periodically.
- (c) The provisions of this article shall not apply to any private membership club or other establishment which is 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 another establishment which is a place of public accommodation. However, any institution, club or place of public accommodation which provides regular meal service and regularly receives payment for dues, fees, use of space, facilities, services, meals or beverages, directly or indirectly, from, or on behalf of, nonmembers for the furtherance of the trade or business, shall not receive an exemption as a private club under this article.
- (d) The provisions of this article shall not be construed to require an establishment to provide an accommodation on the basis of disability, religion or gender-identity, that creates an undue burden or hardship on the business. In determining whether an accommodation is readily achievable or creates an undue burden or hardship, factors to be considered include:
 - (1) The nature and cost of the action;
 - (2) The overall financial resources of the facility, the effect on expenses and resources and the impact on the operations of the facility.
- (e) The domestic partner provision shall not be construed to require an establishment to treat unmarried couples in the same manner as married couples for the purposes of membership benefits or discounts, but does not prohibit the extending of such benefits to domestic partners.
- (f) The provisions of this article shall not be construed to prohibit the separation on the basis of gender in transient shelters or dormitory-lodging facilities.
- (g) The provisions of this article shall not be construed as prohibiting the giving of special discounts or promotions on goods and services on the basis of gender or age by a place of public accommodation, provided such goods and services, at other than such special discount rates or promotions, are not denied to individuals on the basis of race, color, national origin, religion, sex, marital status, age, disability, sexual orientation, gender identity or expression, unless such denial is pursuant to federal or state laws. Examples of such special discounts or promotions include senior citizen discounts or ladies' night promotions.

(Ord. No. 2013-10, § 1, 8-13-13)