

## Sec. 26-1. - Declaration of policy.

- (a) It is the intent of the city council, in enacting this chapter, to protect and safeguard the right and opportunity of all persons to be free from all forms of discrimination, including discrimination based on age, race, color, religion, national origin, ancestry, disability, marital status, gender, gender identity or expression, sexual orientation, or physical characteristic. The council's purpose in enacting this chapter is to promote the public health and welfare of all persons who live in, visit and work in the city. It is important for the city to ensure that all persons within the city have equal access to employment, housing, public accommodations, and education. It is the city's intent to work cooperatively, to the maximum extent possible, with other government entities that may provide similar protections and to avoid unnecessary duplication of services. It is the desire of the city council to foster and encourage the growth and development of the city in a manner that will assure all persons an equal opportunity to live free of discrimination imposed by age, race, color, religion, national origin, ancestry, disability, marital status, gender, gender identity or expression, sexual orientation, or physical characteristic. Discriminatory practices are contrary to the public policy of the city and are a menace to the public peace and welfare of our citizens. The city shall direct its efforts and resources toward eliminating discriminatory practices within the city in the areas of employment, housing, public accommodations, and education where they exist.
- (b) The general purpose of this chapter is to secure for all individuals within the city freedom from discrimination because of age, color, disability, gender, marital status, familial status, national origin, race, religion, gender identity or expression, sexual orientation, and physical characteristics and thereby to protect their interest in personal dignity, to make available to the city their full productive capacities, to secure the city against domestic strife and unrest, to preserve the public safety, health, and general welfare, and to promote the interests, rights, and privileges of individuals within the city.

(Ord. No. 2005-16, § 1, 10-4-05)

## Sec. 26-2. - Definitions.

The following words and phrases, when used in this chapter, shall have the following meanings:

*Age* shall be as defined in the human rights or human relations ordinance of the county.

*Aggrieved person* means any person who claims to have been injured by a discriminatory practice, who files a complaint with the city.

*Complainant* means a person who files a complaint under this chapter.

*Conciliation* means the attempted resolution of issues raised by a complaint, or by the investigator of such complaint, through informal negotiations involving the aggrieved person, the respondent, and a conciliator.

*Conciliation agreement* means a written agreement setting forth the resolution of the issues in conciliation.

*Conciliator* means an attorney at law certified to practice in the state, a circuit court civil mediator certified by the Florida Supreme Court, or a third year law student who is under the direct supervision of a law professor or circuit court civil mediator certified by the Florida Supreme Court.

*Disability* shall be as defined in the human rights or human relations ordinance of the county.

*Discriminatory practice* means any practice made unlawful by this chapter.

*Entity* means employee, employer, employment agency, financial institution, labor organization, mortgage broker, owner, person, real estate broker, real estate sales agent, or joint labor-management committee as used or defined in this chapter.

*Gender* is used interchangeably with sex and means actual or perceived sex.

*Gender identity or expression* means a gender-related identity, appearance, expression or behavior of an individual, regardless of the individual's assigned sex at birth.

*Marital status* shall be as defined in the human rights or human relations ordinance of the county.

*National origin* shall be as defined in the human rights or human relations ordinance of the county.

*Person* includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, receivers and fiduciaries.

*Physical characteristic* means a bodily condition or bodily characteristic of any person that is from birth, accident, or disease, or from any natural physical development, including individual physical mannerisms including but not limited to height and weight. Physical characteristic shall not relate to those situations where a bodily condition or characteristic will present a danger to the health, welfare or safety of any individual.

*Prevailing party* shall have the same meaning as such term has in 42 U.S.C. Section 1988.

*Race* shall be as defined in the human rights or human relations ordinance of the county.

*Religion* means all aspects of religious observance, practice, and belief.

*Respondent* means the person or other entity accused in a complaint of an act of discrimination prohibited by this chapter.

*Sexual orientation* means actual or perceived heterosexuality, homosexuality or bisexuality.

*Unlawful discriminatory practice* means a practice prohibited under the provisions of this chapter.

(Ord. No. 2005-16, § 1, 10-4-05)

#### Sec. 26-3. - Hearing officer.

The city council shall designate one (1) or more hearing officers, who shall hear all complaints alleging that a violation of this chapter has occurred. The hearing officer shall be an attorney at law, licensed to practice in the state, and shall have the following powers and duties:

- (1) To hold hearings, require conciliation conferences and to compel the attendance of witnesses, administer oaths and take the testimony of any person under oath;
- (2) To issue subpoenas and order discovery in aid of hearings as required under the provisions of this chapter. Such subpoenas and discovery may be ordered to the same extent and subject to the same limitations as subpoenas and discovery in a civil action under the Florida Rules of Civil Procedure;
- (3) To endeavor to resolve complaints, filed pursuant to this chapter, through conciliation;
- (4)

Upon the failure of conciliation, to review whether the evidence supports a decision that an unlawful discriminatory practice has occurred and in the event of such finding, to issue an order to that effect; and

- (5) Any other powers and duties provided elsewhere in this chapter.

(Ord. No. 2005-16, § 1, 10-4-05)

Sec. 26-4. - Procedures; initiation of proceedings.

- (a) Any person subjected to an unlawful discriminatory practice may file with the city a complaint in writing, sworn to or affirmed, which shall state the name and address of the complainant and the person or persons against whom the complaint is made. It shall also state, in detail, the alleged facts surrounding the alleged unlawful discriminatory practice and be in a form as prescribed by the city. A complaint may be amended as authorized by the hearing officer. A complaint shall be filed with the city manager or his or her designee within one hundred eighty (180) days after the date of the alleged unlawful discriminatory practice in order to be received under this chapter. The city shall assist complainants or respondents where necessary in the preparation and filing of complaints and answers.
- (b) Within thirty (30) days after the filing of a complaint, the city manager, or his or her designee, shall determine whether the city has jurisdiction to consider the complaint. If a determination of no jurisdiction is made, the complainant may be referred to any other government agency that may have jurisdiction over the complaint. If a determination is made that the city has jurisdiction over the complaint, the city manager, or his or her designee, shall serve on the respondent a notice that a complaint has been filed, as well as a copy of the complaint. Not later than the twentieth day after receipt of the notice and a copy of the complaint, the respondent shall file an answer. The answer must be in writing, under oath and in a form prescribed by the city. An answer may be amended as authorized by the hearing officer.
- (c) All parties to a complaint may appear with counsel at all stages of the proceedings under this chapter.
- (d) Within thirty (30) days of receiving a complaint, the city manager, or his or her designee, shall commence such actions as may be necessary to investigate the allegations of the complaint. The city manager shall confer with the investigator,

review the completed investigation, confer with the city attorney if necessary, and shall determine whether reasonable cause exists for the complaint. If the city manager finds reasonable cause that a violation of this chapter exists, and the city has jurisdiction over the complaint pursuant to this chapter, the complaint shall be subject to further proceedings hereunder; otherwise, the complaint shall be dismissed.

- (e) The complainant, within thirty (30) days after receiving a copy of the order dismissing the complaint, may file with the board of adjustment, an application for reconsideration of the order. The board of adjustment shall review the application and determine within sixty (60) days of receiving the application whether there is reasonable cause to believe that the respondent has engaged in a discriminatory practice. If it is determined that there is reasonable cause to believe a discriminatory practice has occurred, the matter shall be referred to conciliation in accordance with subsection (f) below. If it is determined that no reasonable cause exists, and the time for appeal to the board of adjustment has expired or the board of adjustment has concurred that no reasonable cause exists, a final order dismissing the complaint shall be issued by the city manager or his or her designee.
- (f) Conciliation shall be commenced, as follows:
  - (1) Within thirty (30) days of a determination that reasonable cause for the complaint exists, the city shall issue an order to all parties to engage in conciliation, and a conciliator shall be designated to assist the parties in resolving the complaint. All parties shall be required to engage in such conciliation in good faith. All conciliation conferences shall be informal, and shall be scheduled by the city manager, or his or her designee.
  - (2) A conciliation agreement arising out of such conciliation shall be an agreement between the respondent and the complainant.
  - (3) A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Any such arbitration that results from the conciliation agreement may award appropriate relief, including monetary relief.
  - (4) Each conciliation agreement shall be made public pursuant to the requirements of Chapter 119, Florida Statutes.
  - (5)

All conciliation proceedings shall be confidential, and nothing said or done in the course of conciliation under this article may be made public or used as evidence in a subsequent proceeding under this chapter or in any subsequent civil action without the written consent of all persons who participated in the conciliation.

- (6) The provisions of this section notwithstanding, the complainant and the respondent may elect to engage in private settlement negotiations, with or without a mediator, and enter into a confidential settlement agreement which shall not become a public record unless it is filed with the city.
- (g) All documents filed with the city pursuant to this chapter, and all records and documents in the custody of the board shall be public records as provided for in F.S. ch. 119, unless otherwise exempted thereunder.
- (h) A complaint may be voluntarily dismissed by a complainant at any time. Upon the filing of a voluntary dismissal, the city's jurisdiction over the complaint shall terminate.

(Ord. No. 2005-16, § 1, 10-4-05)

#### Sec. 26-5. - Hearing procedures.

- (a) Once a determination has been made that reasonable cause exists for the complaint and conciliation efforts are unsuccessful, the hearing officer shall hold hearings as necessary to hear and dispose of pending matters. The hearing officer shall provide notice of the time and place of all hearings to all parties involved in complaints to be acted upon. The hearing officer shall be provided with such professional assistance and staff as may be deemed necessary by the city council to enable the hearing officer to perform his or her duties as assigned in this chapter.
- (b) The hearing officer shall hold a public hearing not earlier than sixty (60) days after the filing of a complaint nor later than one hundred eighty (180) days after the time of filing. The hearing officer shall serve upon all interested parties a notice of time and place of the hearing. The complainant and respondent or their respective counsel may file such statements with the hearing officer prior to the hearing as they deem necessary in support of their case. The hearing shall be open to the public and parties may appear with or without counsel. The parties may present testimony and the right to cross-examination shall be preserved. All testimony and

evidence shall be under oath or by affirmation administered by the hearing officer. The hearing officer shall not be bound by strict rules of evidence. The city council may adopt such additional rules of procedure as it deems necessary.

- (c) Upon completion of the hearing, the hearing officer shall issue a final order determining whether a violation of this chapter has occurred. The hearing officer shall determine what relief, if any is appropriate or dismiss the complaint finding that no violation has occurred. The city manager, or his or her designee, shall promptly notify the complainant and respondent of the hearing officer's action. Upon dismissal or issuance of a final order, the complainant shall have no further remedy pursuant to this chapter.
- (d) The hearing officer shall make such findings of fact and conclusions of law following any hearing, as he or she deems necessary and issue a written decision.
- (e) When any act is required or allowed to be done at or within a specified time by this chapter, for cause shown, the city manager or hearing officer, at any time in their discretion, may order the period enlarged or may permit the act to be done when failure to act was the result of excusable neglect.

(Ord. No. 2005-16, § 1, 10-4-05)

Sec. 26-6. - Exclusivity.

- (a) If a complaint filed with the city is based upon an incident which is, has been or could be the basis of a charge of an unlawful discriminatory practice filed with a county, state or federal government or any of their agencies, and if the allegations contained in the complaint would be fully covered under a statute or ordinance applicable in the county, including the city, the city manager or his or her designee shall dismiss the complaint without prejudice and refer the complainant to the appropriate county or other government agency.
- (b) If at any time during the processing of a complaint, the complainant files an allegation of an unlawful discriminatory practice with a county, state or federal government, or any of their agencies, or a complaint alleging an unlawful discriminatory practice in any court, based upon the same incident that is the basis of a charge filed with the city, all proceedings concerning the processing of the complaint under this chapter shall be dismissed without prejudice and the hearing officer shall enter an order of dismissal accordingly.

(Ord. No. 2005-16, § 1, 10-4-05)

Sec. 26-7. - Violation of conciliation agreement.

It shall be an unlawful discriminatory practice for any party to a conciliation agreement entered into pursuant to this chapter to violate the terms of such agreement.

(Ord. No. 2005-16, § 1, 10-4-05)

Sec. 26-8. - Appeal.

Appeal from any final order of the hearing officer shall be by writ of certiorari to the circuit court, as provided by law.

(Ord. No. 2005-16, § 1, 10-4-05)

Sec. 26-9. - Enforcement.

- (a) Whenever a complaint is filed and the city manager or hearing officer concludes on the basis of an investigation or other inquiry that prompt judicial action is necessary to carry out the purpose of this chapter, the city manager or hearing officer may request the city attorney to immediately commence and maintain an action for appropriate temporary or preliminary relief pending final disposition of the complaint. The city attorney shall then exercise prosecutorial discretion to determine whether to initiate such proceedings on behalf of the city, and shall maintain such proceedings as deemed advisable, in accordance with said discretion.
- (b) Whenever the city manager or hearing officer has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this chapter, and that the pattern or practice is of such a nature as to deny the full exercise of the rights afforded by this chapter, or a person has been denied any right granted by this chapter and that denial raises an issue of general public importance, the city manager or hearing officer may request the city attorney bring an appropriate civil action in a court of competent jurisdiction. The city attorney shall then exercise prosecutorial discretion to determine whether to initiate such proceedings on behalf of the city, and shall maintain such proceedings as deemed advisable, in accordance with said discretion.

- (c) A final order of the hearing officer may be enforced by any court of competent jurisdiction.

(Ord. No. 2005-16, § 1, 10-4-05)

Sec. 26-10. - Remedies.

The same remedies available under the applicable human rights ordinance, in the county, as amended from time to time, shall be available under this chapter.

(Ord. No. 2005-16, § 1, 10-4-05)

Sec. 26-11. - Prohibited acts.

- (a) It shall be unlawful for a person to retaliate or discriminate in any manner against a person because such person opposed a practice prohibited by this chapter or prohibited by existing federal or state law prohibiting discrimination; or to retaliate or discriminate in any manner against a person because such person has filed a complaint, testified, assisted or participated in any manner in any investigation, proceedings, hearing or conference under this chapter or under any federal or state law prohibiting discrimination.
- (b) It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter.

(Ord. No. 2005-16, § 1, 10-4-05)

Secs. 26-12—26-19. - Reserved.

ARTICLE II. - EMPLOYMENT DISCRIMINATION

Sec. 26-20. - Generally.

The general purpose of this article is to secure for all individuals within the city the freedom from discrimination because of age, race, color, religion, national origin, ancestry, disability, marital status, gender, gender identity or expression, sexual orientation, or physical characteristic

in connection with employment, where said rights are not otherwise fully protected by any federal, state or county law, and thereby to promote the interests, rights and privileges of individuals within the city.

(Ord. No. 2005-16, § 1, 10-4-05)

Sec. 26-21. - Definitions.

The following words and phrases, when used in this article, shall have the following meanings:

*Compensation, terms, conditions, or privileges of employment* encompasses all employee benefits, including such benefits provided pursuant to a bona fide employee benefit plan.

*Employee* means an individual employed by an employer, but shall not include an immediate family member of the employer.

*Employer* means any person employing five (5) or more employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year, and any agent of such a person.

*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.

*Immediate family member* means a spouse, domestic partner, father, stepfather, mother, stepmother, son, stepson, daughter, stepdaughter, brother, stepbrother, sister, stepsister, grandparent, step grandparent, grandchild, or step grandchild, natural or by adoption.

*Labor organization* means any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or other mutual aid or protection in connection with employment.

(Ord. No. 2005-16, § 1, 10-4-05)

Sec. 26-22. - Unlawful employment practices.

(a) The following shall constitute unlawful discrimination in employment practices:

(1) It is a discriminatory practice for an employer to:

- a. Fail or refuse to hire, discharge, or otherwise discriminate against an individual with respect to compensation or the terms, conditions, or privileges of employment because of age, race, color, religion, national origin, ancestry, disability, marital status, gender, gender identity or expression, sexual orientation, or physical characteristic; or
  - b. Limit, segregate, or classify an employee in a way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect the status of an employee because of age, race, color, religion, national origin, ancestry, disability, marital status, gender, gender identity or expression, sexual orientation, or physical characteristic.
- (2) It is a discriminatory practice for an employment agency on the basis of age, race, color, religion, national origin, ancestry, disability, marital status, gender, gender identity or expression, sexual orientation, or physical characteristic to:
  - a. Fail or refuse to refer for employment or otherwise discriminate against an individual; or
  - b. Classify or refer for employment an individual on such a discriminatory basis.
- (3) It is a discriminatory practice for a labor organization to:
  - a. Exclude or to expel from membership or otherwise discriminate against any individual on the basis of age, race, color, religion, national origin, ancestry, disability, marital status, gender, gender identity or expression, sexual orientation, or physical characteristic;
  - b. Limit, segregate, or classify membership or applicants for membership, or to classify or to fail 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 on the basis of age, race, color, religion, national origin, ancestry, disability, marital status, gender, gender identity or expression, sexual orientation, or physical characteristic; or
  - c. Cause, assist, or attempt to cause or assist an employer to violate this division.
- (4)

It is an unlawful practice for an employer, labor organization, or training committee to discriminate against an individual on the basis of age, race, color, religion, national origin, ancestry, disability, marital status, gender, gender identity or expression, sexual orientation, or physical characteristic in a training program providing apprenticeship or other training.

- (5) It is a discriminatory practice for an employer, labor organization, or employment agency to publish an advertisement relating to employment, indicating a preference, limitation, specification, or discrimination based on age, race, color, religion, national origin, ancestry, disability, marital status, gender, gender identity or expression, sexual orientation, or physical characteristic.
  - (6) Except as permitted and required by regulations of the county, or by applicable federal or state law, it is a discriminatory practice for an employer or employment agency to elicit information about an employee's age, race, color, religion, national origin, ancestry, disability, marital status, gender, gender identity or expression, sexual orientation, or physical characteristic, or to keep or disclose a record of such information for the purposes of effecting discrimination.
- (b) It is not a discriminatory employment practice for:
- (1) A religious corporation, association, or society to employ individuals of a particular religion to perform work connected with the beliefs, tenets and doctrines of the corporation, association, or society of its religious activities; or
  - (2) A religious educational institution or religious organization owned, operated, supervised, or controlled by a religious institution or organization to limit employment or give preference to members of the same religion.

(Ord. No. 2005-16, § 1, 10-4-05)

Secs. 26-23—26-29. - Reserved.

### ARTICLE III. - HOUSING DISCRIMINATION

Sec. 26-30. - Generally.

The general purpose of this article is to secure for all individuals within the city the freedom from discrimination because of age, race, color, religion, national origin, ancestry, disability, marital status, familial status, gender, gender identity or expression, sexual orientation, or physical characteristic in connection with housing, and thereby to promote the interests, rights and privileges of individuals within the city.

(Ord. No. 2005-16, § 1, 10-4-05)

Sec. 26-31. - Definitions.

The following words and phrases, when used in this article, shall have the following meanings:

*Covered multifamily dwelling* means:

- (1) A building which consists of four (4) or more units and has an elevator; or
- (2) The ground floor units of a building which consists of four (4) or more units and does not have an elevator.

*Discriminatory housing practice* means an act that is unlawful under the terms of this article.

*Dwelling* means any building or structure, or portion thereof, which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families, or any vacant land which is offered for sale or lease for the construction or location on the land of any such building or structure, or portion thereof.

*Familial status* shall be as defined in the human rights or human relations ordinance of the county.

*Family* includes a single individual.

*To rent* includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(Ord. No. 2005-16, § 1, 10-4-05)

Sec. 26-32. - Prohibited practices or acts.

(a)

A person may not refuse to sell or to rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of age, race, color, religion, national origin, ancestry, disability, marital status, familial status, gender, gender identity or expression, sexual orientation, or physical characteristic.

- (b) A person may not discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in providing services or facilities in connection with such sale or rental, because of age, race, color, religion, national origin, ancestry, disability, marital status, familial status, gender, gender identity or expression, sexual orientation, or physical characteristic.
- (c) This section does not prohibit discrimination against a person because the person has been convicted under federal law or the law of any state of the illegal manufacture or distribution of a controlled substance.
- (d) A person may not make, print, or publish or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on age, race, color, religion, national origin, ancestry, disability, marital status, familial status, gender, gender identity or expression, sexual orientation, or physical characteristic or an intention to make such a preference, limitation, or discrimination.
- (e) A person may not represent to any person because of age, race, color, religion, national origin, ancestry, disability, marital status, familial status, gender, gender identity or expression, sexual orientation, or physical characteristic that a dwelling is not available for inspection, sale or rental when the dwelling is available for inspection, sale or rental.
- (f) A person may not, for profit, induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular age, race, color, religion, national origin, ancestry, disability, marital status, familial status, gender, gender identity or expression, sexual orientation, or physical characteristic.
- (g) A person or entity whose business includes engaging in residential real estate related transactions may not discriminate against a person in making a real estate related transaction available or in the terms or conditions of a real estate related

transaction because of age, race, color, religion, national origin, ancestry, disability, marital status, familial status, gender, gender identity or expression, sexual orientation, or physical characteristic.

(h) As used in subsection (g), "residential real estate related transaction" means:

- (1) Making or purchasing loans or providing other financial assistance:
  - a. To purchase, construct, improve, repair, or maintain a dwelling; or
  - b. Secured by residential real estate; or
- (2) Selling, brokering, or appraising residential real property.

(Ord. No. 2005-16, § 1, 10-4-05)

#### Sec. 26-33. - Discrimination in brokerage services.

A person may not deny any person access to, or membership or participation in, a multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against a person in the terms or conditions of access, membership, or participation therein, on the basis of age, race, color, religion, national origin, ancestry, disability, marital status, familial status, gender, gender identity or expression, sexual orientation, or physical characteristic.

(Ord. No. 2005-16, § 1, 10-4-05)

#### Sec. 26-34. - Exemptions.

- (a) Nothing in this article shall apply to:
  - (1) The sale or rental of any single-family house by an owner provided the following conditions are met:
    - a. The owner does not own or have any interest in more than three (3) single-family houses at any one (1) time; and
    - b. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings.
  - (2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such quarters as his or her residence.

- (b) For the purposes of this section, the term "person in the business of selling or renting dwellings" means any person who:
  - (1) Within the preceding twelve (12) months has participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein;
  - (2) Within the preceding twelve (12) months has participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein; or
  - (3) Is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families.
- (c) The exemption in subsection (a)(1) of this section applies only to one (1) such sale in any twenty-four-month period.
- (d) This article does not prohibit a religious organization, association, or society, or a nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from:
  - (1) Limiting the sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion, unless membership in the religion is restricted on account of race, color, or national origin; or
  - (2) Giving preference to persons of the same religion, unless membership in the religion is restricted because of race, color, or national origin.
- (e) This article does not prohibit a private club not open to the public that, as an incident to its primary purpose, provides lodging that it owns or operates for other than a commercial purpose from limiting the rental or occupancy of that lodging to its members or from giving preference to its members.
- (f) This article does not prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than age, race, color, religion, national origin, ancestry, disability, marital status, familial status, gender, gender identity or expression, sexual orientation, or physical characteristic.
- (g) This article does not affect a reasonable local or state restriction on the maximum number of occupants permitted to occupy a dwelling.
- (h)

This article does not prohibit an owner from limiting occupancy on the basis of a person's low-income, age over fifty-five (55) years or disability status in accordance with federal or state law.

- (i) This article does not affect a requirement of nondiscrimination in any other state or federal law.

(Ord. No. 2005-16, § 1, 10-4-05)

Secs. 26-35—26-39. - Reserved.

#### ARTICLE IV. - DISCRIMINATION IN PUBLIC ACCOMMODATIONS

Sec. 26-40. - Generally.

The general purpose of this article is to secure for all individuals within the city the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any educational institution or place of public accommodation, as defined in this section, without discrimination because of age, race, color, religion, national origin, ancestry, disability, marital status, gender, gender identity or expression, sexual orientation, or physical characteristic, and thereby promoting the interests, rights and privileges of all individuals within the city.

(Ord. No. 2005-16, § 1, 10-4-05)

Sec. 26-41. - Definitions.

The following words and phrases, when used in this article, shall have the following meanings:

*Operator* means and includes any owner, lessee, proprietor, manager, superintendent, agent, or occupant of a place of accommodation or an employee or independent contractor of any such person.

*Place of public accommodation* means and includes all places included within the meaning of the following: inns, taverns, roadhouses, hotels, and motels, whether operated for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest; restaurants, eating houses, and any place where food is sold for consumption on the premises; buffets, saloons, barrooms, or any store, park or enclosure where spirits or malt liquors are sold; ice cream parlors, confectioneries, soda fountains, and all stores where ice cream, ice

and fruit preparations or their derivatives, or where beverages of any kind, are retailed for consumption on the premises; wholesale and retail stores and establishments dealing with goods or services of any kind; dispensaries, clinics, hospitals; bathhouses, swimming pools; laundries and all other cleaning establishments; barbershops, beauty shops; theaters, motion picture houses, airdromes, roof gardens, music halls, racecourses, skating rinks, amusement and recreation parks, trailer camps, resort camps, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool parlors; garages; all public conveyances operated on land or water or in the air, as well as the stations and terminals thereof, travel or tour advisory services, agencies or bureaus; and public halls and public elevators of buildings and structures occupied by two (2) or more tenants, or by the owner and one (1) or more tenants.

(Ord. No. 2005-16, § 1, 10-4-05)

Sec. 26-42. - Discrimination prohibited.

- (a) It is a violation of this article for an operator of a place of public accommodation, whether personally or through the actions of an employee or independent contractor, to deny or refuse to another person the full and equal enjoyment of the facilities and services of any place of public accommodation on the basis of that person's age, race, color, religion, national origin, ancestry, disability, marital status, gender, gender identity or expression, sexual orientation, or physical characteristic.
- (b) It is a violation of this article for an owner or operator of 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 person or that any such person is unwelcome, objectionable or unacceptable because of that person's age, race, color, religion, national origin, ancestry, disability, marital status, gender, gender identity or expression, sexual orientation, or physical characteristic.

(Ord. No. 2005-16, § 1, 10-4-05)

Sec. 26-43. - Exemptions.

- (a)

The provisions of this article shall not prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society from giving preference to the members of the same religion in the enjoyment of its facilities and services, unless membership in such religion is restricted on account of race, color, or national origin.

- (b) The provisions of this article relating to public accommodations do not prohibit discrimination on the basis of sex in rest rooms, shower rooms, bathhouses, and similar facilities which are by their nature simply private, or dormitory lodging facilities.
- (c) The provisions of this article shall not apply to any private club or other establishment which is not, in fact, open to the public, except to the extent that the goods, services, facilities, privileges, advantages, or accommodations of the 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 accommodation which has more than four hundred (400) members, 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 subdivision.
- (d) The provisions of this article shall not be construed as prohibiting the giving of special discounts on goods and services by a place of public accommodation, provided such goods or services are not denied to individuals on the basis of age, race, color, religion, national origin, ancestry, disability, marital status, gender, gender identity or expression, sexual orientation, or physical characteristic.

(Ord. No. 2005-16, § 1, 10-4-05)

#### ARTICLE V. - DOMESTIC PARTNERSHIP REGISTRY

##### Sec. 26-44. - Definitions.

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

*City clerk* means the city clerk or city clerk's designee.

*Competent to contract* means the two (2) partners are mentally competent to contract.

*Declaration of registered domestic partnership (DDP)* means the document filed with the city clerk that two people swear or affirm under penalty of perjury that they meet the requirements of the definition of domestic partnership when they sign the statement.

*Dependent* means a person who lives within the household of a domestic partnership and is:

- (1) A biological child or adopted child of a domestic partner;
- (2) A dependent as defined under Internal Revenue Service regulations; or
- (3) A ward of a domestic partner as determined in a guardianship proceeding.

*Domestic partners* means two (2) adults who have chosen to share one (1) another's lives in a family relationship. Two (2) persons are considered to be domestic partners if:

- (1) They consider themselves to be members of each other's immediate family.
- (2) They agree to be jointly responsible for each other's basic living needs.
- (3) Neither of them is considered married under the laws of the state, is a member of another domestic partnership, or civil union with anyone other than the co-applicant.
- (4) They are not blood related in a way that would prevent them from being married to each other under the laws of the state.
- (5) Each is at least eighteen (18) years of age and competent to contract.
- (6) They each have signed a declaration of domestic partnership as provided for in section 26-45.

*Domestic partnership* means the entity formed by two (2) persons who have met the criteria listed in the definition for domestic partners and file a declaration of registered domestic partnership as provided in this article.

*Health care facility* includes, but is not limited to, hospitals, nursing homes, hospice care facilities, convalescent facilities, walk-in clinics, doctor's offices, mental health care facilities and any other short-term or long-term health care facilities located within the city.

*Joint responsibility for basic living needs* means that each partner agrees to provide for the other's needs (e.g., food and shelter) while the domestic partnership is in effect if the partner is unable to provide for themselves. It does not mean that the partners need contribute equally or jointly to each others basic needs.

*Mutual residence* means a residence shared by the registered domestic partners; it is not necessary that the legal right to possess the place of residence be in both of their names. Two (2) people may share a mutual residence even if one (1) or both have additional places to live. Registered domestic partners do not cease to share a mutual residence if one (1) leaves the shared placed but intends to return.

(Ord. No. 2012-10, § 1, 5-15-12)

Sec. 26-45. - Procedures to establish.

- (a) Two (2) people eligible under this article shall file a declaration of registered domestic partnership with the city clerk. The declaration of registered domestic partnership shall include the name of each of the domestic partners, the address of their common household, respective mailing addresses if other than the address of the household, and the names of any dependents of the domestic partnership. The declaration of registered domestic partnership shall be signed by both domestic partners under the pains and penalties of perjury, signed by two (2) witnesses and notarized.
- (b) Domestic partners may amend the declaration of registered domestic partnership to add or delete dependents or change the household address. Amendments to the declaration of registered domestic partnership shall be signed and notarized, under penalty of perjury, by both domestic partners, signed by two (2) witnesses and notarized.

(Ord. No. 2012-10, § 1, 5-15-12)

Sec. 26-46. - Termination.

- (a) A domestic partnership is terminated when:
  - (1) One (1) of the partners dies; or
  - (2) A domestic partner files a termination statement with the city clerk, by hand or certified mail, for any reason.

- (b) The person filing the termination statement must declare under penalty of perjury that the domestic partnership is terminated and that a copy of the termination statement has been mailed by certified mail to the other domestic partners last known address. The person filing the termination statement must include on such statement the address to which the copy was mailed.
- (c) The termination of a domestic partnership shall be effective upon the death of a domestic partner and presentation of a death certificate to the city clerk.
- (d) The voluntary termination of a domestic partnership by a partner shall be effective upon the receipt of the termination statement by the city clerk.

(Ord. No. 2012-10, § 1, 5-15-12)

Sec. 26-47. - City clerk's duties; fees and records.

- (a) The city clerk shall collect a fee for filing a declaration of registered domestic partnership in the amount of \$25.00. The fee shall be adjusted as necessary by resolution of the city council.
- (b) The city clerk shall collect a fee in the amount the city has established under the state public records law for certified copies of domestic partnership documents, other than the copy of the certificate of domestic partnership initially issued by the city clerk to the domestic partners.
- (c) The city clerk shall keep a record of all declarations of registered domestic partnership, amendments and termination statements.
- (d) Upon receipt of a declaration of registered domestic partnership and the requisite filing fee, the city clerk shall issue a certificate of domestic partnership. The city clerk shall mail to the household of the domestic partnership one certified copy of the certificate and two wallet-sized cards indicating the existence of the domestic partnership.
- (e) The city clerk shall provide pertinent domestic partnership forms to persons requesting them.
- (f) The city clerk shall allow public access to domestic partnership records in accordance with Florida Statutes.
- (g) The city clerk is authorized and directed to take all actions necessary to implement the provisions of this section within forty-five (45) days after this article is enacted.
- (h)

If the county establishes a domestic partnership registry law that is substantially similar to the city's domestic partnership registry code provisions, the city clerk shall collaborate with the county to determine whether a joint registration system will most efficiently serve our citizens. The city clerk will bring any recommendations for joint administration to the city council for its consideration. If such a joint registry is established. The references regarding the city clerk shall mean the filing officer for the joint registry approved by the city council and county.

(Ord. No. 2012-10, § 1, 5-15-12)

Sec. 26-48. - Employment benefits.

- (a) The city shall provide the same health and other employment fringe benefits to employees with domestic partners as to employees with spouses. As used in this section, the term "employees" refers to active and retired city employees who are eligible for benefits pursuant to state or municipal law, employment policies, or collective bargaining agreements.
- (b) An employee must file a copy of the declaration of registered domestic partnership with the human resources department in order to obtain benefits under this section.
- (c) The city shall provide health insurance and benefit coverage to an employee's domestic partner as it does to an employee's spouse and to the dependents of an employee's domestic partnership as it does to an employee's children. An employee may opt to decline health insurance coverage for his domestic partner, without forgoing the right to obtain health insurance coverage for his domestic partner at a later date.
- (d) Upon termination of a domestic partnership by an employee, the domestic partners health insurance and benefits shall lapse as it would for the spouse of a married employee.
- (e) Upon termination of a domestic partnership by the death of an employee, the surviving domestic partner's health insurance and benefits coverage shall lapse as it would for the spouse of a married employee upon the death of that employee.
- (f)

An employee shall be granted a leave of absence, with pay, for the death of a domestic partner or family member of a domestic partner to the same extent as for a spouse or family member of a spouse. Use of the term "in-law" in employee handbooks shall include the relatives of a domestic partner.

- (g) An employee shall be granted sick leave to care for a domestic partner to the same extent permitted to care for a spouse, and to care for a dependent of a domestic partnership to the same extent permitted to care for a child.
- (h) An employee shall be entitled to take parental leave to take care of a child born to the domestic partner or a newly adopted child to the same extent as a married person.
- (i) The city clerk or human resources department shall distribute copies of the following forms to those persons who request them:
  - (1) Declaration of registered domestic partnership.
  - (2) Amendment to the declaration of registered domestic partnership.
  - (3) Termination statement of the declaration of registered domestic partnership.
- (j) The effectiveness of this section is conditioned upon the city's successful and cost-effective renegotiation of its life and health insurance plan and collective bargaining agreements, as the case may be, for which the city shall make best efforts.

(Ord. No. 2012-10, § 1, 5-15-12)

#### Sec. 26-49. - Rights and legal effect of registered domestic partnership.

To the extent not superseded by federal, state, or other city law or ordinance, or contrary to rights conferred by contract or separate legal instrument, registered domestic partners shall have the following rights:

- (1) *Health care facility visitation.* All health care facilities operating within the city shall honor the registered domestic partnership documentation issued pursuant to this code as evidence of the relationship and shall allow a registered domestic partner visitation as provided under federal law. A dependent of a registered domestic partner shall have the same visitation rights as a patient's child.
- (2)

*Health care decisions.* This section pertains to decisions concerning both physical and mental health. Registry as a domestic partner shall be considered to be written direction by each partner designating the other to make health care decisions for their incapacitated partner, and shall authorize each partner to act as the other's healthcare surrogate as provided in F.S. ch. 765, and otherwise as provided by federal law. Further, no person designated as a health care surrogate shall be denied or otherwise defeated in serving as a health care surrogate based solely upon his or her status as the domestic partner of the partner on whose behalf health care decisions are to be made.

- (3) *Funeral/burial decisions.* Registry as a domestic partner shall be considered to be written direction by the decedent of his or her intention to have his or her domestic partner direct the disposition of the decedent's body for funeral and burial purposes as provided in F.S. ch. 497, unless the decedent provides conflicting, written inter vivos authorization and directions that are dated after the date of the registration, in which case the later dated authorization and directions shall control.
- (4) *Notification of family members.* In any situation providing for mandatory or permissible notification of family members, including but not limited to notification of family members in an emergency "notification of family" shall include registered domestic partners.
- (5) *Preneed guardian designation.* A person who is a party to a registered domestic partnership relationship, pursuant to section 26-45 above, shall have the same right as any other individual to be designated as a preneed guardian pursuant to F.S. ch. 744, and to serve in such capacity in the event of his or her domestic partner's incapacity. A domestic partner shall not be denied or otherwise be defeated in serving as the plenary guardian or his or her domestic partner or the partner's property under the provision of F.S. ch. 744, to the extent that the incapacitated partner has not executed a valid preneed guardian designation, based solely upon his or her status as the domestic partner of the incapacitated partner.
- (6) *Participation in education.* To the extent allowed by federal and state law, a registered domestic partner shall have the same rights to participate in the education of a dependent of the registered domestic partnership as a

biological parent to participate in the education of their child, in all educational facilities located within or under the jurisdiction of the city. However, if a biological parent of a minor dependent, whose parental rights have not been terminated, objects to the participation of a non-biological registered domestic partner in education conferences or other dissemination of educational information, only the participation of the biological parents shall be allowed.

(Ord. No. 2012-10, § 1, 5-15-12)

Sec. 26-50. - Additional requirements.

- (a) Nothing in this article shall be interpreted to contravene the general laws of the state.
- (b) Nothing contained in this article shall be construed to impose liability upon a domestic partner for the health or health expenses of the domestic partner.
- (c) All rights, privileges and benefits extended to domestic partnerships registered pursuant to this article shall also be extended to domestic partnerships registered pursuant to domestic partnership laws in other jurisdictions. If a conflict occurs between jurisdictions, this article shall govern in the city.
- (d) When the term "spouse" or "married" or "marriage" is used in other sections of this Code or city ordinances and documents, it shall be interpreted to include a registered domestic partner. When the term "family" or "dependent" is used in other sections of this Code or city ordinances, it shall be interpreted to include registered domestic partnerships and registered dependents of domestic partnerships. When the term "divorce" or "legal separation" is used in other sections of this Code or city ordinances and documents, it shall be interpreted to mean termination of a domestic partnership.

(Ord. No. 2012-10, § 1, 5-15-12)

Sec. 26-51. - Enforcement.

A registered domestic partner may enforce the rights under section 26-49 by filing a private judicial action against a person or entity in any court of competent jurisdiction for declaratory relief, injunctive relief, or both.

Any person violating the provisions of this article of this chapter shall be subject to fines as provided in the City Code.

(Ord. No. 2012-10, § 1, 5-15-12)