

1 Introduced by Council Member Jones:
2
3

4 **ORDINANCE 2012-296**

5 AN ORDINANCE CONCERNING EQUAL OPPORTUNITY;
6 AMENDING SECTION 60.105 (FUNCTIONS, POWERS AND
7 DUTIES), *ORDINANCE CODE*; AMENDING SECTION
8 400.101 (STATEMENT OF POLICY), *ORDINANCE CODE*;
9 AMENDING CHAPTER 402 (EQUAL EMPLOYMENT
10 OPPORTUNITY), *ORDINANCE CODE*; AMENDING CHAPTER
11 406 (*PUBLIC ACCOMMODATIONS*), *ORDINANCE CODE*;
12 AMENDING CHAPTER 408 (FAIR HOUSING), *ORDINANCE*
13 *CODE*; PROVIDING AN EFFECTIVE DATE.
14

15 **WHEREAS**, the City of Jacksonville seeks to build a reputation
16 as a welcoming community for bright and talented members of a
17 workforce; and

18 **WHEREAS**, the City of Jacksonville also seeks to be competitive
19 in attracting new industries to this region; therefore

20 **BE IT ORDAINED** by the Council of the City of Jacksonville:

21 **Section 1. Amending Section 60.105 (Functions, powers and**
22 **duties), *Ordinance Code*.** Section 60.105 (Functions, powers and
23 duties), *Ordinance Code*, is hereby amended to read as follows:

24 **CHAPTER 60. HUMAN RIGHTS COMMISSION.**

25 **PART 1. IN GENERAL.**

26 * * *

27 **Sec. 60.105. Functions, powers and duties.**

28 The Commission shall promote and encourage fair treatment and
29 equal opportunity for all persons regardless of race, color,
30 religion, sex, sexual orientation, gender identity or expression,
31 national origin, age, disability, marital or familial status; and

1 shall promote mutual understanding and respect among all economic,
2 social, racial, religious and ethnic groups and shall endeavor to
3 eliminate discrimination against, and antagonism between religious,
4 racial, ~~and~~ ethnic and other groups listed within this ordinance
5 and their members. In performing its functions, the Commission
6 shall have the following powers and duties:

7 * * *

8 **Section 2. Amending Section 400.101 (Statement of policy),**
9 **Ordinance Code.** Section 400.101 (Statement of policy), *Ordinance*
10 *Code*, is hereby amended to read as follows:

11 **CHAPTER 400. EQUAL OPPORTUNITY/EQUAL ACCESS.**

12 **PART 1. STATEMENT OF POLICY AND GENERAL PROVISIONS.**

13 **Sec. 400.101. Statement of policy.**

14 (a) *Employment.* The Council hereby declares it to be the
15 policy of the City that personnel shall be employed, compensated,
16 promoted, transferred, or disciplined without regard to race,
17 color, religion, political affiliation, gender, sexual orientation,
18 gender identity or expression, national origin, disability, age,
19 marital status, or any circumstances other than merit and
20 qualification.

21 * * *

22 **Section 3. Amending Chapter 402 (Equal Employment**
23 **Opportunity), Ordinance Code.** Chapter 402 (Equal Employment
24 Opportunity), *Ordinance Code*, is hereby amended to read as follows:

25 **CHAPTER 402. EQUAL EMPLOYMENT OPPORTUNITY.**

26 **PART 1. GENERAL PROVISIONS.**

27 **Sec. 402.102. Legislative findings.**

28 The City finds and declares that:

29 (a) The right of equal opportunity of access to employment
30 and the right of fair treatment by employers are basic rights that
31 should be extended to all citizens without discrimination on the

1 basis of race, color, religion, national origin, sex, sexual
2 orientation, gender identity or expression, marital status, age and
3 disability are ~~civil rights guaranteed by the United States~~
4 ~~Constitution and implemented and enforced by federal law and by the~~
5 ~~laws of the state.~~

6 * * *

7 **Sec. 402.107. Definitions.**

8 In this Chapter, unless the context otherwise requires:

9 (g) *Discriminate, discrimination and discriminatory* include:

10 (1) A difference in treatment because of race, religion,
11 national origin, sex, sexual orientation, gender identity or
12 expression, or marital status where the difference is not
13 justified by business necessity or is not a bona fide
14 occupational qualification.

15 (2) Any of the unlawful employment practices hereinafter
16 enumerated.

17 (3) An unlawful separation, segregation or distinction
18 directly or indirectly against a person because of race,
19 color, religion, national origin, sex, sexual orientation,
20 gender identity or expression, or disability.

21 * * *

22 (n) Gender identity or expression means a gender-related
23 identity, appearance, expression or behavior of an individual,
24 regardless of the individual's assigned sex at birth.

25 (o)~~(n)~~ Labor organization includes:

26 * * *

27 (p)~~(o)~~ Reasonable accommodation may include:

28 * * *

29 (q)~~(p)~~ Qualified individual with a disability:

30 * * *

1 religion, sex, sexual orientation, gender identity or expression,
2 marital status, national origin, age or disability.

3 (b) To classify or refer for employment an individual on the
4 basis of race, color, religion, sex, sexual orientation, gender
5 identity or expression, marital status, national origin, age or
6 disability

7 **Sec. 402.203. Labor organizations.**

8 Except as provided in Section 402.208, it is an unlawful
9 employment practice for a labor organization:

10 * * *

11 (b) To limit, segregate or classify its membership or
12 applicants for membership or to classify or fail or refuse to refer
13 for employment an individual otherwise qualified for membership in
14 a way which would:

15 (1) Deprive an individual of employment opportunities;
16 or

17 (2) Limit the employment opportunities or otherwise
18 adversely affect the status of an employee or of an applicant
19 for employment;

20 Because of race, color, religion, national origin, sex, sexual
21 orientation, gender identity or expression, marital status, age or
22 disability.

23 **Sec. 402.204. Training programs.**

24 Except as provided in Section 402.208, it is an unlawful
25 employment practice for an employer, labor organization or joint
26 labor-management committee controlling apprenticeship or other
27 training or retraining, including on-the-job training, programs to
28 discriminate against an individual because of race, color,
29 religion, sex, sexual orientation, gender identity or expression,
30 marital status, national origin, age or disability in admission to

1 or employment in a program established to provide apprenticeship or
2 other training.

3 * * *

4 **Sec. 402.206. Other discriminatory practices.**

5 It is an unlawful employment practice for an employer, labor
6 organization, employment agency or joint labor-management committee
7 controlling apprenticeship or other training or retraining,
8 including on-the-job training, programs to print or publish or
9 cause to be printed or published a notice or advertisement:

10 * * *

11 (c) Relating to admission to or employment in a program
12 established to provide apprenticeship or other training by the
13 joint labor-management committee; Indicating in any of these areas
14 a preference, limitation, specification or discrimination based on
15 race, color, religion, sex, sexual orientation, gender identity or
16 expression, national origin, age, or disability; provided, that a
17 notice or advertisement may indicate a preference, limitation,
18 specification or discrimination based on religion, sex, marital
19 status or national origin when the factor or qualification is a
20 *bona fide* occupational qualification for employment

21 * * *

22 **Sec. 402.209 Exemptions.**

23 This Part 2 does not apply to: A religious corporation,
24 association or society with respect to the employment of
25 individuals of a particular religion, sexual orientation, or gender
26 identity or expression to perform work connected with the carrying
27 on by the corporation, association or society of its religious
28 activities.

29 **Sec. 402.210. Exceptions.**

30 It is not an unlawful employment practice:

1 (a) For an employer to hire and employ an employee, for an
2 employment agency to classify or refer for employment an
3 individual, for a labor organization to classify its membership or
4 to classify or to refer for employment an individual or for an
5 employer, labor organization or joint labor-management committee
6 controlling apprenticeship or other training or retraining programs
7 to admit or employ an individual in the program on the basis of
8 religion, sex, marital status, national origin, age or disability
9 where religion, sex, sexual orientation, gender identity or
10 expression, marital status, national origin, age or disability is
11 a *bona fide* occupational qualification reasonably necessary to the
12 normal operation of that particular business enterprise.

13 * * *

14 **Sec. 402.211. Seniority or merit systems.**

15 Notwithstanding any other provisions of this Part, it is not
16 an unlawful employment practice for an employer:

17 (a) To apply different standards of compensation or different
18 terms, conditions or privileges of employment pursuant to a *bona*
19 *fide* seniority or merit system or a system which measures earning
20 by quantity or quality or production or to employees who work in
21 different locations, if the differences are not the result of an
22 intention to discriminate because of race, color, religion, sex,
23 sexual orientation, gender identity or expression, marital status,
24 national origin, age or disability.

25 (b) To give and act upon the results of a professionally
26 developed ability test if the test, its administration or action
27 upon the results is not designed, intended or used to discriminate
28 because of race, color, religion, sex, sexual orientation, gender
29 identity or expression, marital status, national origin, age or
30 disability.

31 * * *

1 **Section 4. Amending Chapter 406 (Public Accommodations),**
2 **Ordinance Code.** Chapter 406 (*Public Accommodations*), *Ordinance*
3 *Code*, is hereby amended to read as follows:

4 **CHAPTER 406. PUBLIC ACCOMMODATIONS.**

5 **PART 1. GENERAL PROVISIONS.**

6 **Sec. 406.102. Declaration of policy.**

7 The City declares it to be the policy of the City to provide,
8 ~~within the limits of the Constitution of the United States,~~ access
9 to public accommodations for all people within the City. The
10 availability of access to public accommodations without
11 discrimination on the basis of race, color, religion, ancestry, to
12 national origin, age, sex, sexual orientation, gender identity or
13 expression, pregnancy, disability, marital status, or familial
14 status is a matter of concern to the people of Jacksonville and
15 more particularly of concern to the City in providing for the
16 health, welfare, safety and morals of the people of Jacksonville.

17 * * *

18 **Sec. 406.104. Definitions.**

19 In this Chapter, unless the context otherwise requires:

20 * * *

21 (g) *Discriminate, discrimination, and discriminatory* include:

22 (1) A difference in treatment because of race, color,
23 religion, ancestry, national origin, age, sex, sexual
24 orientation, gender identity or expression, pregnancy,
25 disability, marital status, or familial status, where the
26 difference is not justified by business necessity or is not a
27 bona fide qualification.

28 (2) Any of the discriminatory practices hereinafter
29 enumerated.

30 (3) An unlawful separation, segregation or distinction
31 directly or indirectly against a person because of race,

1 color, religion, ancestry, national origin, age, sex, sexual
2 orientation, gender identity or expression, pregnancy,
3 disability, marital status, or familial status.

4 (h) Gender identity or expression means a gender-related
5 identity, appearance, expression or behavior of an individual,
6 regardless of the individual's assigned sex at birth.

7 (i)~~(h)~~ *Mediation* means the attempted resolution of issues
8 raised by a complaint or by the investigation of the complaint
9 through informal negotiations involving the complainant,
10 respondent, and the Commission.

11 (j)~~(i)~~ *Probable Cause Panel* is defined as a three- to five-
12 person panel composed of the members from the Public Accommodations
13 Subcommittee of the Commission appointed to make findings related
14 to probable cause upon the completion of the investigation of a
15 duly filed complaint.

16 (k)~~(j)~~ *Respondent* means any entity whom has been charged with
17 a violation of this chapter and who meets the requirements under
18 this chapter as one who provides public accommodation.

19 (l)~~(k)~~ *Settlement agreement* means a written agreement setting
20 forth the resolution of the issues in mediation.

21 (m) Sexual orientation means a person's actual or perceived
22 heterosexuality, homosexuality, or bisexuality.

23 * * *

24 **PART 2. UNLAWFUL PUBLIC ACCOMMODATIONS PRACTICES.**

25 **Sec. 406.201. Unlawful practice.**

26 It shall be unlawful to engage in any of the following acts
27 because of an individual's race, color, religion, ancestry,
28 national origin, age, sex, sexual orientation, gender identity or
29 expression, pregnancy, disability, marital status, or familial
30 status.

1 **Section 5. Amending Chapter 408 (Fair Housing), Ordinance**
2 **Code.** Chapter 408 (Fair Housing), *Ordinance Code*, is hereby amended
3 to read as follows:

4 **CHAPTER 408. FAIR HOUSING.**

5 **PART 1. GENERAL PROVISIONS.**

6 * * *

7 **Sec. 408.102. Declaration of policy.**

8 The City declares it to be the policy of the City to provide,
9 ~~within the limits of the Constitution of the United States,~~ fair
10 housing for all people within the City. The availability of
11 adequate housing without discrimination on the basis of race,
12 color, religion, national origin, sex, sexual orientation, gender
13 identity or expression, handicap, familial status or marital status
14 is a matter of concern to the people of Jacksonville and more
15 particularly of concern to the City in providing for the health,
16 welfare, safety and morals of the people of Jacksonville

17 * * *

18 **Sec. 408.105. Definitions.**

19 In this Chapter, unless the context otherwise requires:

20 * * *

21 (l) Gender identity or expression means a gender-related
22 identity, appearance, expression or behavior of an individual,
23 regardless of the individual's assigned sex at birth.

24 (m)~~(l)~~ *General counsel* means the General Counsel of the City
25 of Jacksonville.

26 (n)~~(m)~~ *Handicap* means a mental or physical impairment that
27 substantially limits at least one major life activity, a record of
28 such impairment, or being regarded as having such an impairment.
29 The term does not include current, illegal use of or addiction to a
30 controlled substance (as defined in Section 102 of the Controlled
31 Substances Act (21 U.S.C. 802)). In this Part, a reference to "an

1 individual with a handicap" or to "handicap" does not apply to an
2 individual because that individual is a transvestite.

3 ~~(o)(n)~~—*Housing facility* means and includes any building,
4 structure or portion thereof which is occupied as, or designed or
5 intended for occupancy as the home, living quarters or residence of
6 one or more families, and any vacant land which is offered for sale
7 or lease for the construction or location thereof of any such
8 building, structure or portion thereof.

9 ~~(p)(e)~~ *Person* includes one or more individuals, corporations,
10 partnerships, associations, labor organizations, legal
11 representatives, mutual companies, joint-stock companies, trusts,
12 unincorporated organizations, trustees, trustees in cases under 11
13 U.S.C. 101 et seq. (Bankruptcy Code), receivers and fiduciaries.

14 ~~(q)(p)~~ *Real estate broker* includes any person duly licensed as
15 a real estate broker under the laws of the state.

16 ~~(r)(e)~~—*Real estate salesperson* includes:

17 ~~(s)(r)~~ *To rent* includes to lease, to sublease, to let and
18 otherwise to grant for a consideration the right to occupy premises
19 not owned by the occupant.

20 ~~(t)(s)~~ *Respondent* means:

21 * * *

22 (u) *Sexual orientation* means a person's actual or perceived
23 heterosexuality, homosexuality, or bisexuality.

24 * * *

25 **PART 2. FAIR HOUSING**

26 * * *

27 **Sec. 408.204. Appraisal exemption.**

28 This Part does not prohibit a person engaged in the business
29 of furnishing appraisals of real property from taking into
30 consideration factors other than race, color, religion, sex, sexual

1 orientation, gender identity or expression, handicap, familial
2 status, or national origin

3 * * *

4 **PART 4. DISCRIMINATION PROHIBITED.**

5 **Sec. 408.401. Sale or rental.**

6 (a) A person may not refuse to sell or to rent after the
7 making of a bona fide offer, refuse to negotiate for the sale or
8 rental of, or otherwise make unavailable or deny a dwelling to any
9 person because of race, color, handicap, religion, sex, sexual
10 orientation, gender identity or expression, familial status, or
11 national origin.

12 (b) A person may not discriminate against any person in the
13 terms, conditions, or privileges of sale or rental of a dwelling,
14 or in providing services or facilities in connection with the sale
15 or rental, because of race, color, handicap, religion, sex, sexual
16 orientation, gender identity or expression, familial status, or
17 national origin.

18 **Sec. 408.402. Publication.**

19 A person may not make, print, or publish or cause to be made,
20 printed, or published any notice, statement, or advertisement with
21 respect to the sale or rental of a dwelling that indicates any
22 preference, limitation, or discrimination based on race, color,
23 religion, sex, sexual orientation, gender identity or expression,
24 handicap, familial status, national origin, or an intention to make
25 such a preference, limitation, or discrimination.

26 **Sec. 408.403. Falsely representing availability.**

27 A person may not represent to any person because of race,
28 color, religion, sex, sexual orientation, gender identity or
29 expression, handicap, familial status, or national origin that a
30 dwelling is not available for inspection, sale or rental when the
31 dwelling is available for inspection, sale or rent.

1 Form Approved:

2

3 /s/ Margaret M. Sidman

4 Office of General Counsel

5 Legislation Prepared by: Margaret M. Sidman

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