



**II. FISCAL IMPACT ANALYSIS**

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
Net Fiscal Impact	**	_____	_____	_____	_____

# ADDITIONAL FTE

POSITIONS (Cumulative) 0 0 0 0 0

Is Item Included In Current Budget? Yes      No     

Budget Account Exp No: Fund      Department      Unit      Object       
 Rev No: Fund      Department      Unit      Object     

B. Recommended Sources of Funds/Summary of Fiscal Impact:

\*\*NO FISCAL IMPACT

C. Departmental Fiscal Review: \_\_\_\_\_

**III. REVIEW COMMENTS**

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

*Susan Thering* 6/9/14  
 \_\_\_\_\_  
 OFMB  
 NO op 6/9

*D. J. [Signature]* 6/12/14  
 \_\_\_\_\_  
 Contract Dev. and Control  
 6-12-14 [Signature]

B. Legal Sufficiency:

*[Signature]*  
 \_\_\_\_\_  
 Assistant County Attorney

C. Other Department Review:

\_\_\_\_\_  
 Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

ORDINANCE NO. 2014-

1  
2  
3 AN ORDINANCE OF THE BOARD OF COUNTY  
4 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,  
5 REPEALING PALM BEACH COUNTY CODE, CHAPTER 15  
6 ARTICLE III, CODIFYING ORDINANCE NO. 90-1 AS AMENDED  
7 BY ORDINANCE NO. 07-042, THE PALM BEACH COUNTY  
8 ORDINANCE FOR EQUAL OPPORTUNITY TO HOUSING AND  
9 PLACES OF PUBLIC ACCOMMODATION; AND ADOPTING A  
10 NEW PALM BEACH COUNTY ORDINANCE FOR EQUAL  
11 OPPORTUNITY TO HOUSING AND PLACES OF PUBLIC  
12 ACCOMMODATION; PROVIDING FOR PURPOSE; PROVIDING  
13 FOR DEFINITIONS; PROVIDING FOR POWERS AND DUTIES  
14 OF THE DIRECTOR OF THE OFFICE OF EQUAL  
15 OPPORTUNITY; PROVIDING FOR FILING OF COMPLAINTS;  
16 PROVIDING FOR NOTICE OF COMPLAINT PROCESS;  
17 PROVIDING FOR DETERMINATION OF REASONABLE CAUSE;  
18 PROVIDING FOR CONCILIATION; PROVIDING FOR  
19 ENFORCEMENT; PROVIDING FOR ADMINISTRATIVE  
20 REMEDIES AND OTHER RELIEF; PROVIDING FOR  
21 ENFORCEMENT BY PRIVATE PERSONS; PROVIDING FOR  
22 UNLAWFUL DISCRIMINATORY PRACTICE IN PUBLIC  
23 ACCOMMODATION AND HOUSING; PROVIDING FOR  
24 LIMITATIONS AND EXCEPTIONS; PROVIDING FOR REPEAL  
25 OF LAWS IN CONFLICT; PROVIDING FOR SAVINGS CLAUSE;  
26 PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND  
27 ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.  
28  
29

30 WHEREAS, Section 125.01 Florida Statutes, as amended, authorizes the Board of  
31 County Commissioners of Palm Beach County to provide and maintain for the citizens and  
32 visitors of said County, standards which will ensure their health, wealth, and well being; and

33 WHEREAS, Section 125.01 Florida Statutes, as amended, provides that the Board  
34 of County Commissioners of Palm Beach County may adopt ordinances and resolutions as  
35 may be necessary to the exercise of their powers; and

36 WHEREAS, it is the public policy of the United States of America to provide for fair  
37 housing and access to public accommodations throughout the United States and the policy of  
38 Palm Beach County, Florida, to also so provide; and

39 WHEREAS, discrimination in housing and in places of public accommodation  
40 deprives individuals of their basic right to associate, causes friction among groups in society,  
41 and adversely affects the public health, safety, and welfare; and

42 WHEREAS, since the Board of County Commissioners originally enacted the  
43 Housing and Places of Public Accommodation Ordinance No. 90-1, it has been necessary to  
44 amend it from time to time in order to best serve the citizens and visitors of Palm Beach  
45 County and provide for their general safety and welfare; and

46 WHEREAS, a Fair Housing Board was established in 1990, to assist, advise and  
47 cooperate with the Board of County Commissioners and local, state and federal agencies to

48 protect the interest of the public regarding fair treatment and equal opportunity and access in  
49 housing and public accommodation, and to carry out adjudicatory functions pertaining to  
50 alleged unlawful discriminatory acts or practices; and

51 **WHEREAS**, the Board of County Commissioners of Palm Beach County adopted  
52 Resolution 2013-0193 on March 1, 2013, which imposes specific requirements on members of  
53 County advisory boards; and

54 **WHEREAS**, the Fair Housing Board is subject to the provisions of Resolution 2013-  
55 0193; and

56 **WHEREAS**, due to the substantial procedural and substantive changes made to this  
57 Ordinance since it was last amended in 2007, to bring it into compliance with other Palm Beach  
58 County ordinances and to maintain substantial equivalence certification with the federal  
59 government, it is necessary for the Board of County Commissioners to repeal and  
60 replace the Ordinance for Equal Opportunity to Housing and Places of Public Accommodation  
61 in its entirety.

62 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
63 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:** Chapter 15, Article  
64 III, of the Palm Beach County Code, "Housing, Places of Public Accommodation," (Ordinance  
65 No. 90-1, as amended), is hereby repealed and replaced with the following:

66 **Section 15-36 Purpose.**

67 It is hereby declared to be the policy of the Board of County Commissioners, in the  
68 exercise of its police power for the public safety, public health, and general welfare, to assure,  
69 within constitutional limitations, equal opportunity to all persons to live in available housing  
70 facilities regardless of race, sex, color, religion, national origin, disability, familial status, sexual  
71 orientation, age, marital status, or gender identity or expression, and, to that end, to prohibit  
72 discrimination in housing by any person. It is also hereby declared to be the policy of the  
73 Board of County Commissioners, in the exercise of its police power for public safety,  
74 public health and general welfare, to assure, within constitutional limitations, equal  
75 opportunity to all persons, regardless of race, sex, color, religion, national origin, disability,  
76 familial status, sexual orientation, age, marital status, or gender identity or expression, to  
77 participate in the full and equal enjoyment of the goods, services, facilities, privileges,  
78 advantages and, to that end, to prohibit discrimination in places of public accommodation.

79 **Section 15-37 Definitions.**

80 When used herein:

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

85 (2) The term *unlawful discriminatory practice* includes only those practices specified in  
86 sections 15-57 through 15-61 hereof.

87 (3) The term *Board*, unless a different meaning clearly appears from the context,  
88 means the Fair Housing Board, created by section 15-39.

89 (4) Each of the following establishments which serve the public is a place of *public*  
90 *accommodation* within the meaning of this article:

91 a. Any inn, hotel, motel or other establishment which provides lodging to transient  
92 guests, other than an establishment located within a building which contains not  
93 more than five (5) rooms for rent or hire and which is actually occupied by the  
94 proprietor of such establishment as his/her residence;

95 b. Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other  
96 facility principally engaged in selling food for consumption on the premises,  
97 including but not limited to any such facility located on the premises of any  
98 retail establishment or any gasoline station;

99 c. Any motion picture house, theater, concert hall, sports arena, stadium or other  
100 place of exhibition or entertainment; and

101 d. Any establishment:

102 (i) 1. Which is physically located within the premises of any establishment  
103 otherwise covered by this subsection; or

104 2. Within the premises of which is physically located any such covered  
105 establishment; and

106 (ii) Which holds itself out as serving patrons of such covered establishment.

107 Such term shall not include any institution, club or place of  
108 accommodation which is in its nature distinctly private and not in fact open  
109 to the public.

110 (5) *Dwelling* or *housing* means any real property, building, mobile home or trailer,  
111 structure or portion thereof which is used or occupied as, or is intended, arranged or  
112 designed to be used or occupied as, the home, residence or sleeping place of one (1)  
113 or more families, and any vacant land which is offered for sale or lease for the  
114 construction or location thereon of any such building, structure or portion thereof.

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

117 (7) The term *family* includes the grandparents, parents, children, brothers and sisters,  
118 whether by marriage, legal adoption or blood, and their spouses and children, of  
119 either the property owner or spouse of the property owner; and the term "family"  
120 also includes a single individual.

121 (8) The term *complainant* shall mean the person filing the complaint pursuant to this  
122 article.

123 (9) The term *respondent* shall mean the person or other entity accused in the complaint of  
124 an unlawful discriminatory practice and any other person or entity identified in the  
125 course of investigation not named as a respondent in the initial complaint who may  
126 be joined as an additional or substitute respondent upon written notice.

127 (10) *Disability* means with respect to a person:

128 a. A physical or mental impairment which substantially limits one (1) or more of  
129 such person's major life activities.

130 b. A record of such an impairment; or

131 c. Being regarded as having such an impairment.

132 d. Disability does not include the current illegal use or addiction to a controlled  
133 substance (as defined in Section 102 of the Controlled Substance Act  
134 (21U.S.C.802)).

135 e. As used throughout this article, prohibitions against discrimination on the basis of  
136 disability includes disabilities of the patron, buyer or renter, or of a person  
137 residing in or intending to reside in that dwelling after it is sold, rented, or  
138 made available or of any person associated with the buyer, or renter or  
139 patron.

140

- 141 (11) *Familial status* means one (1) or more individuals (who have not attained the age of  
142 eighteen (18) years being domiciled with:
- 143 a. A parent or another person having legal custody of such individual or individuals;  
144 or
- 145 b. The designee of such parent or other person having such custody, with the  
146 written permission of such parent or other person. The protection afforded  
147 against discrimination on the basis of familial status shall apply to any person  
148 who is pregnant or is in the process of securing legal custody of any individual  
149 who has not attained the age of eighteen (18) years.
- 150 (12) *Sexual orientation* means male or female homosexuality, heterosexuality or  
151 bisexuality, by preference or practice.
- 152 (13) *Conciliation* means the attempted resolution of issues raised by the complaint, or by  
153 the investigation of such complaint, through informal negotiations involving the  
154 complainant, the respondent, and the Office of Equal Opportunity.
- 155 (14) *Conciliation agreement* means a written agreement setting forth the resolution of  
156 the issues in conciliation.
- 157 (15) *Prevailing party* has the same meaning as such term has in section 722 of the  
158 Revised Statutes of the United States (42 U.S.C. 1988).
- 159 (16) *Multifamily dwelling* means:
- 160 a. Buildings consisting of four (4) or more units if such buildings have one (1) or  
161 more elevators; and
- 162 b. Ground floor units in other buildings consisting of four (4) or more units.
- 163 (17) *Residential real estate related transaction* means any of the following:
- 164 a. The making or purchasing of loans or providing other financial assistance:
- 165 (i) for purchasing, constructing, improving, repairing or maintaining a dwelling;  
166 or
- 167 (ii) secured by residential real estate.
- 168 b. The selling, brokering or appraising of residential real property.
- 169 c. Nothing in this article prohibits a person engaged in the business of furnishing  
170 appraisals of real property to take into consideration factors other than race,

171 sex, color, religion, national origin, disability, familial status, sexual orientation,  
172 age, marital status, or gender identity or expression.

173 (18) *Housing for older persons* means housing:

174 a. Provided under any state or federal program that the OEO or the Board  
175 determines is specifically designed and operated to assist elderly persons, as  
176 defined in the state or federal program; or

177 b. Intended for, and solely occupied by, persons sixty-two (62) years of age or  
178 older; or

179 c. Intended and operated for occupancy by at least one (1) person fifty-five (55)  
180 years of age or older per unit in eighty (80) percent of the units, provided that the  
181 occupancy of such housing can be verified in accordance with rules  
182 established by the U. S. Department of Housing and Urban Development and  
183 provided that the housing facility publishes and adheres to policies and  
184 procedures that demonstrate the intent to provide housing for older persons.

185 d. Housing shall not fail to be considered housing for older persons if:

186 (i) A person who resides in such housing on or after September 13, 1988, does  
187 not meet the age requirements of this subsection provided that any new  
188 occupant meets such age requirements; or

189 (ii) One (1) or more units are unoccupied, provided that any unoccupied units are  
190 reserved for occupancy by persons who meet the age requirements of this  
191 subsection.

192 e. In determining whether housing meets the requirements of housing for older  
193 persons, the County will utilize current federal regulations regarding criteria for  
194 housing for older persons.

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

198 (20) *OEO* means the Palm Beach County Office of Equal Opportunity.

199 (21) *Director* means the director of the OEO.

200 **Section 15-38 Office of Equal Opportunity (OEO).**

201  
202 The County Administrator exercising his/her power of appointment shall employ a



203 Director ("Director") of the OEO and such other personnel in the OEO as may be  
204 provided for in the budget approved by the Board of County Commissioners and for which  
205 an appropriation has been made. The staffing complement shall be referred to as the OEO. It  
206 shall be the responsibility of the Director and/or the Director's designee to investigate  
207 complaints of discrimination prohibited by this article, attempt to conciliate and mediate  
208 complaints of discrimination, and to perform such other duties of an administrative nature as may  
209 be assigned by the County Administrator.

210 **Section 15-39 Fair Housing Board (Board).**

211 The Board is hereby created and established. The Board is to be comprised of nine (9) citizens  
212 of the county appointed by the Board of County Commissioners to serve for terms of three (3) years.  
213 There shall be a limit of three consecutive three-year terms. Terms shall begin on October 1<sup>st</sup>, and end  
214 on September 30<sup>th</sup>. All Board members must be residents of Palm Beach County at the time of  
215 appointment and while serving on the Board. Board appointments should reflect, to the greatest extent  
216 possible, the racial, gender and ethnic make-up of the community. Members of this Board shall be the  
217 same as members of the Equal Employment Board created by the Palm Beach County Equal  
218 Employment Ordinance as codified in Sections 2-261 – 2-313 of the Palm Beach County Code. Seven (7)  
219 of the appointments shall be made as district appointments and two (2) of the appointments shall be  
220 made at large by the Board of County Commissioners on the basis of community representation,  
221 integrity, experience and interest in the area of equal opportunities. In order that the terms of office  
222 of all members shall not expire at the same time, all current members of the Board shall serve the  
223 remainder of their respective terms, if they so elect. Any member who elects not to serve the remainder  
224 of their term shall be replaced by appointments made by the Board of County Commissioners to serve the  
225 unexpired portion of the term. Vacancies shall be filled in the same manner as the original  
226 appointments for the remainder of the vacant term. Each member shall serve without compensation.  
227 Travel reimbursement is limited to expenses incurred only for travel outside Palm Beach County  
228 necessary to fulfill Board member responsibilities when sufficient funds have been budgeted and are  
229 available as set forth in PPM CW-O-038. No other expenses are reimbursable except documented long  
230 distance phone calls to the OEO. Approval authority for pre-authorized Board member travel is  
231 designated to the County Administrator and Deputy County Administrator and shall be in accordance  
232 with Countywide Policy and Procedures Memoranda (PPM) CW-F-009. Each district appointee serves  
233 at the pleasure of the appointing Commissioner and may be removed without cause by the appointing  
234 Commissioner at any time, and at large appointees may be removed without cause by a majority vote of

235 the Board of County Commissioners at any time. The maximum number of boards that an  
236 individual appointed by the Board of County Commissioners may serve on at one time shall be  
237 three (3), however, membership on the Equal Employment Board and this Board shall only be  
238 considered membership on one (1) advisory board. Members shall comply with the applicable  
239 provisions of the Palm Beach County Code of Ethics, as codified in Section 2-441 through 2-448 of  
240 the Palm Beach County Code and the State Code of Ethics. Abstention from voting due to a conflict  
241 of interest on more than three (3) separate matters during a calendar year shall result in automatic  
242 removal. Members shall be automatically removed for lack of attendance. Lack of attendance is  
243 defined as failure to attend three (3) consecutive meetings or failure to attend more than one-half (1/2)  
244 of the meetings scheduled during a calendar year. Participation for less than three fourths (3/4) of a  
245 meeting shall be the same as failure to attend a meeting. Members removed pursuant to this paragraph  
246 shall not continue to serve on the Board and such removal shall create a vacancy. Board members  
247 shall not be prohibited from qualifying as a candidate for elected office. County employees, other  
248 than Commissioners' Aides, may not be appointed to the Board. Former Board of County  
249 Commission members may not be appointed to the Board for at least two (2) years following their last  
250 day in office as a County Commissioner. Members of the Board shall appoint a chairperson and  
251 vice-chairperson, and the Board may promulgate rules and regulations for the conduct of its meetings  
252 and affairs.

253 **Section 15-40 Board terms, rules and regulations.**

254 The following rules and regulations shall govern the operation of the Board:

255 (1) The chairperson of the Board shall be elected by majority vote of the Board and  
256 shall serve for a term of one (1) year and have the following duties:

257 a. Call Board meetings and set the agenda for the same.

258 b. Preside at Board meetings.

259 c. Sign subpoenas.

260 d. Perform such other functions as the Board may assign by rule or order.

261 (2) The vice-chairperson shall be elected by majority vote of the Board and shall serve  
262 for a term of one (1) year. The vice-chairperson shall perform the duties of the  
263 chairperson in the chairperson's absence and such other duties as the chairperson may  
264 assign.

265 (3) If a vacancy occurs in the office of chairperson, the vice-chairperson shall

266 become the chairperson for the unexpired term of the chairperson. If a vacancy occurs in  
267 the office of vice-chairperson, the Board will elect another member to fill the unexpired  
268 term of the vice-chairperson.

269 (4) At least three (3) members of the Board or any other odd number shall  
270 constitute a hearing panel for the purpose of hearing discrimination complaints. A  
271 majority of members appointed shall constitute a quorum to hold a meeting for any  
272 other purpose. Board business shall be taken by a majority vote.

273 (5) All meetings shall be governed by Robert's Rules of Order.

274 **Section 15-41 Board meetings.**

275 The Board shall comply with the Sunshine Law. The Board shall meet on a regular  
276 basis and as necessary to conduct administrative hearings. Reasonable notice of the time and  
277 place of the meeting shall be given to all Board members and all parties scheduled to be heard,  
278 and shall be made public. All meetings of the Board shall be open to the public. The  
279 chairperson may call an unscheduled meeting upon not less than twenty-four (24) hours  
280 notice, and preferably at least seventy-two (72) hours reasonable notice to the public, and  
281 meetings may also be called by the Director upon the request of three (3) members of the  
282 Board. The County Administrator shall provide such staff as may reasonably be required in  
283 his/her discretion to assist the Board in the performance of its duties. The County  
284 Administrator shall provide a regular meeting place for the Board.

285 **Section 15-42 Objectives of the Board.**

286 The objectives of the Board shall be:

- 287 (1) To promote and encourage fair treatment and equal opportunity in housing and  
288 public accommodation for all persons regardless of race, sex, color, religion,  
289 national origin, disability, familial status, sexual orientation, age, marital status, or  
290 gender identity or expression; to promote and encourage mutual understanding and  
291 respect among such persons and to endeavor to eliminate discrimination in  
292 housing and public accommodation against and antagonism between such persons;
- 293 (2) To cooperate with governmental and nongovernmental agencies and organizations  
294 having like or kindred functions;
- 295 (3) To make such investigations and studies in the field of fair housing and public  
296 accommodation as in its judgment will aid in effectuating its general purposes;

- 297 (4) To assist various groups and agencies of the community to cooperate in  
298 educational programs and campaigns devoted to the elimination of discrimination in  
299 housing and places of public accommodation;
- 300 (5) To aid in permitting the County to benefit from the fullest realization of its  
301 housing and public accommodation resources;
- 302 (6) To recommend to the Board of County Commissioners the acceptance of certain  
303 grants and contracts from foundations and other sources for the purposes of carrying  
304 out the purposes of this article; and,
- 305 (7) To recommend to the Board of County Commissioners methods for elimination of  
306 discrimination and intergroup tensions. The objectives set forth above are not to be  
307 construed as duties, and the Board of County Commissioners shall have the  
308 discretion to determine when each objective is implemented.

309 **Section 15-43 Powers and duties of the Board.**

310

311 The powers and duties of the Board shall be:

312

313 (1) To refer or accept referral of complaints when appropriate and to cause, through  
314 the OEO, investigations of:

315 a. Tension or prejudice in relation to all housing and public accommodation  
316 matters involving race, sex, color, religion, national origin, disability, familial  
317 status, sexual orientation, age, marital status, or gender identity or expression.

318 b. Discrimination against any person by any person with regard to housing  
319 and public accommodation matters on the basis of race, sex, color, religion,  
320 national origin, disability, familial status, sexual orientation, age, marital  
321 status, or gender identity or expression.

322 (2) To receive, initiate, seek to conciliate, hold hearings upon and adjudicate  
323 complaints alleging violations of this article; to recommend methods and alternatives  
324 for eliminating injustices occasioned thereby to carry out and enforce the purpose  
325 of this article.

326 (3) To administer oaths, subpoena witnesses, and compel production of evidence  
327 pertaining to any hearing convened pursuant to the powers and duties authorized by  
328 this article.

329 (4) To subpoena witnesses and compel production of evidence requested by the OEO

330 relating to an investigation being conducted pursuant to this article.

331 (5) To meet and exercise its power in any place within the county.

332 (6) To issue remedial orders prohibiting violations of this article and providing  
333 affirmative relief from the effects of the violation as specified in section 15-55.

334 **Section 15-44 Powers and duties of the Director.**

335 The powers and duties of the Director and/or the Director's designee shall be:

336 (1) To investigate:

337 a. Tension or prejudice in relation to all housing and public accommodation  
338 matters involving race, sex, color, religion, national origin, disability, familial  
339 status, sexual orientation, age, marital status, or gender identity or expression.

340 b. Discrimination against any person by any person with regard to housing and  
341 public accommodation matters on the basis of race, sex, color, religion, national  
342 origin, disability, familial status, sexual orientation, age, marital status, or gender  
343 identity or expression.

344 (2) To have access during an investigation, at all reasonable times, to premises, and  
345 may examine records, documents, and other evidence or possible sources of  
346 evidence, and record the testimony or statements of such persons as are reasonably  
347 necessary for the furtherance of the investigation provided that the Director  
348 and/or the Director's designee complies with the provisions of the federal and state  
349 constitutions relating to unreasonable searches and seizures.

350 (3) To attempt to conciliate and mediate complaints of discrimination brought  
351 pursuant to this article.

352 (4) To prepare conciliation agreements embodying any agreement reached by the  
353 parties relating to the complaint, and advise the Board of such agreement.

354 (5) To dismiss complaints of discrimination upon a finding of no reasonable cause  
355 under this article.

356 (6) To administer oaths.

357 (7) To exercise all powers reasonable and necessary to fulfill the purposes of this article.

358 **Section 15-45 Filing of complaints.**

359  
360 Any person who claims to have been injured by an unlawful discriminatory practice or

361 who believes that he/she will be injured by an unlawful discriminatory practice that is about to  
362 occur may file a sworn written complaint with the OEO, which shall state the name and  
363 address of the complainant and the person or persons against whom the complaint is made. It  
364 shall also state the facts surrounding the alleged unlawful discriminatory practice and such  
365 other information as may be required by the OEO. The Director, with the Board's approval,  
366 may also file such a complaint. The complaint shall be filed not later than one (1) year after  
367 the date of the alleged unlawful discriminatory practice in order to be processed under this  
368 article. The complaint may be reasonably and fairly amended at any time.

369 **Section 15-46 Notice of complaint.**  
370

371 Upon the filing of the complaint, the Director shall serve notice upon the aggrieved  
372 person acknowledging such filing and advising the aggrieved person of the time limits and  
373 choice of forums provided under this article. The Director or the Director's designee shall, not  
374 later than ten (10) days after such filing or the identification of an additional respondent, serve  
375 on the respondent a notice, by certified mail, identifying the alleged discriminatory housing  
376 practice and advising such respondent of the procedural rights and obligations of respondents  
377 under this article, together with a copy of the original complaint. The respondent may file a  
378 sworn written answer to the complaint within ten (10) days of receipt of the complaint. Failure  
379 to file an answer by the respondent shall not result in any presumption of admission to  
380 the allegations in the complaint. Any subsequent amendment to the complaint or answer  
381 thereto shall be served by U.S. mail.

382 **Section 15-47 Processing complaints.**  
383

384 The OEO shall commence its investigation under this article within thirty (30) days  
385 of the receipt of a sworn written complaint. Within one hundred (100) days of the filing of the  
386 complaint as set forth in section 15-45, the staff of the OEO shall make such investigation as the  
387 Director deems appropriate to ascertain facts and issues. If the OEO is unable to complete  
388 the investigation within one hundred (100) days after the filing of the complaint, they shall  
389 notify the complainant and the respondent in writing of the reasons for not doing so. In  
390 conducting an investigation to ascertain whether or not there has been a violation of this article,  
391 the Director and/or the Director's designee shall have access at all reasonable times to premises,  
392 and may examine records, documents, and other evidence, or possible sources of evidence,  
393 and may record the testimony or statements of such persons as are reasonably necessary for the  
394 furtherance of the investigation provided that the OEO complies with the provisions of the

395 federal and state constitutions relating to unreasonable searches and seizures. The Director, the  
396 Director's designee or the Board may issue subpoenas to compel access to, or the production  
397 of, such materials, or the appearance of such persons, and may issue interrogatories to a  
398 respondent to the same extent and subject to the same limitations as would apply if the  
399 subpoenas or interrogatories were issued or served in aid of a civil action in court. In the case  
400 of a refusal to obey a subpoena issued to any person, or refusal to comply with any method  
401 of discovery authorized in the Florida Rules of Civil Procedure, the Board and/or the Director  
402 shall request the County Attorney to make application to the appropriate court to order the  
403 witness to comply with a request for discovery, or to appear before the Board and to produce  
404 evidence, if so requested, or to give testimony concerning the matter in question. Failure to  
405 obey the order may be punishable by the court as contempt. The Director and/or the Board may  
406 administer oaths. The OEO shall endeavor to achieve final administrative disposition of the  
407 complaint within one (1) year of its filing, unless it is impracticable to do so. If final  
408 administrative disposition is impractical to achieve within one year of the filing of the  
409 complaint, the parties shall be provided notice which shall state the reasons why it is  
410 impractical to achieve final disposition within one year.

411 **Section 15-48 Withdrawal of complaint.**

412  
413 A complaint filed pursuant to this article may be withdrawn at any time by the  
414 complaining party upon notifying the OEO; however, the Director may continue action against  
415 the respondent if the facts establish reasonable cause to support a finding of discrimination  
416 and the Board approves such further action.

417 **Section 15-49 Preservation of records.**

418 Following service of the complaint in the manner provided herein, the respondent shall  
419 preserve all personnel records, property records, or any other written or documentary material  
420 relating to the complaint until the complaint has been resolved.

421 **Section 15-50 Dismissal of complaint.**

422  
423 Any complaint filed pursuant to this article shall be dismissed by the Director or the  
424 Board upon the following grounds:

- 425 (1) The complainant has failed or refused to cooperate or the complainant cannot be  
426 located after reasonable efforts to do so have been made and after at least ten (10)  
427 days' notice to the complainant by certified mail to the complainant's last known

428 address and the complainant has failed to duly respond;

429 (2) The complaint has not been timely filed with the OEO.

430 (3) The Director determines that no reasonable cause exists to believe that a  
431 discriminatory practice has occurred or is about to occur.

432 **Section 15-51 Investigation procedure.**

433

434 After the complaint has been filed, the OEO shall conduct an investigation. The OEO  
435 may utilize the services and information gathered from other public agencies charged with  
436 the administration of equal opportunity laws. The following procedures shall be followed:

437 (1) *Complaint verification.* As part of the investigation process, the complaining party  
438 may be required to provide an additional sworn written statement, which shall  
439 include:

440 a. A statement of each particular harm or potential harm which the aggrieved person  
441 has suffered or will suffer and the date on which each harm occurred or will occur;

442 b. For each harm, a statement specifying the act, policy or practice which is alleged  
443 to be unlawful;

444 c. For each act, policy or practice alleged to have harmed the aggrieved person,  
445 a statement of the facts which lead the complainant to believe that the act, policy  
446 or practice is discriminatory.

447 (2) *Requests for information.* In investigating the complaint, the OEO may obtain  
448 information by:

449 a. Oral interview and/or

450 b. Requests for written statement or affidavit and/or

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

452 (3) *Complainant's duty to cooperate.* The complainant shall appear or be available for  
453 interviews and provide necessary information requested by the OEO pursuant to this  
454 section. Failure to do so may result in dismissal of the complaint.

455 (4) *Access to files during investigation.* Information obtained during the investigation  
456 of the complaint shall be disclosed only to the complainant, the respondent, or their  
457 authorized representative, or to witnesses, only when disclosure is deemed  
458 necessary by the Director for the investigation or for securing appropriate



459 disposition of the complaint. The Director may direct that a particular record,  
460 document or portion thereof be withheld from inspection by a party only when  
461 necessary for the protection of a witness or third party, or for the preservation of a  
462 trade secret and in accordance with the provisions of the Florida Public Records Law  
463 [F.S. § 119.01 et seq.].

464 **Section 15-52 Determination of reasonable cause: notice.**  
465

466 (a) Upon completion of an investigation, if the issue(s) alleged in the complaint has not  
467 been settled or withdrawn, the Director shall make a determination based on the  
468 facts whether reasonable cause exists to believe that an unlawful discriminatory  
469 practice has occurred or is about to occur.

470 (b) If a notice of determination of reasonable cause is issued, the notice shall include an  
471 invitation to participate in conciliation.

472 (c) After service of a notice of determination, records and documents in the custody of  
473 the OEO that pertain to the determination shall be open for public inspection in  
474 accordance with the provisions of the Florida Public Records Law [F.S. § 119.01, et  
475 seq.].

476 **Section 15-53 Finding of reasonable cause: conciliation procedure.**  
477

478 (a) During the period beginning with the filing of the complaint and ending with the final  
479 disposition, the OEO shall, to the extent feasible, engage in conciliation with respect  
480 to such complaint. Where such conciliation attempts are successful, the agreement  
481 shall be between the complainant, aggrieved person(s) and the respondent subject to  
482 approval by the Director. The terms of the agreement shall be reduced to writing  
483 and signed by the complainant, aggrieved person(s), the respondent and the  
484 Director. The original of the signed agreement shall be filed with the OEO, and  
485 copies shall be sent to the respondent, complainant, aggrieved person(s) and the  
486 Board.

487 (b) When an agreement has not been signed, and the complaint has not been withdrawn or  
488 dismissed, the Director shall send a notice of failure of conciliation to the  
489 complainant and the respondent not less than thirty (30) days after issuance of a notice  
490 of determination of reasonable cause.

491 (c) Nothing said or done in the course of the conciliation process may be made public

492 or used as evidence in subsequent proceedings under sections 15-54 through 15-56  
493 without the written consent of the parties. Any employee of the OEO who makes  
494 public any such information in violation of this provision shall be prosecuted in the  
495 same manner as a misdemeanor of the second degree, punishable as provided in  
496 Florida Statutes Chapter 775. Final executed and approved conciliation agreements  
497 will be made public.

498 **Section 15-54 Enforcement.**  
499

500 (a) In any proceeding brought pursuant to this article, the burden of proof is on the  
501 complainant.

502 (b) A complainant may commence a civil action under this article whether or not the  
503 complaint has been filed and without regard to the status of any such complaint.  
504 However, if the OEO has obtained an agreement with the consent of a complainant,  
505 no action may be filed under this article by such complainant with respect to the  
506 alleged discriminatory housing practice which forms the basis for such complaint  
507 except for the purpose of enforcing the terms of such an agreement.

508 (c) Whenever an action filed in either federal or state court pursuant to this article, or  
509 any federal or state laws protecting the same rights stated herein comes to trial, the  
510 OEO and the Board shall immediately terminate all efforts to obtain voluntary  
511 compliance.

512 (d) If the Board of County Commissioners concludes at any time following the filing of a  
513 complaint that prompt judicial action is necessary to carry out the purposes of this  
514 article, the Board of County Commissioners shall direct the County Attorney to  
515 institute a civil action for appropriate temporary or preliminary relief pending final  
516 disposition of the complaint under this article. The commencement of a civil action  
517 under this subsection shall not affect the initiation or continuation of proceedings  
518 under this article. The Board of County Commissioners need not have petitioned  
519 for administrative hearing or exhausted the administrative remedies prior to requesting  
520 the commencement of a civil action.

521 (e) The court may award actual and punitive damages and may impose the following  
522 civil penalties for each violation of this article:

523 (1) Up to ten thousand dollars (\$10,000.00), if the respondent has not been adjudged

- 524 to have committed any prior discriminatory housing practice;
- 525 (2) Up to twenty-five thousand dollars (\$25,000.00), if the respondent has been  
526 adjudged by order of the Board or a court to have committed one (1) prior  
527 discriminatory housing practice within the preceding five-year period ending on  
528 the date of the filing of this complaint.
- 529 (3) Up to fifty thousand dollars (\$50,000.00), if the respondent has been adjudged by  
530 order of the Board or a court to have committed two (2) or more discriminatory  
531 housing practices within the preceding seven-year period ending on the date of  
532 the filing of this complaint; except that if the acts constituting the discriminatory  
533 housing practice that is the object of the charge are committed by the same  
534 natural person who has been previously adjudged to have committed acts  
535 constituting a discriminatory housing practice, then the civil penalties set forth  
536 in subparagraphs (2) and (3) may be imposed without regard to the period of time  
537 within which any subsequent discriminatory housing practice occurred.
- 538 (f) In imposing a fine under subsection (e), the court shall consider the nature and  
539 circumstances of the violation, the degree of culpability, the history of prior violations  
540 of this article, the financial circumstances of the respondent, and the goal of deterring  
541 future violations of this article.
- 542 (g) In addition to the above-stated fines, the court shall award reasonable attorney's  
543 fees and costs to the County in any action in which the County prevails under this  
544 article.
- 545 (h) The court may also grant injunctive and/or other appropriate equitable relief.  
546

547 **Section 15-55 Administrative remedies and other relief.**  
548

- 549 (a) A complainant, a respondent, or an aggrieved person on whose behalf a fair  
550 housing complaint was filed under this article may elect to have the claims asserted in  
551 that complaint decided in a civil action as provided by Section 15-56 of this  
552 article, in lieu of a hearing provided by this section.
- 553 (b) The election under this section must be made not later than the 20<sup>th</sup> day after the  
554 date of issuance by the electing person of the notice of failure of conciliation, or in  
555 the case of the Director, not later than the 20<sup>th</sup> day after such service. The electing  
556 person shall give notice to the Director and to all other complainants and respondents

- 557 to whom the complaint relates.
- 558 (c) The fair housing complainant may request an administrative proceeding before the  
559 Board within thirty (30) days after receiving the notice of failure of conciliation.  
560 Additionally, if the Director is unable to obtain voluntary compliance with this article  
561 or has reasonable cause to believe that a discriminatory housing practice has  
562 occurred, the Director may institute an administrative proceeding before the Board  
563 on any Director-initiated complaint.
- 564 (d) In conducting an administrative hearing to ascertain whether or not there has been a  
565 violation of this article, the Board shall have the power to administer oaths, issue  
566 subpoenas, compel the production of books, papers and other documents, and  
567 receive evidence. The Board shall conduct the administrative hearing in accordance  
568 with the procedure provided in section 120.57, Florida Statutes, as amended.
- 569 (e) All recommended orders prepared by the Board as a result of such hearing or  
570 hearings shall conform to the requirements for such orders as set out in section  
571 120.57, Florida Statutes, as amended.
- 572 (f) The Board shall submit a copy of the order on each party to the administrative  
573 proceedings. The recommended order shall be considered as the final order of the  
574 Board as provided by section 120.57, Florida Statutes, as amended.
- 575 (g) Any party to such administrative proceedings shall have the right to appeal the  
576 administrative order described herein by filing notice of appeal pursuant to Florida  
577 Appellate Rule 9.110(a)(2) within thirty (30) days of the issuance of such order by  
578 the Board. Any party shall have the right to bring an action in the appropriate court  
579 to ensure compliance with this order.
- 580 (h) In case of refusal to obey a subpoena issued by the Board, the County or the person at  
581 whose request it was issued may, in addition to any other remedies made  
582 available, petition for its enforcement in the appropriate court.
- 583 (i) Should any party fail or refuse to comply with the final order issued or breach a  
584 conciliation agreement as provided herein, then following the expiration of the  
585 appeal time provided herein, the Board shall forward such order or conciliation  
586 agreement to the Board of County Commissioners with a request that the Board of  
587 County Commissioners authorize the County Attorney to bring such action or

- 588 actions as necessary to obtain compliance with this article.
- 589 (j) When any act is required or allowed to be done at or within a specified time by this  
590 section, for cause shown, the Board, at any time in its discretion, and upon the  
591 written request of a party, may order the period enlarged unless otherwise prohibited  
592 by law.
- 593 (k) All written motions upon which a ruling is requested shall be filed at least ten (10)  
594 days prior to the hearing date established by the Board. Such motions shall be  
595 considered and ruled upon by the Board prior to the start of the hearing.
- 596 (l) All motions and orders thereon shall be made a part of the record of such  
597 administrative proceedings.
- 598 (m) No appeal may be made from rulings on such motions until a final order has been  
599 issued.
- 600 (n) If there are separately filed cases before the Board which involve similar issues of  
601 law and fact and identity of parties, then such cases may be consolidated by the  
602 Director for hearing before the Board.
- 603 (o) Discovery shall be permitted and shall proceed in the manner provided by the  
604 Florida Rules of Civil Procedure.
- 605 (p) The Board may order a prehearing conference prior to any administrative hearing.  
606 Prior to such conference the Board may direct that the parties submit a preconference  
607 statement addressing the issues of law and fact that will be involved in such hearing,  
608 identifying the witnesses that will testify, providing a list of all documents or  
609 other exhibits that will be submitted, and providing such other information as  
610 requested by the Board.
- 611 (q) The Director shall set the time and place of any administrative hearing. The Director  
612 shall send notice by certified mail of such hearing to the parties no later than  
613 fourteen (14) calendar days prior to the final hearing. Such notice requirement may be  
614 waived with the written consent of all parties. The notice shall also contain:
- 615 (1) A statement of the nature of the hearing;
- 616 (2) A statement of the legal authority and jurisdiction under which the hearing is to  
617 be held;
- 618 (3) A reference to the statutes, ordinances and rules involved.

619 (r) Requests for subpoenas in any administrative proceeding shall be filed with the  
620 OEO and forwarded to the Board. Such request shall set forth the name and  
621 address of the person whose attendance is requested and shall describe with  
622 particularity any material to be produced. Such subpoenas shall be issued by the  
623 Board or the Director. The requesting party shall be responsible for service of any  
624 subpoena.

625 (s) Any subpoena shall be subject to a motion to quash or a motion for protective order  
626 before the appropriate court.

627 (t) The official transcript of a hearing shall be preserved by electronic recording or by a  
628 court reporter.

629 (u) Should a party elect to provide a court reporter for a hearing, that party shall be  
630 responsible for entire payment of the reporter's fee.

631 (v) If the Board finds that a discriminatory housing practice has occurred or is about to  
632 occur, it shall issue an order prohibiting the practice and awarding affirmative relief  
633 from the effects of the practice, including actual damages and reasonable attorney's  
634 fees and costs, and other injunctive or equitable relief. To vindicate the public  
635 interest, the Board, may assess civil penalties against the respondent, consistent with  
636 the provisions of section 15.54 of this article. Funds recovered under this section  
637 shall be paid to the Board of County Commissioners' general fund.

638 (w) If a timely election is made under this section, the County Attorney shall, not later  
639 than the 30<sup>th</sup> day after the election is made, file and maintain such action on behalf of  
640 the aggrieved person in a court of competent jurisdiction seeking relief as  
641 provided by state and/or federal law. However, if a timely civil action election is not  
642 made under subsection (b), the fair housing complainant may request an  
643 administrative proceeding.

644 (x) An aggrieved person may intervene in the civil action filed under this section.  
645

646 **Section 15-56 Enforcement by private persons.**  
647

648 (a) A civil action shall be commenced no later than two (2) years after the occurrence  
649 or the termination of an alleged discriminatory practice or the breach of a conciliation  
650 agreement entered into under this article, whichever occurs last, to obtain appropriate  
651 relief with respect to such discriminatory practice or breach. However, the court

652 shall continue a civil case brought pursuant to this article from time to time before  
653 bringing it to trial if the court believes that the conciliation efforts of the OEO are  
654 likely to result in satisfactory settlement of the discriminatory practice  
655 complained of in the complaint made to the OEO and which practice forms the  
656 basis for the action in court.

657 (b) The computation of such 2-year period shall not include any time during which an  
658 administrative proceeding was pending with respect to the complaint under this  
659 article based upon such discriminatory housing practice. This paragraph does not  
660 apply to actions arising from a breach of a conciliation agreement.

661 (c) Any sale, encumbrance or rental consummated prior to the issuance of any court  
662 order issued under the authority of this article and involving a bona fide purchaser,  
663 encumbrance, or tenant without actual notice of the existence of the filing of a  
664 complaint or civil action under the provisions of this article shall not be affected.

665 (d) If the court finds that a discriminatory practice has occurred, it shall issue an order  
666 prohibiting the practice and providing affirmative relief from the effects of the  
667 practice, including injunctive and other equitable relief, actual and punitive damages,  
668 and reasonable attorney's fees and costs.

669 **Sec. 15-57. Unlawful discriminatory practice in public accommodations.**

670  
671 It shall be an unlawful discriminatory practice for any person, being the owner, lessee,  
672 proprietor, manager, superintendent, agent or employee of any place of public accommodation,  
673 resort or amusement, because of the race, sex, color religion, national origin, disability, familial  
674 status, sexual orientation, age, marital status, or gender identity or expression of any person  
675 directly or indirectly to refuse, withhold from or deny to such person any of the  
676 accommodations, advantages, facilities or privileges thereof that are afforded the other  
677 customers, directly or indirectly; to publish, circulate, issue, display, post or mail any written or  
678 printed communication, notice or advertisement, to the effect that any of the accommodations,  
679 advantages, facilities and privileges of any such place shall be refused, withheld from or denied  
680 to any person on account of race, sex, color, religion, national origin disability, familial status,  
681 sexual orientation, age, marital status, or gender identity or expression, or that the patronage of  
682 any person belonging to any particular race, sex, color religion, national origin, disability,  
683 familial status, sexual orientation, age, marital status or gender identity or expression is

684 unwelcome, objectionable or not acceptable, desired or solicited.

685 **Section 15-58 Discriminatory housing practices.**

686  
687 Except as provided in section 15-62 hereof, it shall be an unlawful discriminatory  
688 housing practice:

689 (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to  
690 negotiate for the sale or rental of, or otherwise make unavailable or deny, a  
691 dwelling to any person because of race, sex, color, religion, national origin,  
692 disability, familial status, sexual orientation, age, marital status or gender  
693 identity or expression.

694 (2) To discriminate against any person in the terms, conditions or privileges of sale or  
695 rental of a dwelling, or in the provisions of services or facilities in connection  
696 therewith, because of race, sex, color, religion, national origin, familial status,  
697 sexual orientation, age, marital status, or gender identity or expression.

698 (3) To make, print or publish, or cause to be made, printed or published, any notice,  
699 statement or advertisement, with respect to the sale or rental of dwelling that  
700 indicates any preference, limitation or discrimination based on race, sex, color,  
701 religion, national origin, disability, familial status, sexual orientation, age, marital  
702 status or gender identity or expression, or an intention to make any such preference,  
703 limitation or discrimination.

704 (4) To represent to any person because of race, color, religion, sex, national origin,  
705 disability, familial status, sexual orientation, age, marital status or gender identity or  
706 expression that any dwelling is not available for inspection, sale or rental when such  
707 dwelling is in fact so available.

708 (5) For profit, to induce or attempt to induce any person to sell or rent any  
709 dwelling by representations regarding the entry or prospective entry into the  
710 neighborhood of a person or persons of a particular race, sex, color, religion,  
711 national origin disability, familial status, sexual orientation, age, marital status or  
712 gender identity or expression.

713 (6) To discriminate in the sale or rental, or to otherwise make unavailable or deny a  
714 dwelling to any buyer or renter because of a disability of:

715 a. that buyer or renter,



- 716           b. a person residing in or intending to reside in that dwelling after it is sold, rented,  
717           or made available; or
- 718           c. any person associated with that buyer or renter.
- 719       (7) To discriminate against any person in the terms, conditions, or privileges of sale or  
720       rental of a dwelling, or in the provision of services or facilities in connection  
721       with such dwelling, because of a disability of:
- 722           a. that person; or
- 723           b. a person residing in or intending to reside in that dwelling after it is sold, rented,  
724           or made available; or
- 725           c. any person associated with that person.
- 726       (8) To refuse to permit, at the expense of a person with a disability, reasonable  
727       modifications of existing premises occupied or to be occupied by such person if such  
728       modifications may be necessary to afford such person full enjoyment of the  
729       premises, except that, in the case of a rental, the landlord may, where it is reasonable  
730       to do so, condition permission for a modification on the renter agreeing to restore  
731       the interior of the premises to the condition that existed before the modification,  
732       reasonable wear and tear excepted. The landlord may not increase for persons with  
733       disabilities any customarily required security deposit. However, where it is  
734       necessary in order to ensure with reasonable certainty that funds will be available  
735       to pay for the restorations at the end of the tenancy, the landlord may negotiate, as  
736       part of a restoration agreement, a provision requiring that the tenant pay into an  
737       interest-bearing escrow account, over a reasonable period, a reasonable amount of  
738       money not to exceed the cost of the restorations. The interest in any such account  
739       shall accrue to the benefit of the tenant.
- 740       (9) To refuse to make reasonable accommodations in rules, policies, practices or  
741       services, when such accommodations may be necessary to afford a person with a  
742       disability equal opportunity to use and enjoy a dwelling.
- 743       (10) To fail to design and construct multifamily dwellings for first occupancy after  
744       March 13, 1991, in such a manner that:
- 745           a. The public use and common use portions of such dwellings are readily  
746           accessible to and usable by persons with a disability;

- 747 b. All the doors designed to allow passage into and within all premises within such  
748 dwellings are sufficiently wide to allow passage by persons with disabilities  
749 who utilize wheelchairs;
- 750 c. All premises within such dwellings contain the following features of adaptive  
751 design: an accessible route into and through the dwelling; light switches,  
752 electrical outlets, thermostats, and other environmental controls in accessible  
753 locations; reinforcements in bathroom walls to allow later installation of grab  
754 bars; and usable kitchen and bathrooms such that an individual who utilizes a  
755 wheelchair can maneuver about the space; and,
- 756 d. Compliance with the appropriate requirements of the American National  
757 Standards Institute for buildings and facilities providing accessibility and  
758 usability for persons with physical disabilities (commonly cited as "ANSI A  
759 117.1") suffices to satisfy the requirements of this article.
- 760 (11) To retaliate or discriminate in any manner against a person who has opposed a  
761 practice declared discriminatory by this article, or who has filed a complaint,  
762 testified, assisted or participated in any manner in any investigation, proceeding,  
763 hearing or conference under this article.
- 764 (12) To aid, abet, incite, compel or coerce any person to engage in any of the  
765 practices prohibited by this article; or to obstruct or prevent any person from  
766 complying with the provision of this article; or any order issued there under.
- 767 (13) To resist, prevent, impede or interfere with the Board or any of its members or  
768 representatives in the lawful performance of its or their duty under this article.
- 769 (14) To initiate maliciously, frivolously or in bad faith any complaint under the  
770 provisions of this article for the purposes of harassment.
- 771 (15) To intimidate, threaten, coerce or interfere with the exercise or enjoyment of, or on  
772 account of having exercised or enjoyed, or on account of having aided or  
773 encouraged any other person in the exercise or enjoyment of, any right granted  
774 or protected by this article.

775 **Section 15-59 Discrimination in the financing of housing.**  
776

777 It shall be an unlawful discriminatory housing practice of any bank, building and loan  
778 association, insurance company or other corporation, association, firm or enterprise whose

779 business consists in whole or in part in the making of commercial real estate loans, to deny a  
780 loan or other financial assistance to any person applying therefore for the purpose of  
781 purchasing, constructing, improving, repairing or maintaining a dwelling or to discriminate  
782 against him/her in the fixing of the amount, interest rate, duration, or other terms or  
783 conditions as such loan or other financial assistance, because of the race, sex, color, religion,  
784 national origin, disability, familial status, sexual orientation, age, marital status or gender  
785 identity or expression of such person or any person associated with him/her in connection  
786 with such loan or other financial assistance, or the purposes of such loan or other financial  
787 assistance of the present or prospective owners, lessees, tenants or occupants, of the dwelling or  
788 dwellings in relation to which such loan or other financial assistance is to be made or given;  
789 provided that nothing contained in this section shall impair the scope of effectiveness of the  
790 exceptions set forth in section 15-62.

791 **Section 15-60 Discrimination in the provision of brokerage services.**  
792

793 It shall be an unlawful discriminatory housing practice to deny any person who is  
794 otherwise professionally qualified by state law and subject to the rules and regulations of the  
795 Florida Real Estate Commission, provided the local board of realtors does not discriminate in  
796 its membership policies on the basis of race, sex, color, religion, national origin, disability,  
797 familial status, sexual orientation, age, marital status or gender identity or expression, access to  
798 or membership or participation in any multiple listing service, real estate brokers' organization  
799 or other service, organization or facility relating to the business of selling or renting  
800 dwellings, or to discriminate against any person in the terms or conditions of such access,  
801 membership or participation, on account of race, sex, color, religion, national origin  
802 disability, familial status, sexual orientation, age, marital status or gender identity or  
803 expression.

804 **Section 15-61 Discrimination in residential real estate related transactions.**  
805

806 It shall be an unlawful discriminatory housing practice for any person or other entity  
807 whose business includes engaging in residential real estate related transactions to discriminate  
808 against any person in making available such a transaction, or in the terms or conditions of  
809 such a transaction because of race, sex, color, religion, national origin, disability, familial  
810 status, sexual orientation, age, marital status or gender identity or expression.

811 **Section 15-62 Limitations and exceptions—Housing practices.**  
812

813 (a) The prohibitions set forth in sections 15-57 through 15-80 shall not apply to a

814 religious organization, association or society, or any nonprofit institution or  
815 organization operated, supervised or controlled by or in conjunction with a religious  
816 organization, association or society, from limiting the sale, rental or occupancy of  
817 dwellings which it owns or operates for other than commercial purposes to persons  
818 of the same religion, or from giving preference to such persons, unless membership  
819 in such religion is restricted on account of race, sex, color, national origin, disability,  
820 familial status, sexual orientation, age, marital status or gender identity or expression.

821 (b) The prohibitions set forth in sections 15-58—15-60 shall not apply to rooms or units  
822 in dwellings containing living quarters occupied or intended to be occupied by no  
823 more than four (4) families living independently of each other if the owner  
824 actually maintains and occupies one of such living quarters, provided such rooms  
825 or units are sold or rented without the use in any manner of the sales or rental  
826 facilities or the sales or rental services of any real estate broker or real estate  
827 salesperson or person in the business of selling or renting dwellings and/or without  
828 the publication, posting or mailing of any advertisement or written document in  
829 contravention of section 15-58; but this shall not prohibit the use of any attorney,  
830 escrow agents, abstractors, title companies and such other professional assistance as  
831 is necessary to perfect or transfer title to a dwelling.

832 (c) The prohibitions set forth in sections 15-58 through 15-60 shall not apply to any  
833 single-family dwelling unit sold or rented by an owner who does not own more than  
834 three (3) such single-family dwelling units at any one time if such unit is sold  
835 or rented without the use in any manner of the sales or rental facilities or the sales  
836 or rental services of any real estate broker or real estate salesperson or person in the  
837 business of selling or renting dwellings and/or without the publication, posting  
838 or mailing of any advertisement or written document in contravention of section 15-  
839 58; but this shall not prohibit the use of any attorney, escrow agents, abstractors,  
840 title companies and such other professional assistance as is necessary to perfect  
841 or transfer title to a dwelling.

842 (d) For the purposes of subsections (a) and (b) of this section, a person shall be  
843 deemed to be in the business of selling or renting dwellings and said exceptions  
844 shall not apply if:

845 (1) That person has, within the preceding twelve (12) months, participated as principal

846 in three or more transactions involving the sale or rental of any dwelling or  
847 any interest therein; or

848 (2) That person has, within the preceding twelve (12) months, participated as agent,  
849 other than in the sale of his/her own personal residence, in providing sales or  
850 rental facilities or sales or rental services in two (2) or more transactions  
851 involving the sale or rental of any dwelling or any interest therein; or

852 (3) That person is the owner of any dwelling designed for or intended for occupancy  
853 by, or occupied by, five (5) or more families.

854 (e) The prohibitions set forth in sections 15-57 through 15-60 shall not apply to a person  
855 or owner who wishes to rent a portion of a single dwelling unit to a person  
856 or persons of the same sex when such persons live in the single dwelling unit.

857 (f) Housing for older persons shall be exempted from the provisions regarding familial  
858 status. Housing for older persons may also maintain only those age restrictions  
859 necessary in order to be designated as housing for older persons.

860 (g) Nothing in this article:  
861

862 (1) Prohibits a person engaged in the business of furnishing appraisals of real  
863 property from taking into consideration factors other than race, sex, color,  
864 religion, national origin, disability, familial status, sexual orientation, age, marital  
865 status, or gender identity or expression.

866 (2) Limits the applicability of any reasonable local government restrictions regarding  
867 the maximum number of occupants permitted to occupy a dwelling.

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

871 (4) Prohibits conduct against a person because such person has been convicted by  
872 any court of competent jurisdiction of the illegal manufacture or distribution of  
873 a controlled substance as defined by Florida Statutes, Chapter 893.

874 (h) An individual who engages in conduct with a reasonable good faith reliance on the  
875 existence of the exemption of this article relating to housing for older persons is not  
876 personally liable for money damages for a violation of this article. For the purposes  
877 of this paragraph (h), a person engaged in the business or residential real estate

878 transactions is presumed to have such a good faith reliance if that person has no  
879 actual knowledge that the housing facility is not or will not be eligible for the  
880 housing for older persons exemption and the housing facility gives such a person a  
881 written certification stating the compliance of the facility with the requirements for the  
882 housing for older persons.

883 **Section 15-63 Limitations and exceptions — Public accommodations.**

884 The prohibitions set forth in section 15-57 shall not be applied to:

885 (1) Limit of the use of a restroom to persons of one (1) sex;

886 (2) A religious organization, association or society or any nonprofit institution or  
887 organization operating, supervised or controlled by or in conjunction with a religious  
888 organization, association or society from limiting facilities and accommodations,  
889 which it owns or operates, for other than a commercial purpose, to persons of the  
890 same religion or from giving preference to such persons.

891 **Section 15-64 Limitations and exceptions – Physical disability.**

892 Nothing in this article requires any person renting or selling a dwelling constructed for  
893 first occupancy before March 13, 1991, to modify, alter or adjust the dwelling in order to  
894 provide physical accessibility except as otherwise required by law and as provided in this  
895 article.  
896

897 **Section 15-65. Applicability.**

898  
899 It is hereby provided that this Ordinance shall constitute a uniform law applicable in all  
900 the unincorporated and incorporated areas of Palm Beach County, Florida, to the extent  
901 permitted under the Florida Constitution, Article VIII, Section I.

902 **Section 15-66. Repeal of Laws in Conflict.**

903  
904 All local laws and ordinances applying to the unincorporated area of Palm Beach County  
905 in conflict with any provision of this article are hereby repealed to the extent of any conflict.

906 **Section 15-67. Savings Clause.**

907  
908 All complaints, investigations, orders, hearing processes, and all other functions of the  
909 OEO and Board, initiated or completed pursuant to Ordinance 90-1, as amended by 07-042, shall  
910 remain in full force and effect.

911 **Section 15-68. Severability.**

912  
913 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any  
914 reason held by the Court to be unconstitutional, inoperative or void, it is the intent of the

915 Board of County Commissioners that such holding shall not affect the remainder of this  
916 Ordinance.

917 **Section 15-69. Inclusion in the Code of Laws and Ordinances.**

918  
919 The provisions of this Ordinance shall become and be made a part of the Code of Laws  
920 and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be  
921 renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to  
922 "section," "article," or any other appropriate word.

923 **Section 15-70. Captions.**

924  
925 The captions, section headings, and section designations used in this Ordinance are for  
926 convenience only and shall have no effect on the interpretation of the provisions of this  
927 Ordinance.

928 **Section 15-71. Short Title.**

929  
930 The Ordinance shall be known and cited as the Palm Beach County Housing and Places  
931 of Public Accommodation Ordinance.

932 **Section 15-72 EFFECTIVE DATE:** The provisions of this ordinance shall become  
933 effective upon filing with the Department of State.

934 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach  
935 County, Florida, on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

936 **CLERK AND COMPTROLLER** **PALM BEACH COUNTY, FLORIDA, BY ITS**  
937 **BOARD OF COUNTY COMMISSIONERS**

938  
939  
940 **By:** \_\_\_\_\_  
941 **Sharon R. Bock**

940 **By:** \_\_\_\_\_  
941 **Priscilla A. Taylor, Mayor**

942  
943 **APPROVED AS TO FORM AND**  
944 **LEGAL SUFFICIENCY**

945  
946  
947 **By:** \_\_\_\_\_  
948 **County Attorney**

949  
950  
951 **EFFECTIVE DATE: Filed with the Department of State on the \_\_\_\_ day of**  
952 \_\_\_\_\_, 20\_\_\_\_.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

ORDINANCE NO. 2014-

Formatted: Font: (Default) +Body, 12 pt

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING PALM BEACH COUNTY CODE, CHAPTER 15 ARTICLE III, CODIFYING ORDINANCE NO. 90-1 AS AMENDED BY ORDINANCE NO. 07-042, "THE PALM BEACH COUNTY ORDINANCE FOR EQUAL OPPORTUNITY TO HOUSING AND PLACES OF PUBLIC ACCOMMODATION;" AND ADOPTING A NEW PALM BEACH COUNTY ORDINANCE FOR EQUAL OPPORTUNITY TO HOUSING AND PLACES OF PUBLIC ACCOMMODATION; PROVIDING FOR PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR POWERS AND DUTIES OF THE DIRECTOR OF THE OFFICE OF EQUAL OPPORTUNITY; PROVIDING FOR FILINGS OF COMPLAINTS; PROVIDING FOR NOTICE OF COMPLAINT PROCESS; PROVIDING FOR DETERMINATION OF REASONABLE CAUSE; PROVIDING FOR CONCILIATION; PROVIDING FOR ENFORCEMENT; PROVIDING FOR ADMINISTRATIVE REMEDIES AND OTHER RELIEF; PROVIDING FOR ENFORCEMENT BY PRIVATE PERSONS; PROVIDING FOR UNLAWFUL DISCRIMINATORY PRACTICE IN PUBLIC ACCOMMODATION AND HOUSING; PROVIDING FOR LIMITATIONS AND EXCEPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN CODE OF LAWS AND ORDINANCES; AND, PROVIDING FOR EFFECTIVE DATE

Formatted: Justified, Indent: Left: 1", Right: 1"

Field Code Changed

Formatted: Font: (Default) +Headings

WHEREAS, Section 125.01 Florida Statutes, as amended, authorizes the Board

of County Commissioners of Palm Beach County to provide and maintain for the citizens and visitors of said County, standards which will insure their health, wealth, and well being; and

Formatted: Font: (Default) +Headings, No underline

Formatted: Font: (Default) +Headings

WHEREAS, Section 125.01 Florida Statutes, as amended, provides that the

Board of County Commissioners of Palm Beach County may adopt ordinances and resolutions as may be necessary to the exercise of their powers; and

Formatted: Indent: First line: 0.5"

WHEREAS, it is the public policy of the United States of America to provide for

fair housing and access to public accommodations throughout the United States and the

Formatted: Font: (Default) +Headings, No underline

Formatted: No underline



1 policy of Palm Beach County, Florida, to also so provide; and

2 **WHEREAS**, discrimination in housing and in places of public accommodation  
3 deprives individuals of their basic right to associate, causes friction among groups in  
4 society, and adversely affects the public health, safety, and welfare; and

5 WHEREAS, since the Board of County Commissioners originally enacted the  
6 Housing, Places of Public Accommodation Ordinance No. 90-1, it has been necessary  
7 to amend it from time in order to best serve the citizens and visitors of Palm Beach  
8 County and provide for their general safety and welfare; and

Formatted: No underline  
Formatted: No underline

Formatted: No underline, Not Highlight  
Formatted: No underline

9 WHEREAS, a Fair Housing Board was established in 1990, to assist, advise and  
10 cooperate with the Board of County Commissioners and local, state and federal  
11 agencies to protect the interest of the public regarding fair treatment and equal  
12 opportunity and access in housing and public accommodation; and to carry out  
13 adjudicatory functions pertaining to alleged unlawful discriminatory acts or practices;  
14 and

Formatted: Font: Not Bold  
Formatted: Font: Not Bold  
Formatted: Not Highlight

Formatted: Not Highlight

Formatted: No underline

15 **WHEREAS**, the Board of County Commissioners of Palm Beach County adopted  
16 Resolution 2013-0193 on March 1, 2013 which imposes specific requirements on  
17 members of County advisory boards; and

Formatted: No underline

18 **WHEREAS**, the Fair Housing Board is subject to the provisions of Resolution  
19 2013-0193; and

20 **WHEREAS**, due to the substantial procedural and substantive changes made to  
21 this Ordinance since it was last amended in 2007, to bring it into compliance with other  
22 Palm Beach County ordinances and to maintain substantial equivalence certification  
23 with the federal government, it is necessary for the Board of County Commissioners to

Formatted: No underline  
Formatted: No underline

1 | repeal and replace the Palm Beach County Housing, Places of Public Accommodation  
2 | Ordinance in its entirety.

3 | **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
4 | **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,** that Chapter 15, Article III,  
5 | of the Palm Beach County Code, "Housing, Places of Public Accommodation," (Palm  
6 | Beach County Ordinance No. 90-1, as amended), by Ordinance 95-42 and Ordinance  
7 | 96-23, as codified in Section 15-36 through 15-64 of the Palm Beach County Code be  
8 | and is hereby is amended repealed and replaced with as the following:

9 | **Section 15-36 Purpose.**

10 | It is hereby declared to be the policy of the ~~the~~ Board of ~~County~~ Commissioners,  
11 | in the exercise of its police power for the public safety, public health, and general  
12 | welfare, to assure, within constitutional limitations, equal opportunity to all persons to  
13 | live in available housing facilities regardless of race, sex, color, religion, national origin,  
14 | disability, familial status, sexual orientation, age, marital status, or gender identity or  
15 | expression, and, to that end, to prohibit discrimination in housing by any person. It is  
16 | also hereby declared to be the policy of the ~~the~~ Board of ~~County~~ Commissioners, in the  
17 | exercise of its police power for public safety, public health and general welfare, to  
18 | assure, within constitutional limitations, equal opportunity to all persons, regardless of  
19 | race, sex, color, religion, national origin, disability, familial status, sexual orientation,  
20 | age, marital status, or gender identity or expression, to participate in the full and equal  
21 | enjoyment of the goods, services, facilities, privileges, advantages and, to that end, to  
22 | prohibit discrimination in accommodations of a places of public accommodation.

23 | **Section 15-37 Definitions.**

1 When used herein:

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

6 (2) The term *unlawful discriminatory practice* includes only those practices specified  
7 in sections 15-57 through 15-61 hereof.

8 (3) The term *hBoard*, unless a different meaning clearly appears from the context,  
9 means the *Ffair Hhousing Bboard*, created by section 15-39.

10 (4) Each of the following establishments which serve the public is a place of *public*  
11 *accommodation* within the meaning of this article:

12 a. Any inn, hotel, motel or other establishment which provides lodging to transient  
13 guests, other than an establishment located within a building which contains  
14 not more than five (5) rooms for rent or hire and which is actually occupied by  
15 the proprietor of such establishment as his/her residence;

16 b. Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other  
17 facility principally engaged in selling food for consumption on the premises,  
18 including but not limited to any such facility located on the premises of any  
19 retail establishment; or any gasoline station;

20 c. Any motion picture house, theater, concert hall, sports arena, stadium or other  
21 place of exhibition or entertainment; and

22 d. Any establishment:

- 1 (i) 1. Which is physically located within the premises of any  
2 establishment otherwise covered by this subsection; or  
3 2. Within the premises of which is physically located any such  
4 covered establishment; and  
5 (ii) Which holds itself out as serving patrons of such covered  
6 establishment. Such term shall not include any institution, club or place  
7 of accommodation which is in its nature distinctly private and not in fact  
8 open to the public.
- 9 (5) *Dwelling or housing* means any real property, building, mobile home or trailer,  
10 structure or portion thereof which is used or occupied as, or is intended, arranged  
11 or designed to be used or occupied as, the home, residence or sleeping place of  
12 one (1) or more families, and any vacant land which is offered for sale or lease  
13 for the construction or location thereon of any such building, structure or portion  
14 thereof.
- 15 (6) *To rent* includes to lease, to sublease, to let and otherwise to grant for a  
16 consideration the right to occupy premises not owned by the occupant.
- 17 (7) The term *family* includes the grandparents, parents, children, brothers and  
18 sisters, whether by marriage, legal adoption or blood, and their spouses and  
19 children, of either the property owner or spouse of the property owner; and the  
20 term "family" also includes a single individual.
- 21 (8) The term *complainant* shall mean the person filing athe complaint pursuant to  
22 this article.

1 (9) The term *respondent* shall mean the person or other entity accused in ~~at~~the  
2 complaint of an unlawful discriminatory~~unfair~~ housing practice and any other  
3 person or entity identified in the course of investigation not named as a  
4 respondent in the initial complaint who may be joined as an additional or  
5 substitute respondent upon written notice.

6 (10) *Disability* means with respect to a person:  
7 a. ~~Has a~~A physical or mental impairment which substantially limits one (1) or  
8 more of such person's major life activities.  
9 b. ~~Has a~~A record of such an impairment; or  
10 c. ~~Is~~Being regarded as having such an impairment.  
11 d. "Disability" does not include the current illegal use or addiction to a controlled  
12 substance (as defined in Section 102 of the Controlled Substance Act (21  
13 U.S.C.802)).  
14 e. As used throughout this article, prohibitions against discrimination on the basis  
15 of disability includes disabilities of the patron, buyer or renter, or of a person  
16 residing in or intending to reside in that dwelling after it is sold, rented, or  
17 made available, or of any person associated with the buyer, or renter or  
18 patron.

19 11) *Familial status* means one (1) or more individuals (who have not attained the age  
20 of eighteen (18) years) being domiciled with:  
21 a. A parent or another person having legal custody of such individual or  
22 individuals; or

1 b. The designee of such parent or other person having such custody, with the  
2 written permission of such parent or other person. The protection afforded  
3 against discrimination on the basis of familial status shall apply to any person  
4 who is pregnant or is in the process of securing legal custody of any individual  
5 who has not attained the age of eighteen (18) years.

6 (12) *Sexual orientation* means male or female homosexuality, heterosexuality ~~and or~~  
7 bisexuality, by preference or practice.

8 (13) *Conciliation* means the attempted resolution of issues raised by athe complaint,  
9 or by the investigation of such complaint, through informal negotiations involving  
10 the complainant, the respondent, and the director ~~of~~OEO.

11 (14) *Conciliation agreement* means a written agreement setting forth the resolution of  
12 the issues in conciliation.

13 (15) *Prevailing party* has the same meaning as such term has in section 722 of the  
14 Revised Statutes of the United States (42 U.S.C. 1988).

15 (16) *Multifamily dwelling* means:

16 a. Buildings consisting of four (4) or more units if such buildings have one (1) or  
17 more elevators; and

18 b. Ground floor units in other buildings consisting of four (4) or more units.

19 (17) *Residential real estate related transaction* means any of the following:

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

21 (i) for purchasing, constructing, improving, repairing or maintaining a dwelling; or

22 (ii) secured by residential real estate.

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

1 c. Nothing in this article prohibits a person engaged in the business of furnishing  
2 appraisals of real property to take into consideration factors other than race  
3 sex, color, religion, national origin, disability, familial status, sexual  
4 orientation, age, marital status, or gender identity or expression.

5 (18) *Housing for older persons* means housing:

6 a. Provided under any state or federal program that the ~~office of equal~~  
7 ~~opportunity~~ OEO or the ~~fair housing board~~ Board determines is specifically  
8 designed and operated to assist elderly persons, as defined in the state or  
9 federal program; or

Formatted: Font: 12 pt

10 b. Intended for, and solely occupied by, persons sixty-two (62) years of age or  
11 older; or

12 c. Intended and operated for occupancy by at least one (1) person fifty-five (55)  
13 years of age or older per unit in eighty (80) percent of the units, provided that  
14 the occupancy of such housing can be verified in accordance with rules  
15 established by the U. S. Department of Housing and Urban Development and  
16 provided that the housing facility publishes and adheres to policies and  
17 procedures that demonstrate the intent to provide housing for older persons.

18 d. Housing shall not fail to be considered housing for older persons if:

19 (i) A person who resides in such housing on or after September 13, 1988,  
20 does not meet the age requirements of this subsection provided that any  
21 new occupant meets such age requirements; or

1 (ii) One (1) or more units are unoccupied, provided that any unoccupied units  
2 are reserved for occupancy by persons who meet the age requirements of  
3 this subsection.

4 e. In determining whether housing meets the requirements of housing for older  
5 persons, the county will utilize current federal regulations regarding criteria for  
6 housing for older persons.

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

10 (20) *OEO* means the Palm Beach County Office of Equal Opportunity.

Formatted: Font: Italic

11 (21) *Director* means the director of the OEO.

12 **Section 15-38 Office of eEqual eOpportunity (OEO).**

13 The ~~county administrator~~County Administrator exercising his/her power of  
14 appointment shall employ a ~~director~~Director ("director") of the ~~office of equal~~  
15 ~~opportunity~~OEO and such other personnel in the ~~office of equal opportunity (OEO)~~ as  
16 may be provided for in the budget approved by the ~~h~~Board of ~~e~~County ~~e~~Commissioners  
17 and for which an appropriation has been made. The staffing complement shall be  
18 referred to as the ~~office of equal opportunity (OEO)~~. It shall be the responsibility of the  
19 ~~director~~Director and/or the ~~director~~Director's designee to investigate complaints of  
20 discrimination prohibited by this article, attempt to conciliate and mediate complaints of  
21 discrimination, and to perform such other duties of an administrative nature as may be  
22 assigned by the ~~county administrator~~County Administrator.

23 **Section 15-39 Fair Hhousing Bboard (Board).**



1        The ~~fair housing board~~Board of Palm Beach County is hereby created and  
2 established. The ~~board~~Board is to be comprised of nine (9) citizens of the county  
3 appointed by the ~~b~~Board of ~~e~~County ~~e~~Commissioners to serve for ~~staggered~~ terms of  
4 ~~two (2)~~three (3) years. There shall be a limit of three consecutive three year terms.  
5 Terms shall begin on October 1<sup>st</sup>, and end on September 30<sup>th</sup>. All ~~board~~Board members  
6 must be residents of Palm Beach County at the time of appointment and while serving  
7 on the ~~board~~Board. ~~In addition to minority representation on such board, the B~~board  
8 appointments should shall reflect, to the greatest extent possible, the racial, gender and  
9 ethnic make-up of the community. ~~representation for all ages, races, religious beliefs and~~  
10 ~~types of employment.~~ Members of the ~~is~~ fair housing boardBoard shall be the same as  
11 members of the ~~e~~Equal ~~e~~Employment ~~b~~Board created by the Palm Beach County Equal  
12 Employment Ordinance~~separate ordinance~~. Seven (7) of the appointments shall be  
13 made as district appointments and two (2) of the appointments shall be made at large  
14 by the ~~b~~Board of ~~e~~County ~~e~~Commissioners on the basis of community representation,  
15 integrity, experience and interest in the area of equal opportunities. In order that the  
16 terms of office of all members shall not expire at the same time, all current members of  
17 the ~~fair housing board~~Board shall serve the remainder of their respective terms, if they  
18 so elect. Any member who elects not to serve the remainder of their term shall be  
19 replaced by appointments made at large by the ~~b~~Board of ~~e~~County ~~e~~Commissioners to  
20 serve the unexpired portion of the term. ~~The two (2) additional members needed to~~  
21 ~~complete the fair housing board shall be appointed at large by the board of county~~  
22 ~~commissioners for a term of one (1) year.~~ Vacancies shall be filled in the same manner  
23 as the original appointments for the remainder of the vacant term. Each member shall

Formatted: Font: 12 pt

1 serve without compensation. Travel reimbursement is limited to expenses incurred only  
2 for travel outside Palm Beach County necessary to fulfill boardBoard member  
3 responsibilities when sufficient funds have been budgeted and are available as set forth  
4 in PPM CW-O-038. No other expenses are reimbursable except documented long  
5 distance phone calls to the OEO. Approval authority for pre-authorized boardBoard  
6 member travel is designated to the County Administrator and Deputy County  
7 Administrator and shall be in accordance with Countywide Policy and Procedures  
8 mMemoranda (PPM) CW-F-009. Each district appointee serves at the pleasure of the  
9 appointing Commissioner and may be removed without cause by the appointing  
10 eCommissioner at any time, and at large appointees may be removed without cause by  
11 a majority vote of the bBoard of eCounty eCommissioners at any time. The maximum  
12 number of boards that an individual appointed by the Board of County Commissioners  
13 may serve on at one time shall be three (3). Members may not be members of more  
14 than two (2) other advisory boards appointed by the board of county commissioners;  
15 however, membership on the eEqual eEmployment bBoard and theis fair housing  
16 boardBoard shall only be considered membership on one (1) advisory board. Members  
17 shall comply with shall be governed by the applicable provisions of the Palm Beach  
18 County Code of Ethics, as codified in Section 2-254441 through 2-260448 of the Palm  
19 Beach County Code and the State Code of Ethics. Resolution No. R-94-693, as may  
20 be amended. Abstention from voting due to a conflict of interest on more than three (3)  
21 separate matters during a calendar year shall result in automatic removal. Members  
22 shall be automatically removed for lack of attendance. Lack of attendance is defined as  
23 failure to attend three (3) consecutive meetings or failure to attend more than one-half

1 (½) of the meetings scheduled during a calendar year. Participation for less than three  
2 fourths (¾) of a meeting shall ~~be the same as failure to attend a meeting, constitute lack~~  
3 ~~of attendance. Excused absences due to illness, absence from the county, or personal~~  
4 ~~hardship, if approved by vote of the fair housing board, shall not constitute lack of~~  
5 ~~attendance. Excused absences shall be entered into the minutes at the next regularly~~  
6 ~~scheduled meeting of the fair housing board. Members removed pursuant to this~~  
7 ~~paragraph under this section shall not continue to serve on the board until a new~~  
8 ~~appointment is made and Board and such removal shall create a vacancy. Board~~  
9 ~~members shall not be prohibited from qualifying as a candidate for elected office.~~  
10 ~~County employees, other than Commissioners Aides, may not be appointed to the fair~~  
11 ~~housing board Board. Employees of other units of local government may not represent~~  
12 ~~their respective governments on the board, unless otherwise provided by statute or~~  
13 ~~other rule of law. Former Board of County Commission members may not be appointed~~  
14 ~~to the fair housing board Board for at least two (2) years following their last day in office~~  
15 ~~as a County Commissioner. Members of the fair housing board Board shall appoint a~~  
16 ~~chairperson and vice-chairperson, and the board Board may promulgate rules and~~  
17 ~~regulations for the conduct of its meetings and affairs.~~

18 **Section 15-40 Board terms, rules and regulations.**

Formatted: Font color: Auto

19 The following rules and regulations shall govern the operation of the board Board:

20 (1) The chairperson of the board Board shall be elected by majority vote of the  
21 board Board and shall serve for a term of one (1) year and have the following  
22 duties:

23 a. Call board Board meetings and set the agenda for the same.

1 b. Preside at ~~board~~Board meetings.

2 c. Sign subpoenas.

3 ~~d. Appoint and define the role of such committees as are necessary or~~  
4 ~~expedient to advise the board, the director of the office of equal~~  
5 ~~opportunity and the board of county commissioners.~~

6 ed. Perform such other functions as the ~~board~~Board may assign by rule or  
7 order.

Formatted: Indent: Left: 0.75", Hanging: 0.25"

8 (2) The vice-chairperson shall be elected by majority vote of the ~~board~~Board and  
9 shall serve for a term of one (1) year. The vice-chairperson shall perform the  
10 duties of the chairperson in the chairperson's absence and such other duties  
11 as the chairperson may assign.

12 (3) If a vacancy occurs in the office of chairperson, the vice-chairperson shall  
13 become the chairperson for the unexpired term of the chairperson. If a  
14 vacancy occurs in the office of vice-chairperson, the ~~board~~Board will elect  
15 another member to fill the unexpired term of the vice-chairperson.

16 (4) At least three (3) members of the ~~board~~Board, or any other odd number  
17 shall constitute a hearing panel for the purposes of hearing discrimination  
18 complaints. A majority of members appointed shall constitute a quorum to  
19 hold a meeting for any other purpose. Board business shall be taken by a  
20 majority vote.

21 (5) All meetings shall be governed by Robert's Rules of Order. A majority of the  
22 members of a panel or committee shall constitute a quorum for the conduct of  
23 ~~business assigned to a panel or committee.~~

1 (6) In the presence of a quorum, board or panel business shall be taken by a  
2 majority vote.

3 **Section 15-41 Board meetings.**

Formatted: Font color: Auto

4 The boardBoard shall comply with the Sunshine Law and State Code of Ethics.  
5 The boardBoard shall meet on a regular basis and as necessary to conduct  
6 administrative hearings. Reasonable Nnotice of the time and place of the meeting shall  
7 be given to all boardBoard members and all parties scheduled to be heard, and shall be  
8 made public. All meetings of the boardBoard shall be open to the public. The  
9 chairperson may call an unscheduled meeting. Upon not less than twenty-four (24)  
10 hours' notice, and preferably at least seventy-two (72) hours reasonable notice to the  
11 public and meetings may also be called by the directorDirector upon the request of  
12 three (3) members of the boardBoard. The county-administratorCounty Administrator  
13 shall provide such staff as may reasonably be required in his/her discretion to assist the  
14 boardBoard in the performance of its duties. The county-administratorCounty  
15 Administrator shall provide a regular meeting place for the boardBoard.

16 **Section 15-42 Objectives of the boardBoard.**

Formatted: Font color: Auto

17 The objectives of the boardBoard shall be:

- 18 (1) To promote and encourage fair treatment and equal opportunity in housing  
19 and public accommodation for all persons regardless of race, sex, color,  
20 religion, national origin, disability, familial status, sexual orientation, age,  
21 marital status, or gender identity or expression; to promote and encourage  
22 mutual understanding and respect among such persons and to endeavor to

1 eliminate discrimination in housing and public accommodation against and  
2 antagonism between such persons;

3 (2) To cooperate with governmental and nongovernmental agencies and  
4 organizations having like or kindred functions;

5 (3) To make such investigations and studies in the field of fair housing and public  
6 accommodation as in its judgment will aid in effectuating its general purposes;

7 (4) To assist various groups and agencies of the community to cooperate in  
8 educational programs and campaigns, devoted to the elimination of  
9 discrimination in housing and places of public accommodation;

10 (5) To aid in permitting the county to benefit from the fullest realization of its  
11 housing and public accommodation resources;

12 (6) To recommend to the Board of County Commissioners the acceptance of  
13 certain grants and contracts from foundations and other sources for the  
14 purposes of carrying out the purposes of this article; and

15 (7) To recommend to the Board of County Commissioners methods for  
16 elimination of discrimination and intergroup tensions.

17 The objectives set forth above are not to be construed as duties, and the Board  
18 of County Commissioners shall have the discretion to determine when each objective  
19 is implemented.

20 **Section 15-43 Powers and duties of the Board.**

Formatted: Font color: Auto

21 The powers and duties of the Board shall be:

1 (1) To refer or accept referral of complaints when appropriate and to cause,  
2 through the office of equal opportunity OEO, investigations of:

3 a. Tension or prejudice in relation to all housing and public accommodation  
4 matters involving race, sex, color, religion, national origin, disability,  
5 familial status, sexual orientation, age, marital status, or gender identity or  
6 expression.

7 b. Discrimination against any person by any person with regard to housing  
8 and public accommodation matters on the basis of race, sex, color,  
9 religion, national origin, disability, familial status, sexual orientation, age,  
10 marital status, or gender identity or expression.

11 ~~(2) To propose reasonable rules and regulations as are necessary to effectuate~~  
12 ~~the policies of this article and govern the proceedings of the board. Such rules~~  
13 ~~and regulations shall become effective upon approval by the bBoard of~~  
14 ~~cCounty cCommissioners after a public hearing has been held by the bBoard~~  
15 ~~of cCounty cCommissioners, pursuant to at least one (1) notice published in a~~  
16 ~~newspaper of general circulation in the county at least ten (10) days prior to~~  
17 ~~the hearing.~~

18 (3) To receive, initiate, seek to conciliate, hold hearings upon and adjudicate  
19 complaints alleging violations of this article; to recommend methods and  
20 alternatives for eliminating injustices occasioned thereby; to carry out and  
21 enforce the purpose of this article.

1 (43) To administer oaths, subpoena witnesses, and compel production of  
2 evidence pertaining to any hearing convened pursuant to the powers and  
3 duties authorized by this article.

4 (54) To subpoena witnesses and compel production of evidence requested by  
5 the ~~office of equal opportunity~~OEO relating to an investigation being  
6 conducted pursuant to this article.

7 (65) Meet and exercise its power in any place within the county.

8 (76) To issue remedial orders prohibiting violations of this article and providing  
9 affirmative relief from the effects of the violation as specified in section 15-55.

10 (8) ~~Become a referral agency for the state and federal government and comply~~  
11 ~~with the necessary state and federal regulations.~~

12 **Section 15-44 Powers and duties of the director**Director.

Formatted: Font color: Auto

13 The powers and duties of the ~~director~~Director and/or the ~~director~~Director's  
14 designee shall be:

15 (1) To investigate:

16 a. Tension or prejudice in relation to all housing and public accommodation  
17 matters involving race, sex, color, religion, national origin, disability, familial  
18 status, sexual orientation, age, marital status, or gender identity or  
19 expression.

20 b. Discrimination against any person by any person with regard to housing and  
21 public accommodation matters on the basis of race, sex, color, religion,  
22 national origin, disability, familial status, sexual orientation, age, marital  
23 status, or gender identity or expression.



1 ~~(2) In conducting an investigation the director and/or the director's designee shall~~  
2 To have access during an investigation, at all reasonable times to premises,  
3 records, documents, individuals, and other evidence or possible sources of  
4 evidence and may examine, record the testimony or statements of such persons  
5 as are reasonably necessary for the furtherance of the investigation providing  
6 that the ~~director~~Director and/or the ~~director~~Director's designee complies with the  
7 provisions of the federal and state constitutions relating to unreasonable  
8 searches and seizures.

9 (23) To attempt to conciliate and mediate complaints of discrimination brought  
10 pursuant to this article.

11 (34) To prepare consentciliation agreements embodying any agreement reached  
12 by the parties relating to the complaint and advise the to present such  
13 agreement to the board, of Board of such agreement, for the board's  
14 acceptance or rejection.

15 (45) To dismiss complaints of discrimination upon a finding of no reasonable  
16 groundscause to support a finding of discrimination under this article.

17 (56) To administer oaths.

18 (67) To exercise all powers reasonable and necessary to fulfill the purposes of  
19 this article.

20 **Section 15-45 Filing of complaints.**

Formatted: Font color: Auto

21 Any person who claims to have been injured by an unlawful discriminatory  
22 practice or who believes that he/she will be injured by an unlawful discriminatory  
23 practice that is about to occur may file a sworn written complaint with the ~~office of equal~~

1 opportunity ~~OEO~~, which shall state the name and address of the complainant and the  
2 person or persons against whom the complaint is made. It shall also state the facts  
3 surrounding the alleged unlawful discriminatory practice and such other information as  
4 may be required by the ~~office of equal opportunity~~ ~~OEO~~. The ~~director~~ ~~Director~~, with the  
5 ~~board~~ ~~Board~~'s approval, may also file such a complaint. ~~A~~ ~~The~~ complaint shall be filed not  
6 later than one (1) year after the date of the alleged unlawful discriminatory practice in  
7 order to be processed under this article. The complaint may be reasonably and fairly  
8 amended at any time.

9 **Section 15-46 Notice of complaint.**

Formatted: Font color: Auto

10 Upon the filing of ~~a~~ ~~the~~ complaint, the ~~director~~ ~~Director~~ shall serve notice upon the  
11 aggrieved person acknowledging such filing and advising the aggrieved person of the  
12 time limits and choice of forums provided under this article. The ~~director~~ ~~Director~~ or the  
13 ~~director~~ ~~Director~~'s designee shall, not later than ten (10) days after such filing or the  
14 identification of an additional respondent, serve on the respondent a notice, by  
15 ~~registered or certified~~ mail, identifying the alleged discriminatory housing practice and  
16 advising such respondent of the procedural rights and obligations of respondents under  
17 this article, together with a copy of the original complaint. The respondent may file a  
18 sworn written answer to the complaint within ten (10) days of receipt of the complaint.  
19 Failure to file an answer by the respondent shall not result in any presumption of  
20 admission to the allegations in the complaint. Any subsequent amendment to the  
21 complaint or answer thereto shall be served by U.S. mail.

22 **Section 15-47 Processing complaints.**

Formatted: Font color: Auto

1 | The ~~office of equal opportunity~~OEO shall commence its investigation under this  
2 | article within thirty (30) days of the receipt of a sworn written complaint. Within one  
3 | hundred (100) days of the filing of ~~the~~ complaint as set forth in section 15-45, the staff  
4 | of the ~~fair housing division of the office of equal opportunity~~OEO shall make such  
5 | investigation as the ~~director~~Director or the ~~board~~ deems appropriate to ascertain facts  
6 | and issues. If the ~~fair housing division of the office of equal opportunity~~OEO is unable to  
7 | complete the investigation within one hundred (100) days after the filing of the  
8 | complaint, they shall notify the complainant and the respondent in writing of the reasons  
9 | for not doing so. In conducting an investigation to ascertain whether or not there has  
10 | been a violation of this article, the ~~director~~Director and/or the ~~director~~Director's designee  
11 | shall have access at all reasonable times to premises, records, documents, individuals,  
12 | and other evidence, or possible sources of evidence, and may examine, record the  
13 | testimony or statements of such persons as are reasonably necessary for the  
14 | furtherance of the investigation providing that the ~~office of equal opportunity~~OEO  
15 | complies with the provisions of the federal and state constitutions relating to  
16 | unreasonable searches and seizures. The ~~director~~Director, ~~the director~~Director's  
17 | ~~designee chairperson, vice chairperson or any other member of the fair housing~~the  
18 | ~~board~~ may issue subpoenas to compel access to, or the production of, such materials,  
19 | or the appearance of such persons, and may issue interrogatories to a respondent to  
20 | the same extent and subject to the same limitations as would apply if the subpoenas or  
21 | interrogatories were issued or served in aid of a civil action in court. In the case of a  
22 | refusal to obey a subpoena issued to any person, or refusal to comply with any method  
23 | of discovery authorized in the Florida Rules of Civil Procedure, the ~~board~~Board and/or

1 | the ~~director~~Director shall request the ~~e~~County ~~a~~Attorney to make application to the  
2 | appropriate court to order the witness to comply with a request for discovery, or to  
3 | appear before the ~~board~~Board and to produce evidence, if so requested, or to give  
4 | testimony concerning the matter in question. Failure to obey the order may be  
5 | punishable by the court as contempt. The ~~director~~Director and/or the ~~board~~Board may  
6 | administer oaths. The ~~office of equal opportunity~~OEO shall endeavor to achieve final  
7 | administrative disposition of ~~a~~the complaint within one (1) year of its filing, unless it is  
8 | impracticable to do so. If final administrative disposition is impractical to achieve within  
9 | one year of the filing of the complaint, the parties shall be provided notice which shall  
10 | state the reasons why it is impractical to achieve final disposition within one year.

11 | **Section 15-48 Withdrawal of complaint.**

Formatted: Font color: Auto

12 | A complaint filed pursuant to this article may be withdrawn at any time by the  
13 | complaining party upon notifying the ~~fair housing division of the office of equal~~  
14 | ~~opportunity~~OEO; however, the ~~director~~Director may continue action against the  
15 | respondent if the facts establish reasonable ~~grounds~~cause to support a finding of  
16 | discrimination and the ~~board~~Board approves such further action.

17 | **Section 15-49 Preservation of records.**

Formatted: Font color: Auto

18 | Following service of the complaint in the manner provided herein, the respondent  
19 | shall preserve all personnel records, property records, or any other written or  
20 | documentary material relating to the complaint until the complaint has been resolved.

21 | **Section 15-50 Administrative ~~d~~Dismissal of complaint.**

Formatted: Font color: Auto

1 Any complaint filed pursuant to this article shall be dismissed by the  
2 ~~director~~Director or the Board upon the following grounds:

3 (1) The complainant has failed or refused to cooperate or the complainant cannot  
4 be located after reasonable efforts to do so have been made and after at least  
5 ~~ten~~twenty (20) days' notice to the complainant by certified mail to the  
6 complainant's last known address and the complainant has failed to duly  
7 respond;

8 (2) The complaint has not been timely filed with the ~~board or the office of equal~~  
9 ~~opportunity~~OEO.

10 (3) The ~~director~~Director determines that no reasonable grounds~~cause~~ exists to  
11 believe that a discriminatory practice has occurred or is about to occur.

12 **Section 15-51 Investigation procedure.**

Formatted: Font color: Auto

13 After ~~at~~the complaint has been filed, the ~~director and/or the director's designee~~  
14 ~~OEO~~ shall conduct an investigation. The OEO ~~director and/or the director's designee~~  
15 may utilize the services and information gathered from other public agencies charged  
16 with the administration of equal opportunity laws. The following procedures shall be  
17 followed:

18 (1) *Complaint verification.* As part of the investigation process, the complaining  
19 party may be required to provide an additional sworn written statement, which  
20 shall include:

- 1 a. A statement of each particular harm or potential harm which the aggrieved  
2 person has suffered or will suffer and the date on which each harm  
3 occurred or will occur;
- 4 b. For each harm, a statement specifying the act, policy or practice which is  
5 alleged to be unlawful;
- 6 c. For each act, policy or practice alleged to have harmed the aggrieved  
7 person, a statement of the facts which lead the complainant to believe that  
8 the act, policy or practice is discriminatory.

9 (2) *Requests for information.* In investigating ~~a~~the complaint, the director and/or  
10 the director's designee OEO may obtain information by:

- 11 a. Oral interview; and/or  
12 b. Requests for written statement or affidavit; and/or  
13 c. Any discovery methods set forth in the Florida Rules of Civil Procedure.

14 (3) *Complainant's ~~ing party's~~ duty failure to cooperate.* ~~Where t~~The complainant  
15 ~~shall~~fails to provide a necessary information statement, fails or refuses to  
16 ~~appear~~shall appear or be available for interviews ~~and~~ or conferences, fails  
17 or refuses to provide necessary information requested by the office of equal  
18 opportunity OEO pursuant to this section. ~~Failure to do so may result in~~  
19 ~~dismissal of the complaint.~~ or otherwise refuses to cooperate to the extent  
20 that the fair housing [office is unable to resolve the complaint, the] division  
21 coordinator shall dismiss the complaint after providing twenty (20) days'  
22 notice to the complainant unless the director, with board approval,

1 determines there is sufficient grounds and sufficient evidence to proceed  
2 with the complaint.

3 (4) *Access to files during investigation.* Information obtained during the  
4 investigation of ~~at~~the complaint shall be disclosed only to the complainant,  
5 the respondent, or their authorized representative, or to witnesses, only  
6 when disclosure is deemed necessary by the ~~director~~Director for the  
7 investigation or for securing appropriate disposition of the complaint. The  
8 ~~director~~Director may direct that a particular record, document or portion  
9 thereof be withheld from inspection by a party only when necessary for the  
10 protection of a witness or third party, or for the preservation of a trade secret  
11 and only in accordance with the provisions of the Florida Public Records  
12 Law [F.S. § 119.01 et seq.].

13 **Section 15-52 Determination of reasonable groundscause; notice.**

Formatted: Font color: Auto

14 (a) Upon completion of an investigation, if ~~at~~the issue(s) alleged in the complaint has  
15 not been settled or withdrawn, the ~~director~~Director shall make a determination as  
16 to based on the facts whether there is a reasonable groundscause exist to believe  
17 that an unlawful discriminatory practice has occurred or is about to occur. ~~The~~  
18 ~~director and/or the director's designee shall report the results of the investigation~~  
19 ~~and his/her determination to the board and advise the board that a notice of~~  
20 ~~determination shall be served upon the complainant and respondent. The board~~  
21 ~~shall receive a copy of the notice of determination.~~

22 (b) ~~The board shall have the opportunity to review the report and submit comments to~~  
23 ~~the director.~~

1 (b) ~~If a~~ notice of determination of reasonable groundscause is issued, the notice  
2 shall include an invitation to participate in conciliation.

3 (d) ~~After service of a notice of determination, the parties named in the determination~~  
4 ~~may inspect the records and documents, in the custody of the office of equal~~  
5 ~~opportunityOEO, which pertain to the determination shall be open for public~~  
6 ~~inspection in accordance with. The director may direct that a particular record,~~  
7 ~~document or portion thereof be withheld from inspection by a party only when~~  
8 ~~necessary for the protection of a witness or third party, or for the preservation of a~~  
9 ~~trade secret and only in accordance with the provisions of the Florida Public~~  
10 ~~Records Law [F.S. § 119.01 et seq.].~~

11 **Section 15-53 Finding of reasonable groundscause; conciliation procedure.**

Formatted: Font color: Auto

12 (a) During the period beginning with the filing of the complaint and ending with the final  
13 disposition of a complaint, the office of equal opportunityOEO shall, to the extent  
14 feasible, engage in conciliation with respect to such complaint. Where such  
15 conciliation attempts are successful, the agreement shall be between the  
16 complainant, aggrieved person(s) and the respondent subject to approval by the  
17 directorDirector. The terms of the consent agreement shall be reduced to writing  
18 and signed by the complainant, aggrieved person(s), the respondent and the  
19 Ddirector. The original of the signed agreement shall be filed with the OEOdirector,  
20 and copies shall be served uponsent to the respondent, complainantcomplainant,  
21 aggrieved person(s) and the bBoard. The board shall, at its next regularly  
22 scheduled meeting, approve or disapprove the agreement.



1 (b) When an ~~an~~ consent agreement has not been signed, and the complaint has not been  
2 withdrawn or dismissed, the ~~director~~ Director shall ~~serve~~ send a notice of failure of  
3 conciliation ~~upon~~ to the complainant, ~~and the~~ respondent and the board not less  
4 than thirty (30) days after ~~issuance~~ service of a notice of determination of  
5 reasonable grounds ~~cause~~.

6 (c) Nothing said or done in the course of the conciliation process may be made public  
7 or used as evidence in subsequent proceedings under sections ~~15-54~~ through ~~15-56~~  
8 without the written consent of the ~~persons concerned~~ parties. Any employee of the  
9 office of equal opportunity OEO who makes public any such information in violation  
10 of this provision shall be prosecuted in the same manner as a misdemeanor of the  
11 second degree, punishable as provided in Florida Statutes Chapter 775. However,  
12 ~~Final~~ executed and approved conciliation agreements will be made public.

Formatted: Default Paragraph Font, Font: 9.5 pt, Font color: Black, Border: : (No border)  
Formatted: No underline, Font color: Black  
Formatted: No underline, Font color: Black

13 **Section 15-54 Enforcement.**

Formatted: Font color: Auto

14 (a) In any proceeding brought pursuant to this article, the burden of proof is on the  
15 complainant.

16 (b) A complainant may commence a civil action under this article whether or not the  
17 complaint has been filed and without regard to the status of any such complaint.  
18 need not have petitioned for an administrative hearing or exhausted the  
19 administrative remedies prior to commencement of a civil action pursuant to  
20 section 15-56. However, if the director OEO or board has obtained an agreement  
21 with the consent of a complainant, no action may be filed under this article by such  
22 complainant with respect to the alleged discriminatory housing practice which

1 forms the basis for such complaint except for the purpose of enforcing the terms of  
2 such an agreement.

3 (c) Whenever an action filed in either federal or state court pursuant to this article, or  
4 any federal or state laws protecting the same rights stated herein comes to trial,  
5 ~~the office of equal opportunity~~OEO and the board shall immediately terminate all  
6 efforts to obtain voluntary compliance.

7 (d) If the ~~b~~Board of ~~e~~County ~~e~~Commissioners concludes at any time following the filing  
8 of a complaint that prompt judicial action is necessary to carry out the purposes of  
9 this article, the ~~b~~Board of ~~e~~County ~~e~~Commissioners shall direct the ~~e~~County  
10 ~~a~~Attorney to institute a civil action for appropriate temporary or preliminary relief  
11 pending final disposition of the complaint under this article. The commencement of  
12 a civil action under this subsection shall not affect the initiation or continuation of  
13 proceedings under this article. ~~The b~~Board of ~~e~~County ~~e~~Commissioners need not  
14 have petitioned for administrative hearing or exhausted the administrative  
15 remedies prior to requesting the commencement of a civil action.

Formatted: No underline, Font color: Black

16 (e) The court may award actual and punitive damages and may impose the following  
17 finer civil penalties for each violation of this article:

Formatted: No underline, Font color: Black

- 18 (1) Up to ten thousand dollars (~~\$10~~60,000.00), if the respondent has not been  
19 adjudged to have committed any prior unlawful discriminatory housing practice;
- 20 (2) Up to twenty-five thousand dollars (~~\$42~~55,000.00), if the respondent has  
21 been adjudged by order of the ~~fair housing board~~Board or a court to have  
22 committed one (1) prior ~~unlawful discriminatory~~ housing practice within the

Formatted: No underline, Font color: Black

1 preceding five-year period ending on the date of the filing of these  
2 chargeomplaint.

3 (3) Up to fifty thousand dollars (\$50,000.00), if the respondent has been adjudged  
4 by order of the fair housing boardBoard or a court to have committed two (2) or  
5 more unlawful discriminatory housing practices within the preceding seven-year  
6 period ending on the date of the filing of these chargeomplaint; ~~except that if the~~  
7 acts constituting the discriminatory housing practice that is the object of the  
8 charge are committed by the same natural person who has been previously  
9 adjudged to have committed acts constituting an discriminatory housing  
10 practice, then the civil penalties set forth in subparagraphs (2) and (3) may be  
11 imposed without regard to the period of time within which any subsequent  
12 discriminatory housing practice occurred.

13  
14 (f) In imposing a fine under subsection (e), the court shall consider the nature and  
15 circumstances of the violation, the degree of culpability, the history of prior  
16 violations of this article, the financial circumstances of the respondent, and the goal  
17 of deterring future violations of this article.

18 (g) In addition to the above-stated fines, the court shall award reasonable attorney's  
19 fees and costs to the county in any action in which the county prevails under this  
20 article.

21 (h) The court may also grant injunctive and/or other appropriate equitable relief.

22 Section 15-55 Administrative remedies and other relief.

Formatted: incr1, Justified, Indent: Left: 0.38", Hanging: 0.25", Line spacing: Double

Formatted: Font: (Default) +Headings, No underline, Font color: Black

Formatted: No underline, Font color: Black, Not Highlight

Formatted: Font: (Default) +Headings, No underline, Font color: Black

Formatted: No underline, Font color: Black, Not Highlight

Formatted: Font: (Default) +Headings, No underline, Font color: Black

Formatted: No underline, Font color: Black, Not Highlight

Formatted: Font: (Default) +Headings, No underline, Font color: Black

Formatted: No underline, Font color: Black

Formatted: Font: (Default) +Headings, No underline, Font color: Black

Formatted: No underline, Font color: Black

Formatted: Font: (Default) +Headings, No underline, Font color: Black

Formatted: No underline, Font color: Black, Not Highlight

Formatted: Font: (Default) +Headings, No underline, Font color: Black

Formatted: Font: (Default) +Headings

Formatted: Font color: Auto

1 ~~(a) A complainant, a respondent, or an aggrieved person on whose behalf a fair-~~  
2 ~~housing complaingcomplaint was filed under this article may elect to have the~~  
3 ~~claims asserted in that complaint decided in a civil action as provided by Sec. 15-~~  
4 ~~56 of this article, in lieu of a hearing provided by this section.~~ Formatted: No underline, Font color: Auto  
Formatted: Indent: Left: 0", Hanging: 0.38"

5 ~~(b) The election under this section must be made not later than the 20<sup>th</sup> day after the~~  
6 ~~date of issuance by the electing person of the notice of failure of conciliation, or in~~  
7 ~~the case of the directorDirector, not later than the 20<sup>th</sup> day after such service. The~~  
8 ~~electing person shall give notice to the directorDirector and to all other~~  
9 ~~complainants and respondents to whom the complaint relates.~~ Formatted: Font color: Auto  
Formatted: No underline, Font color: Auto  
Formatted: No underline, Font color: Auto, Superscript  
Formatted: No underline, Font color: Auto  
Formatted: No underline, Font color: Auto, Superscript  
Formatted: No underline, Font color: Auto  
Formatted: Font color: Auto

10 ~~If the director is unable to obtain voluntary compliance with this article or has~~  
11 ~~reasonable grounds to believe that a discriminatory practice has occurred:~~

12 ~~(1) The director may institute an administrative proceeding before the fair housing board~~  
13 ~~on any director-initiated complaint.~~ Formatted: incr0, Indent: Hanging: 0.38"

14 ~~(2) The complainant may request an administrative proceeding before the fair housing~~  
15 ~~board within thirty (30) days after receiving notice of failure of conciliation.~~

16 ~~(c) The fair housing complainant may request an administrative proceeding before the~~  
17 ~~Board within thirty (30) days after receiving the notice of failure of conciliation.~~  
18 ~~Additionally, if the Director is unable to obtain voluntary compliance with this article~~  
19 ~~or has reasonable groundscause to believe that a discriminatory housing practice~~  
20 ~~has occurred, the Director may institute an administrative proceeding before the~~  
21 ~~Board on any Director-initiated complaint.~~

22 ~~(bd) In conducting an administrative hearing to ascertain whether or not there has been~~  
23 ~~a violation of this article, the boardBoard shall have the power to administer oaths,~~

1 issue subpoenas, compel the production of books, papers and other documents,  
2 and receive evidence. The ~~board~~Board shall conduct the administrative hearing in  
3 accordance with the procedure provided in sections 120.57(1) and 120.58, Florida  
4 Statutes, as amended.

5 (ee) All recommended orders prepared by the ~~board~~Board as a result of such hearing  
6 or hearings shall conform ~~with~~to the requirements for such orders as set out in  
7 section 120.597, Florida Statutes, as amended.

8 (df) The ~~board~~Board shall ~~serve~~submit a copy of the order on each party to the  
9 administrative proceedings. The recommended order shall be considered as the  
10 final order of the ~~board~~Board as provided by section 120.57, Florida Statutes, as  
11 amended, for the purposes of proceeding further under this section.

12 (eg) ~~Either~~Any party to such administrative proceedings shall have the right to appeal  
13 the administrative order described herein by filing notice of appeal pursuant to  
14 Florida Appellate Rule 9.110(a)(2) within thirty (30) days of the issuance of such  
15 order by the ~~board~~Board. Any party shall have the right to bring an action in the  
16 appropriate court to ensure compliance with this ~~O~~orders.

17 (fh) In case of refusal to obey a subpoena issued by the ~~board~~Board, the county or the  
18 person at whose request it was issued may, in addition to any other remedies  
19 made available, petition for its enforcement in the appropriate court.

20 (gi) Should any party fail or refuse to comply with the final order issued or breach a  
21 conciliation agreement as provided herein, then following the expiration of the  
22 appeal time provided herein, the ~~board~~Board shall forward such order or  
23 conciliation agreement to the ~~b~~Board of ~~e~~County ~~e~~Commissioners with a request

1 that the bBoard of eCounty eCommissioners authorize the eCounty aAttorney to  
2 bring such action or actions as necessary to obtain compliance with this article.

3 (h) When any act is required or allowed to be done at or within a specified time by this  
4 section, for cause shown, the boardBoard, at any time in its discretion, and upon  
5 the written request of a party, may order the period enlarged unless otherwise  
6 prohibited by law.

7 (i) All written motions upon which a ruling is requested shall be filed at least three  
8 (310) days prior to the hearing date established by the bBoard. Such motions shall  
9 be considered and ruled upon by the boardBoard prior to the start of the hearing.

10 (j) All motions and orders thereon shall be made a part of the record of such  
11 administrative proceedings.

12 (k) No appeal may be made from rulings on such motions until a final order has been  
13 issued.

14 (l) If there are separately filed cases before the bBoard which involve similar issues of  
15 law and fact and identity of parties, then such cases may be consolidated by the  
16 directorDirector for hearing before the boardBoard.

17 (m) Discovery shall be permitted and shall proceed in the manner provided by the  
18 Florida Rules of Civil Procedure.

19 (n) The bBoard may order a prehearing conference prior to any administrative  
20 hearing. Prior to such conference the boardBoard may direct that the parties  
21 submit a preconference statement addressing the issues of law and fact that will  
22 be involved in such hearing, identifying the witnesses that will testify, providing a

1 list of all documents or other exhibits that will be submitted, and providing such  
2 other information as requested by the ~~b~~Board.

3 (~~oq~~) The ~~director~~Director shall set the time and place of any administrative hearing. The  
4 ~~director~~Director shall ~~serve~~send notice by certified mail of such hearing on the  
5 parties no later than fourteen (14) calendar days prior to the final hearing. Such  
6 notice requirement may be waived with the written consent of all parties. The  
7 notice shall also contain:

- 8 (1) A statement of the nature of the hearing;  
9 (2) A statement of the legal authority and jurisdiction under which the hearing is to  
10 be held;  
11 (3) A reference to the statutes, ordinances and rules involved.

12 (~~pr~~) Requests for subpoenas in any administrative proceeding shall be filed with the  
13 ~~office of equal opportunity~~OEO and forwarded to the ~~board~~Board. Such request  
14 shall set forth the name and address of the person whose attendance is requested  
15 and shall describe with particularity any material to be produced. Such subpoenas  
16 shall be issued by the ~~board~~Board or the ~~director~~Director. The requesting party  
17 shall be responsible for service of any subpoena.

18 (~~qs~~) Any subpoena shall be subject to a motion to quash or a motion for protective  
19 order before the appropriate court.

20 (~~rt~~) The official transcript of a hearing shall be preserved by ~~tape~~electronic recording or  
21 by a court reporter.

22 (~~su~~) Should a party elect to provide a court reporter for a hearing, that party shall be  
23 responsible for entire payment of the reporter's fee.

1 (tv) If the ~~fair housing board~~Board finds that a discriminatory housing practice has  
2 occurred or is about to occur, it shall issue an order prohibiting the practice and  
3 awarding affirmative relief from the effects of the practice, including actual  
4 damages and reasonable attorney's fees and costs, and other injunctive or  
5 equitable relief. To vindicate the public interest, ~~the fair housing board~~Board, may  
6 assess a ~~civil penalties~~ civil penalty against the respondent, consistent with the provisions of  
7 section 15.54 of this article. Funds recovered under this section shall be paid to  
8 the ~~b~~Board of ~~e~~County ~~e~~Commissioner's's' general fund.

Formatted: No underline, Font color: Black

Formatted: No underline, Font color: Black, Not Highlight

Formatted: No underline, Font color: Black

Formatted: No underline, Font color: Black, Not Highlight

Formatted: No underline, Font color: Black

Formatted: No underline, Font color: Black, Not Highlight

Formatted: No underline, Font color: Black

Formatted: No underline, Font color: Black, Superscript

9 (w) If a timely election is made under this section, the County Attorney shall, not later  
10 than the 30<sup>th</sup> day after the election is made, file and maintain such action on behalf  
11 of the aggrieved person in a court of competent jurisdiction seeking relief as  
12 provided by state and/or federal law. However, if a timely civil action election is not  
13 made under subsection (b), the fair housing complainant may request an  
14 administrative proceeding.

15 (x) An aggrieved person may intervene in the civil action filed under this section.

16 **Section 15-56 Enforcement by private persons.**

Formatted: Font color: Auto

17 (a) A civil action shall be commenced no later than two (2) years after the occurrence  
18 or the termination of an alleged discriminatory practice or the breach of an  
19 agreement entered into under this article, whichever occurs last, to obtain  
20 appropriate relief with respect to such discriminatory practice or breach. However,  
21 the court shall continue a civil case brought pursuant to this article from time to  
22 time before bringing it to trial if the court believes that the conciliation efforts of the  
23 office of equal opportunityOEO are likely to result in satisfactory settlement of the



1 discriminatory practice complained of in the complaint made to the office of equal  
2 opportunity OEO and which practice forms the basis for the action in court

3 (b) The computation of such 2-year period shall not include any time during which an  
4 administrative proceeding was pending with respect to the complaint under this  
5 article. This paragraph does not apply to actions arising from a breach of a  
6 conciliation agreement.

7 (c) Any sale, encumbrance or rental consummated prior to the issuance of any court  
8 order issued under the authority of this article and involving a bona fide purchaser,  
9 encumbrance, or tenant without actual notice of the existence of the filing of a  
10 complaint or civil action under the provisions of this article shall not be affected.

11 (d) If the court finds that a discriminatory housing practice has occurred, it shall issue  
12 an order prohibiting the practice and providing affirmative relief from the effects of  
13 the practice, including injunctive and other equitable relief, actual and punitive  
14 damages, and reasonable attorney's fees and costs.

15 **Sec. 15-57. Unlawful discriminatory practice in public accommodations.**

16 It shall be an unlawful discriminatory practice for any person, being the owner,  
17 lessee, proprietor, manager, superintendent, agent or employee of any place of public  
18 accommodation, resort or amusement, because of the race, sex, color religion, national  
19 origin, disability, familial status, sexual orientation, age, marital status, or gender identity  
20 or expression of any person directly or indirectly to refuse, withhold from or deny to such  
21 person any of the accommodations, advantages, facilities or privileges thereof that are  
22 afforded the other customers, directly or indirectly, to publish, circulate, issue, display,  
23 post or mail any written or printed communication, notice or advertisement, to the effect

Formatted: Font color: Auto  
Formatted: No underline, Font color: Auto  
Formatted: Font color: Auto

1 that any of the accommodations, advantages, facilities and privileges of any such place  
2 shall be refused, withheld from or denied to any person on account of race, sex, color,  
3 religion, national origin disability, familial status, sexual orientation, age, marital status,  
4 or gender identity or expression or that the patronage of any person belonging to any  
5 particular race, sex, color religion, national origin, disability, familial status, sexual  
6 orientation, age, marital status or gender identity or expression is unwelcome,  
7 objectionable or not acceptable, desired or solicited.

8 **Section 15-58 Discriminatory housing practices.**

Formatted: Font color: Auto

9 Except as provided in section 15-62 hereof, it shall be an unlawful discriminatory  
10 housing practice:

11 (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to  
12 negotiate for the sale or rental of, or otherwise make unavailable or deny, a  
13 dwelling to any person because of race, sex, color, religion, national origin,  
14 disability, familial status, sexual orientation, age, marital status or gender  
15 identity or expression.

16 (2) To discriminate against any person in the terms, conditions or privileges of  
17 sale or rental of a dwelling, or in the provisions of services or facilities in  
18 connection therewith, because of race, sex, color, religion, national origin,  
19 disability, familial status, sexual orientation, age, marital status, or gender  
20 identity or expression.

21 (3) To make, print or publish, or cause to be made, printed or published, any  
22 notice, statement or advertisement, with respect to the sale or rental of

1 dwelling that indicates any preference, limitation or discrimination based on  
2 race, sex, color, religion, national origin, disability, familial status, sexual  
3 orientation, age, marital status or gender identity or expression or an intention  
4 to make any such preference, limitation or discrimination.

5 ~~(4) To place or display any other device either purporting to offer for sale, leasing~~  
6 ~~assignment, transfer or other disposition or tending to lead to the belief that a~~  
7 ~~bona fide offer is being made to sell, lease, assign, transfer or otherwise~~  
8 ~~dispose of any housing that is not in fact available or offered for sale, lease,~~  
9 ~~assignment, transfer or other disposition based on race, sex, color, religion,~~  
10 ~~national origin disability, familial status, sexual orientation, age, marital status~~  
11 ~~or gender identity or expression.~~

12 (54) To represent to any person because of race, color, religion, sex, national  
13 origin, disability, familial status, sexual orientation, age, marital status or  
14 gender identity or expression that any dwelling is not available for inspection,  
15 sale or rental when such dwelling is in fact so available.

16 (65) For profit, To induce or attempt to induce any person to sell or rent any  
17 dwelling by representations regarding the entry or prospective entry into the  
18 neighborhood of a person or persons of a transfer an interest in any housing  
19 by representations regarding the existence or potential proximity of real  
20 property owned, used or occupied by any person of any particular race, sex,  
21 color, religion, national origin disability, familial status, sexual orientation, age,  
22 marital status or gender identity or expression.

1 (6) To discriminate in the sale or rental, or to otherwise make unavailable or  
2 deny, a dwelling to any buyer or renter because of a disability of:

3 a. that buyer or renter,

4 b. a person residing in or intending to reside in that dwelling after it is  
5 sold, rented, or made available; or

6 c. any person associated with that buyer or renter.

7 (7) To discriminate against any person in the terms, conditions, or privileges of  
8 sale or rental of a dwelling, or in the provision of services or facilities in  
9 connection with such dwelling, because of a disability of:

10 a. that person; or

11 b. a person residing in or intending to reside in that dwelling after it is  
12 sold, rented, or made available; or

13 c. any person associated with that person.

14 ~~(7) To promote, induce, influence or attempt to promote, induce or influence by~~  
15 ~~the use of postcards, letters, circulars, telephone, visitation or any other~~  
16 ~~means directly or indirectly, a property owner, occupant or tenant to list for~~  
17 ~~sale, sell, remove from, lease, assign, transfer or otherwise dispose of any~~  
18 ~~housing by referring as a part of a process or pattern of inciting neighborhood~~  
19 ~~unrest, community tension, or fear of racial, sexual, color, religious, nationality~~  
20 ~~disability, familial status, sexual orientation, age, marital status or gender~~  
21 ~~identity or expression change in any street, block, neighborhood or any other~~  
22 ~~area due to the race, sex, color, religion, national origin disability, familial~~  
23 ~~status, sexual orientation, age, marital status, or gender identity or expression~~

1 of actual or anticipated neighbors, tenants or prospective buyers of any  
2 housing.

3 ~~(8) To cause to be made any untrue or intentionally misleading statement,~~  
4 ~~advertise or in any other manner attempt as part of a process or pattern of~~  
5 ~~inciting neighborhood unrest, community tension or fear of racial, sexual color~~  
6 ~~religious nationality, disability, familial status, sexual orientation, age, marital~~  
7 ~~status or gender identity or expression change in any street, block,~~  
8 ~~neighborhood, or any other area, to obtain a listing of housing for sale, rental~~  
9 ~~assignment transfer or other disposition, where such statement, advertising or~~  
10 ~~other representation is false or materially misleading or where there is~~  
11 ~~insufficient basis to judge its truth or falsity to warrant making the statement,~~  
12 ~~or to make any other such material misrepresentation in order to obtain such~~  
13 ~~listing, sale, removal from, lease, assignment, transfer or other disposition of~~  
14 ~~said housing.~~

15 ~~(9) To make, as part of a process or pattern of discouraging the purchase, rental,~~  
16 ~~occupancy or other use of any housing in a particular block or neighborhood~~  
17 ~~area, any representation to a person known to be a prospective purchaser~~  
18 ~~that such block, neighborhood or area may undergo, is undergoing or had~~  
19 ~~undergone a change with respect to racial, sexual, color, religious, nationality,~~  
20 ~~disability, familial status, sexual orientation, age, marital status or gender~~  
21 ~~identity or expression composition of such neighborhood, block or area.~~

22 ~~(10) To place or display any device or to indicate by use of postcards, letters,~~  
23 ~~circulars, telephone, visitation or any other means, directly or indirectly, either~~

Formatted: Indent: Hanging: 0.25"

1 ~~purporting to offer for sale, rental leasing, assignment, transfer or other~~  
2 ~~disposition, or tending to lead to the belief that a bona fide offer is being made~~  
3 ~~to sell, lease, assign, transfer or otherwise dispose of any housing that is not~~  
4 ~~in fact available or offered for sale, lease, assignment, transfer, rental or other~~  
5 ~~disposition based on race, sex, color, religion, national origin, disability,~~  
6 ~~familial status, sexual orientation, age, marital status or gender identity or~~  
7 ~~expression.~~

8 (148) To refuse to permit, at the expense of a person with a disability, reasonable  
9 modifications of existing premises occupied or to be occupied by such person  
10 if such modifications may be necessary to afford such person full enjoyment  
11 of the premises, except that, in the case of a rental, the landlord may, where it  
12 is reasonable to do so, condition permission for a modification on the renter  
13 agreeing to restore the interior of the premises to the condition that existed  
14 before the modification, reasonable wear and tear excepted. The landlord  
15 may not increase for persons with disabilities any customarily required  
16 security deposit. However, where it is necessary in order to ensure with  
17 reasonable certainty that funds will be available to pay for the restorations at  
18 the end of the tenancy, the landlord may negotiate, as part of a restoration  
19 agreement, a provision requiring that the tenant pay into an interest-bearing  
20 escrow account, over a reasonable period, a reasonable amount of money  
21 not to exceed the cost of the restorations. The interest in any such account  
22 shall accrue to the benefit of the tenant.

1 | (129) To refuse to make reasonable accommodations in rules, policies, practices  
2 | or services, when such accommodations may be necessary to afford a  
3 | person with a disability equal opportunity to use and enjoy a dwelling.

4 | (130) To fail to design and construct multifamily dwellings for first occupancy after  
5 | March 13, 1991, in such a manner that:

6 | a. The public use and common use portions of such dwellings are readily  
7 | accessible to and usable by persons with a disability;

8 | b. All the doors designed to allow passage into and within all premises within  
9 | such dwellings are sufficiently wide to allow passage by persons with  
10 | disabilities who utilize wheelchairs; and

11 | c. All premises within such dwellings contain the following features of  
12 | adaptive design: ~~Building entrances on an accessible route, an~~  
13 | accessible route into and through the dwelling; light switches, electrical  
14 | outlets, thermostats, and other environmental controls in accessible  
15 | locations; reinforcements in bathroom walls to allow later installation of  
16 | grab bars; and usable kitchen and bathrooms such that an individual who  
17 | utilizes a wheelchair can maneuver about the space;

18 | d. Compliance with the appropriate requirements of the American National  
19 | Standards Institute for buildings and facilities providing accessibility and  
20 | usability for persons with physical disabilities (commonly cited as "ANSI A  
21 | 117.1-1986"); ~~§~~suffices to satisfy the requirements of this article.  
22 | ~~paragraph 13(d).~~

1 (141) To retaliate or discriminate in any manner against a person who has  
2 opposed a practice declared discriminatory by this article, or who has filed a  
3 complaint, testified, assisted or participated in any manner in any  
4 investigation, proceeding, hearing or conference under this article.

5 (152) To aid, abet, incite, compel or coerce any person to engage in any of the  
6 practices prohibited by this article; or to obstruct or prevent any person from  
7 complying with the provision of this article; or any order issued  
8 thereunderthere under.

9 (163) To resist, prevent, impede or interfere with the boardBoard or any of its  
10 members or representatives in the lawful performance of its or their duty  
11 under this article.

12 (174) To initiate maliciously, frivolously or in bad faith any chargeomplaint under  
13 the provisions of this article for the purposes of harassment.

14 (185) To intimidate, threaten, coerce or interfere with the exercise or enjoyment of,  
15 or on account of having exercised or enjoyed, or on account of having aided  
16 or encouraged any other person in the exercise or enjoyment of, any right  
17 granted or protected by this article.  
18

19 **Section 15-59 Discrimination in the financing of housing.**

Formatted: Font color: Auto

20 It shall be an unlawful discriminatory housing practice of any bank, building and  
21 loan association, insurance company or other corporation, association, firm or  
22 enterprise whose business consists in whole or in part in the making of commercial  
23 real estate loans, to deny a loan or other financial assistance to any person applying

Formatted: No underline, Font color: Auto



1 therefore for the purpose of purchasing, constructing, improving, repairing or  
2 maintaining a dwelling or to discriminate against him/her in the fixing of the amount,  
3 interest rate, duration, or other terms or conditions as such loan or other financial  
4 assistance, because of the race, sex, color, religion, national origin, disability, familial  
5 status, sexual orientation, age, marital status or gender identity or expression of such  
6 person or any person associated with him/her in connection with such loan or other  
7 financial assistance, or the purposes of such loan or other financial assistance of the  
8 present or prospective owners, lessees, tenants or occupants, of the dwelling or  
9 dwellings in relation to which such loan or other financial assistance is to be made or  
10 given; provided, that nothing contained in this section shall impair the scope of  
11 effectiveness of the exceptions set forth in section 15-62.

Formatted: Font color: Auto

12 **Section 15-60 Discrimination in the provision of brokerage services.**

13 It shall be an unlawful discriminatory housing practice to deny any person who is  
14 otherwise professionally qualified by state law, and subject to the rules and regulations  
15 of the Florida Real Estate Commission, provided the local board~~board~~Board of realtors does  
16 not discriminate in its membership policies on the basis of race, sex, color, religion,  
17 national origin, disability, familial status, sexual orientation, age, marital status or gender  
18 identity or expression, access to or membership or participation in any multiple listing  
19 service, real estate brokers' organization or other service, organization or facility relating  
20 to the business of selling or renting dwellings, or to discriminate against any person in  
21 the terms or conditions of such access, membership or participation, on account of race,

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

3 **Section 15-61 Discrimination in residential real estate related transactions.**

Formatted: Font color: Auto

4 It shall be an unlawful discriminatory housing practice for any person or other  
5 entity whose business includes engaging in residential real estate related transactions  
6 to discriminate against any person in making available such a transaction, or in the  
7 terms or conditions of such a transaction because of race, sex, color, religion, national  
8 origin, disability, familial status, sexual orientation, age, marital status or gender identity  
9 or expression.

10 **Section 15-62 Limitations and exceptions—Housing practices.**

Formatted: Font color: Auto

11 (a) The prohibitions set forth in sections 15-57 through 15-80 shall not apply to a  
12 religious organization, association or society, or any nonprofit institution or  
13 organization operated, supervised or controlled by or in conjunction with a religious  
14 organization, association or society, from limiting the sale, rental or occupancy of  
15 dwellings which it owns or operates for other than commercial purposes to persons  
16 of the same religion, or from giving preference to such persons, unless membership  
17 in such religion is restricted on account of race, sex, color, national origin, disability,  
18 familial status, sexual orientation, age, marital status or gender identity or  
19 expression.

Formatted: No underline, Font color: Black

20 (b) The prohibitions set forth in sections 15-58—15-60 shall not apply to rooms or units  
21 in dwellings containing living quarters occupied or intended to be occupied by no  
22 more than four (4) families living independently of each other if the owner actually

Formatted: No underline, Font color: Black

1 maintains and occupies one of such living quarters, provided such rooms or units  
2 are sold or rented without the use in any manner of the sales or rental facilities or the  
3 sales or rental services of any real estate broker or real estate salesperson or  
4 person in the business of selling or renting dwellings and/or without the publication,  
5 posting or mailing of any advertisement or written document in contravention of  
6 section 15-58, but this shall not prohibit the use of any attorney, escrow agents,  
7 abstractors, title companies and such other professional assistance as is necessary  
8 to perfect or transfer title to a dwelling.

9 (c) The prohibitions set forth in sections 15-58 through 15-60 shall not apply to any  
10 single-family dwelling unit sold or rented by an owner who does not own more than  
11 three (3) such single-family dwelling units at any one time if such unit is sold or  
12 rented without the use in any manner of the sales or rental facilities or the sales or  
13 rental services of any real estate broker or real estate salesperson or person in the  
14 business of selling or renting dwellings and/or without the publication, posting or  
15 mailing of any advertisement or written document in contravention of section 15-58;  
16 but this shall not prohibit the use of any attorney, escrow agents, abstractors, title  
17 companies and such other professional assistance as is necessary to perfect or  
18 transfer title to a dwelling.

19 (d) For the purposes of subsections (a) and (b) of this section, a person shall be  
20 deemed to be in the business of selling or renting dwellings and said exceptions  
21 shall not apply if:

1 (1) That person has, within the preceding twelve (12) months, participated as  
2 principal in three (3) or more transactions involving the sale or rental of any  
3 dwelling or any interest therein; or

4 (2) That person has, within the preceding twelve (12) months, participated as agent,  
5 other than in the sale of his/her own personal residence, in providing sales or  
6 rental facilities or sales or rental services in two (2) or more transactions  
7 involving the sale or rental of any dwelling or any interest therein; or

8 (3) That person is the owner of any dwelling designed for or intended for occupancy  
9 by, or occupied by, five (5) or more families.

10 (e) The prohibitions set forth in sections 15-57 through 15-60 shall not apply to a person  
11 or owner who wishes to rent a portion of a single dwelling unit to a person or  
12 persons of the same sex when such persons live in the single dwelling unit.

Formatted: No underline, Font color: Black  
Formatted: No underline, Font color: Black

13 (f) Housing for older persons shall be exempted from the provisions regarding familial  
14 status. Housing for older persons may also maintain only those age restrictions  
15 necessary in order to be designated as housing for older persons.

16 (g) Nothing in this article:

17 (1) Prohibits a person engaged in the business of furnishing appraisals of real  
18 property from taking into consideration factors other than race, sex, color,  
19 religion, national origin, handicapdisability, familial status, sexual orientation, age  
20 or marital status.

21 (2) Limits the applicability of any reasonable local government restrictions regarding  
22 the maximum number of occupants permitted to occupy a dwelling.

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

4 (4) Prohibits conduct against a person because such person has been convicted by  
5 any court of competent jurisdiction of the illegal manufacture or distribution of a  
6 controlled substance as defined by Florida Statutes, Chapter 893.

7 (h) An individual who engages in conduct with a reasonable good faith reliance on the  
8 existence of the exemption of this article relating to housing for older persons is not  
9 personally liable for money damages for a violation of this article. For the purposes  
10 of this paragraph (h), a person engaged in the business or residential real estate  
11 transactions is presumed to have such a good faith reliance if that person has no  
12 actual knowledge that the housing facility is not or will not be eligible for the housing  
13 for older persons exemption and the housing facility gives such a person a written  
14 certification stating the compliance of the facility with the requirements for the  
15 housing for older persons.

16 **Section 15-63 Same Limitations and exceptions —Public accommodations.**

17 The prohibitions set forth in section 15-57, shall not be applied to:

18 (1) Limit of the use of restroom to persons of one (1) sex;

19 (2) A religious organization, association or society or any nonprofit institution or  
20 organization operating, supervised or controlled by or in conjunction with a  
21 religious organization, association or society from limiting facilities and  
22 accommodations, which it owns or operates, for other than a commercial

Formatted: Font color: Auto  
Formatted: Font color: Auto  
Formatted: No underline

1 purpose, to persons of the same religion or from giving preference to such  
2 persons.

3 **Section 15-64 Same Limitations and exceptions —Physical handicapdisability.**

Formatted: Font color: Text 1  
Formatted: Font color: Text 1

4 Nothing in this article requires any person renting or selling a dwelling  
5 constructed for first occupancy before March 13, 1991, to modify, alter or adjust the  
6 dwelling in order to provide physical accessibility except as otherwise required by law  
7 and as provided in this article-section 15-58 (11) and (12).

8 **Section 15-65. Applicability.**

Formatted: Font: 12 pt, Font color: Black, Highlight  
Formatted: Indent: First line: 0"  
Formatted: Font color: Black, Highlight  
Formatted: Highlight  
Formatted: No underline, Font color: Black, Highlight

9 It is hereby provided that this Ordinance shall constitute a uniform law applicable  
10 in all the unincorporated and incorporated areas of Palm Beach County, Florida, to the  
11 extent permitted under the Florida Constitution, Article VIII, Section I.

12 **Section 15-656. Repeal of Laws in Conflict.**

13 All local laws and ordinances applying to the unincorporated area of Palm Beach  
14 County in conflict with any provision of this article are hereby repealed to the extent of  
15 any conflict.

16 **Section 15-667. Savings Clause.**

17 All complaints, investigations, orders, hearing processes, and all other functions  
18 of the OEO and Board, initiated or completed pursuant to Ordinance 07-042, as  
19 amended, shall remain in full force and effect.

20 **Section 15-678. Severability.**

21 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is  
22 for any reason held by the Court to be unconstitutional, inoperative or void, it is the

1 intent of the Board of County Commissioners that such holding shall not affect the  
2 remainder of this Ordinance.

3

4 **Section 15-689. Inclusion in the Code of Laws and Ordinances.**

5 The provisions of this Ordinance shall become and be made a part of the Code  
6 of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance  
7 may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be  
8 changed to "section," "article," or any other appropriate word.

9 **Section 15-6970. Captions.**

10 The captions, section headings, and section designations used in this Ordinance  
11 are for convenience only and shall have no effect on the interpretation of the provisions  
12 of this Ordinance.

13 **Section 15-71. Short Title.**

14 The Ordinance shall be known and cited as the "Palm Beach County Housing  
15 and Places of Public Accommodation Ordinance."

Formatted: Font color: Auto, Highlight  
Formatted: Highlight  
Formatted: Font: Not Bold, No underline, Font color: Auto, Highlight  
Formatted: No underline, Font color: Auto, Highlight  
Formatted: No underline, Font color: Auto, Highlight

16 **EFFECTIVE DATE:** The provisions of this ordinance shall become effective  
17 upon filing with the Department of State.

18 APPROVED AND ADOPTED by the Board of County Commissioners of Palm  
19 Beach County, Florida, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

20

21  
22 SHARON R. BOCK,  
23 CLERK & COMPTROLLER  
24 PALM BEACH COUNTY

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

25

26  
27 By: \_\_\_\_\_  
28 Deputy Clerk

By: \_\_\_\_\_  
Priscilla A. Taylor, Mayor

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
County Attorney

**EFFECTIVE DATE:** Filed with the Department of State on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2014.