

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date:	<u>August 18, 2015</u>	<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Regular
Department		<input type="checkbox"/>	Ordinance	<input type="checkbox"/>	Public Hearing
Submitted By:	<u>County Attorney's Office</u>				
Submitted For:	<u>Office of Equal Opportunity</u>				

I. EXECUTIVE BRIEF

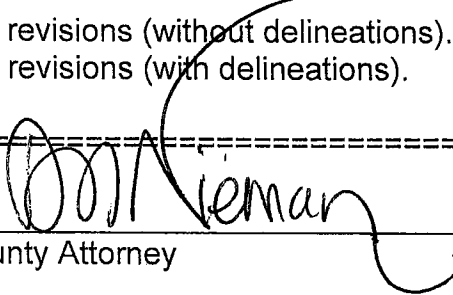
Motion and Title: Staff recommends motion to approve on preliminary reading and advertise for public hearing on September 22, 2015, at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Palm Beach County Code, Chapter 15, Article III, The Palm Beach County Ordinance for Housing and Places of Public Accommodation; by expanding the definition of a Place of Public Accommodation; providing for repeal of laws in conflict; providing for savings clause; providing for inclusion in the code of laws and ordinances; and providing for an effective date.

Summary: The current Housing and Places of Public Accommodation Ordinance was repealed and replaced in 2014. Based on the need to provide additional coverage to aggrieved persons, it is necessary to amend ordinance to expand the definition of a Place of Public Accommodation as outlined in the ordinance. The League of Cities has no opposition to the proposed amendment to the ordinance. The Equal Employment/Fair Housing Board supports the proposed ordinance in its present form. Countywide (DRO)

Background and Policy Issues: The County first enacted the Housing and Places of Public Accommodation Ordinance in 1990 to protect the interest of its citizens regarding fair treatment and equal opportunity and access in housing and public accommodation. In 2014 the ordinance was repealed and replaced to bring the Housing and Places of Public Accommodation Ordinance into substantial compliance with the Federal Fair Housing Act. The proposed ordinance amendment expands the definition of a Place of Public Accommodation to provide additional coverage for aggrieved persons.

Attachments:

- 1) Proposed Ordinance revisions (without delineations).
- 2) Proposed Ordinance revisions (with delineations).

Recommended by:	<u></u>	<u>7/22/15</u>
	County Attorney	Date

Approved by:	<u>N/A</u>	_____
		Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</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 X

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 – indeterminable at this time

C. Departmental Fiscal Review: _____

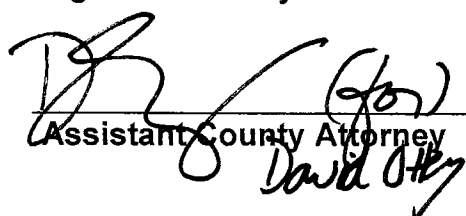
III. REVIEW COMMENTS

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


 Julie M. C. OFMB 8/10/15
 5/10/15 7/23/15 7/23/15

 Barbara Wheeler 7-29-15
 Contract Dev. and Control
 SOE

B. Legal Sufficiency:


 Assistant County Attorney
 David O'Leary

C. Other Department Review:

 Department Director

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

ORDINANCE NO. 2015-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE, CHAPTER 15 ARTICLE III, CODIFYING ORDINANCE NO. 2014-019, THE PALM BEACH COUNTY ORDINANCE FOR EQUAL OPPORTUNITY TO HOUSING AND PLACES OF PUBLIC ACCOMMODATION; AMENDING THE DEFINITION OF PLACE OF PUBLIC ACCOMMODATIONS PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

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 ensure their health, wealth, and well being; and

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

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

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

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

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

WHEREAS, it is necessary to amend the Ordinance to expand the definition of a Place of Public Accommodation to provide additional coverage for aggrieved persons.

38 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
39 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:** Chapter 15, Article
40 III, of the Palm Beach County Code, "Housing, Places of Public Accommodation," (Ordinance
41 No. 2014-019, as amended), is hereby amended as follows:

42 **Section 15-37 Definitions.**

43 When used herein:

- 44 (1) *Person* includes one (1) or more individuals, partnerships, associations, corporations,
45 unincorporated organizations, legal representatives, trustees and trusts, trustees in
46 bankruptcy, labor organizations, mutual companies, joint-stock companies, receivers,
47 or fiduciaries.
- 48 (2) The term *unlawful discriminatory practice* includes only those practices specified in
49 sections 15-57 through 15-61 hereof.
- 50 (3) The term *Board*, unless a different meaning clearly appears from the context,
51 means the Fair Housing Board, created by section 15-39.
- 52 (4) Place of public accommodation shall include the following establishments:
- 53 a. Any inn, hotel, motel or other establishment which provides lodging to transient
54 guests, other than an establishment located within a building which contains not
55 more than five (5) rooms for rent or hire and which is actually occupied by the
56 proprietor of such establishment as his/her residence;
- 57 b. Any restaurant, bar, cafeteria, lunchroom, lunch counter, soda fountain, or
58 other facility principally engaged in selling food for consumption on the
59 premises, including but not limited to any such facility located on the premises
60 of any retail establishment;
- 61 c. Any motion picture house, theater, concert hall, sports arena, stadium or other
62 place of exhibition or entertainment;
- 63 d. An auditorium, convention center, lecture hall or other place of public gathering;
- 64 e. A bakery, grocery store, clothing store, hardware store, shopping center, or other
65 sales or retail establishment;
- 66 f. A Laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe
67 repair service, funeral parlor, gas station, office of an accountant or lawyer,
68 pharmacy, insurance office, health care provider, hospital or other service

- 69 establishment;
- 70 g. A terminal, depot or other station used for a specified public transportation
71 including but not limited to taxis, limousines and buses;
- 72 h. A museum, library, gallery or other place of public display or collection;
- 73 i. A park, zoo, amusement park or other place of recreation;
- 74 j. A nursery, elementary, secondary, undergraduate or postgraduate private school, or
75 other place of education;
- 76 k. A day care center, senior citizen center, homeless shelter, food bank, adoption
77 agency or other social service center establishment;
- 78 l. A gymnasium, health spa, bowling alley, golf course, or other place of exercise or
79 recreation;
- 80 m. Any area or structure provided for the purpose of storing personal property; and,
- 81 n. Any establishment:
- 82 (i) 1. Which is physically located within the premises of any establishment
83 otherwise covered by this subsection; or
- 84 2. Within the premises of which is physically located any such covered
85 establishment; and
- 86 (ii) Which holds itself out as serving patrons of such covered establishment. Such
87 term shall not include any institution, club or place of accommodation which
88 is in its nature distinctly private and not in fact open to the public.
- 89 (5) *Dwelling or housing* means any real property, building, mobile home or trailer,
90 structure or portion thereof which is used or occupied as, or is intended, arranged or
91 designed to be used or occupied as, the home, residence or sleeping place of one (1)
92 or more families, and any vacant land which is offered for sale or lease for the
93 construction or location thereon of any such building, structure or portion thereof.
- 94 (6) *To rent* includes to lease, to sublease, to let and otherwise to grant for a consideration
95 the right to occupy premises not owned by the occupant.
- 96 (7) The term *family* includes the grandparents, parents, children, brothers and sisters,
97 whether by marriage, legal adoption or blood, and their spouses and children, of
98 either the property owner or spouse of the property owner; and the term "family"

99 also includes a single individual.

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

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

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

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

109 b. A record of such an impairment; or

110 c. Being regarded as having such an impairment.

111 d. Disability does not include the current illegal use or addiction to a controlled
112 substance (as defined in Section 102 of the Controlled Substance Act
113 (21U.S.C.802).

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

119 (11) *Familial status* means one (1) or more individuals (who have not attained the age of
120 eighteen (18) years being domiciled with:

121 a. A parent or another person having legal custody of such individual or individuals;
122 or

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

128 (12) *Sexual orientation* means male or female homosexuality, heterosexuality or
129 bisexuality, by preference or practice.

- 130 (13) *Conciliation* means the attempted resolution of issues raised by the complaint, or by
131 the investigation of such complaint, through informal negotiations involving the
132 complainant, the respondent, and the Office of Equal Opportunity.
- 133 (14) *Conciliation agreement* means a written agreement setting forth the resolution of the
134 issues in conciliation.
- 135 (15) *Prevailing party* has the same meaning as such term has in section 722 of the
136 Revised Statutes of the United States (42 U.S.C. 1988).
- 137 (16) *Multifamily dwelling* means:
- 138 a. Buildings consisting of four (4) or more units if such buildings have one (1) or
139 more elevators; and
- 140 b. Ground floor units in other buildings consisting of four (4) or more units.
- 141 (17) *Residential real estate related transaction* means any of the following:
- 142 a. The making or purchasing of loans or providing other financial assistance:
- 143 (i) for purchasing, constructing, improving, repairing or maintaining a dwelling; or
144 (ii) secured by residential real estate.
- 145 b. The selling, brokering or appraising of residential real property.
- 146 c. Nothing in this article prohibits a person engaged in the business of furnishing
147 appraisals of real property to take into consideration factors other than race, sex,
148 color, religion, national origin, disability, familial status, sexual orientation, age,
149 marital status, or gender identity or expression.
- 150 (18) *Housing for older persons* means housing:
- 151 a. Provided under any state or federal program that the OEO or the Board
152 determines is specifically designed and operated to assist elderly persons, as
153 defined in the state or federal program; or
- 154 b. Intended for, and solely occupied by, persons sixty-two (62) years of age or
155 older; or
- 156 c. Intended and operated for occupancy by at least one (1) person fifty-five (55)
157 years of age or older per unit in eighty (80) percent of the units, provided that the
158 occupancy of such housing can be verified in accordance with rules
159 established by the U. S. Department of Housing and Urban Development and

160 provided that the housing facility publishes and adheres to policies and procedures
161 that demonstrate the intent to provide housing for older persons.

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

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

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

169 e. In determining whether housing meets the requirements of housing for older
170 persons, the County will utilize current federal regulations regarding criteria for
171 housing for older persons.

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

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

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

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

177 The County Administrator exercising his/her power of appointment shall employ a
178 Director ("Director") of the OEO and such other personnel in the OEO as may be
179 provided for in the budget approved by the Board of County Commissioners and for which
180 an appropriation has been made. The staffing complement shall be referred to as the OEO. It
181 shall be the responsibility of the Director and/or the Director's designee to investigate
182 complaints of discrimination prohibited by this article, attempt to conciliate and mediate
183 complaints of discrimination, and to perform such other duties of an administrative nature as may
184 be assigned by the County Administrator.

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

186 The Board is hereby created and established. The Board is to be comprised of nine (9) citizens
187 of the county appointed by the Board of County Commissioners to serve for terms of three (3) years.
188 There shall be a limit of three consecutive three-year terms. Terms shall begin on October 1st, and end
189 on September 30th. All Board members must be residents of Palm Beach County at the time of
190 appointment and while serving on the Board. Board appointments should reflect, to the greatest extent

191 possible, the racial, gender and ethnic make-up of the community. Members of this Board shall be the
192 same as members of the Equal Employment Board created by the Palm Beach County Equal
193 Employment Ordinance as codified in Sections 2-261 – 2-313 of the Palm Beach County Code. Seven (7)
194 of the appointments shall be made as district appointments and two (2) of the appointments shall be
195 made at large by the Board of County Commissioners on the basis of community representation,
196 integrity, experience and interest in the area of equal opportunities. In order that the terms of office
197 of all members shall not expire at the same time, all current members of the Board shall serve the
198 remainder of their respective terms, if they so elect. Any member who elects not to serve the remainder
199 of their term shall be replaced by appointments made by the Board of County Commissioners to serve the
200 unexpired portion of the term. Vacancies shall be filled in the same manner as the original
201 appointments for the remainder of the vacant term. Each member shall serve without compensation.
202 Travel reimbursement is limited to expenses incurred only for travel outside Palm Beach County
203 necessary to fulfill Board member responsibilities when sufficient funds have been budgeted and are
204 available as set forth in PPM CW-O-038. No other expenses are reimbursable except documented long
205 distance phone calls to the OEO. Approval authority for pre-authorized Board member travel is
206 designated to the County Administrator and Deputy County Administrator and shall be in accordance
207 with Countywide Policy and Procedures Memoranda (PPM) CW-F-009. Each district appointee serves
208 at the pleasure of the appointing Commissioner and may be removed without cause by the appointing
209 Commissioner at any time, and at large appointees may be removed without cause by a majority vote of
210 the Board of County Commissioners at any time. The maximum number of boards that an
211 individual appointed by the Board of County Commissioners may serve on at one time shall be
212 three (3), however, membership on the Equal Employment Board and this Board shall only be
213 considered membership on one (1) advisory board. Members shall comply with the applicable
214 provisions of the Palm Beach County Code of Ethics, as codified in Section 2-441 through 2-448 of
215 the Palm Beach County Code and the State Code of Ethics. Abstention from voting due to a conflict
216 of interest on more than three (3) separate matters during a calendar year shall result in automatic
217 removal. Members shall be automatically removed for lack of attendance. Lack of attendance is
218 defined as failure to attend three (3) consecutive meetings or failure to attend more than one-half (½)
219 of the meetings scheduled during a calendar year. Participation for less than three fourths (¾) of a
220 meeting shall be the same as failure to attend a meeting. Members removed pursuant to this paragraph
221 shall not continue to serve on the Board and such removal shall create a vacancy. Board members
222 shall not be prohibited from qualifying as a candidate for elected office. County employees, other

223 than Commissioners' Aides, may not be appointed to the Board. Former Board of County
224 Commission members may not be appointed to the Board for at least two (2) years following their last
225 day in office as a County Commissioner. Members of the Board shall appoint a chairperson and vice-
226 chairperson, and the Board may promulgate rules and regulations for the conduct of its meetings and
227 affairs.

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

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

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

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

233 b. Preside at Board meetings.

234 c. Sign subpoenas.

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

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

240 (3) If a vacancy occurs in the office of chairperson, the vice-chairperson shall
241 become the chairperson for the unexpired term of the chairperson. If a vacancy
242 occurs in the office of vice-chairperson, the Board will elect another member to fill
243 the unexpired term of the vice-chairperson.

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

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

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

250 The Board shall comply with the Sunshine Law. The Board shall meet on a regular
251 basis and as necessary to conduct administrative hearings. Reasonable notice of the time and
252 place of the meeting shall be given to all Board members and all parties scheduled to be heard,

253 and shall be made public. All meetings of the Board shall be open to the public. The
254 chairperson may call an unscheduled meeting upon not less than twenty-four (24) hours
255 notice, and preferably at least seventy-two (72) hours reasonable notice to the public, and
256 meetings may also be called by the Director upon the request of three (3) members of the
257 Board. The County Administrator shall provide such staff as may reasonably be required in
258 his/her discretion to assist the Board in the performance of its duties. The County
259 Administrator shall provide a regular meeting place for the Board.

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

261 The objectives of the Board shall be:

- 262 (1) To promote and encourage fair treatment and equal opportunity in housing and
263 public accommodation for all persons regardless of race, sex, color, religion,
264 national origin, disability, familial status, sexual orientation, age, marital status, or
265 gender identity or expression; to promote and encourage mutual understanding and
266 respect among such persons and to endeavor to eliminate discrimination in
267 housing and public accommodation against and antagonism between such persons;
- 268 (2) To cooperate with governmental and nongovernmental agencies and organizations
269 having like or kindred functions;
- 270 (3) To make such investigations and studies in the field of fair housing and public
271 accommodation as in its judgment will aid in effectuating its general purposes;
- 272 (4) To assist various groups and agencies of the community to cooperate in
273 educational programs and campaigns devoted to the elimination of discrimination in
274 housing and places of public accommodation;
- 275 (5) To aid in permitting the County to benefit from the fullest realization of its
276 housing and public accommodation resources;
- 277 (6) To recommend to the Board of County Commissioners the acceptance of certain
278 grants and contracts from foundations and other sources for the purposes of carrying
279 out the purposes of this article; and,
- 280 (7) To recommend to the Board of County Commissioners methods for elimination of
281 discrimination and intergroup tensions. The objectives set forth above are not to be
282 construed as duties, and the Board of County Commissioners shall have the
283 discretion to determine when each objective is implemented.

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

285 The powers and duties of the Board shall be:

- 286 (1) To refer or accept referral of complaints when appropriate and to cause, through
287 the OEO, investigations of:
- 288 a. Tension or prejudice in relation to all housing and public accommodation
289 matters involving race, sex, color, religion, national origin, disability, familial
290 status, sexual orientation, age, marital status, or gender identity or expression.
 - 291 b. Discrimination against any person by any person with regard to housing and
292 public accommodation matters on the basis of race, sex, color, religion, national
293 origin, disability, familial status, sexual orientation, age, marital status, or
294 gender identity or expression.
- 295 (2) To receive, initiate, seek to conciliate, hold hearings upon and adjudicate
296 complaints alleging violations of this article; to recommend methods and alternatives
297 for eliminating injustices occasioned thereby to carry out and enforce the
298 purpose of this article.
- 299 (3) To administer oaths, subpoena witnesses, and compel production of evidence
300 pertaining to any hearing convened pursuant to the powers and duties authorized by
301 this article.
- 302 (4) To subpoena witnesses and compel production of evidence requested by the OEO
303 relating to an investigation being conducted pursuant to this article.
- 304 (5) To meet and exercise its power in any place within the county.
- 305 (6) To issue remedial orders prohibiting violations of this article and providing
306 affirmative relief from the effects of the violation as specified in section 15-55.

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

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

- 309 (1) To investigate:
- 310 a. Tension or prejudice in relation to all housing and public accommodation
311 matters involving race, sex, color, religion, national origin, disability, familial
312 status, sexual orientation, age, marital status, or gender identity or expression.
 - 313 b. Discrimination against any person by any person with regard to housing and

314 public accommodation matters on the basis of race, sex, color, religion, national
315 origin, disability, familial status, sexual orientation, age, marital status, or gender
316 identity or expression.

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

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

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

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

329 (6) To administer oaths.

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

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

332 Any person who claims to have been injured by an unlawful discriminatory practice or
333 who believes that he/she will be injured by an unlawful discriminatory practice that is about to
334 occur may file a sworn written complaint with the OEO, which shall state the name and
335 address of the complainant and the person or persons against whom the complaint is made. It
336 shall also state the facts surrounding the alleged unlawful discriminatory practice and such
337 other information as may be required by the OEO. The Director, with the Board's approval,
338 may also file such a complaint. The complaint shall be filed not later than one (1) year after
339 the date of the alleged unlawful discriminatory practice in order to be processed under this
340 article. The complaint may be reasonably and fairly amended at any time.

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

342 Upon the filing of the complaint, the Director shall serve notice upon the aggrieved
343 person acknowledging such filing and advising the aggrieved person of the time limits and
344 choice of forums provided under this article. The Director or the Director's designee shall, not

345 later than ten (10) days after such filing or the identification of an additional respondent, serve
346 on the respondent a notice, by certified mail, identifying the alleged discriminatory housing
347 practice and advising such respondent of the procedural rights and obligations of respondents
348 under this article, together with a copy of the original complaint. The respondent may file a
349 sworn written answer to the complaint within ten (10) days of receipt of the complaint. Failure
350 to file an answer by the respondent shall not result in any presumption of admission to
351 the allegations in the complaint. Any subsequent amendment to the complaint or answer
352 thereto shall be served by U.S. mail.

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

354 The OEO shall commence its investigation under this article within thirty (30) days
355 of the receipt of a sworn written complaint. Within one hundred (100) days of the filing of the
356 complaint as set forth in section 15-45, the staff of the OEO shall make such investigation as the
357 Director deems appropriate to ascertain facts and issues. If the OEO is unable to complete
358 the investigation within one hundred (100) days after the filing of the complaint, they shall
359 notify the complainant and the respondent in writing of the reasons for not doing so. In
360 conducting an investigation to ascertain whether or not there has been a violation of this article,
361 the Director and/or the Director's designee shall have access at all reasonable times to premises,
362 and may examine records, documents, and other evidence, or possible sources of evidence,
363 and may record the testimony or statements of such persons as are reasonably necessary for the
364 furtherance of the investigation provided that the OEO complies with the provisions of the
365 federal and state constitutions relating to unreasonable searches and seizures. The Director, the
366 Director's designee or the Board may issue subpoenas to compel access to, or the production
367 of, such materials, or the appearance of such persons, and may issue interrogatories to a
368 respondent to the same extent and subject to the same limitations as would apply if the
369 subpoenas or interrogatories were issued or served in aid of a civil action in court. In the case
370 of a refusal to obey a subpoena issued to any person, or refusal to comply with any method
371 of discovery authorized in the Florida Rules of Civil Procedure, the Board and/or the Director
372 shall request the County Attorney to make application to the appropriate court to order the
373 witness to comply with a request for discovery, or to appear before the Board and to produce
374 evidence, if so requested, or to give testimony concerning the matter in question. Failure to
375 obey the order may be punishable by the court as contempt. The Director and/or the Board may
376 administer oaths. The OEO shall endeavor to achieve final administrative disposition of the

377 complaint within one (1) year of its filing, unless it is impracticable to do so. If final
378 administrative disposition is impractical to achieve within one year of the filing of the
379 complaint, the parties shall be provided notice which shall state the reasons why it is
380 impractical to achieve final disposition within one year.

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

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

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

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

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

391 Any complaint filed pursuant to this article shall be dismissed by the Director or the
392 Board upon the following grounds:

393 (1) The complainant has failed or refused to cooperate or the complainant cannot be
394 located after reasonable efforts to do so have been made and after at least ten (10)
395 days' notice to the complainant by certified mail to the complainant's last known
396 address and the complainant has failed to duly respond;

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

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

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

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

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

407 a. A statement of each particular harm or potential harm which the aggrieved person

- 408 has suffered or will suffer and the date on which each harm occurred or will occur;
- 409 b. For each harm, a statement specifying the act, policy or practice which is alleged
- 410 to be unlawful;
- 411 c. For each act, policy or practice alleged to have harmed the aggrieved person,
- 412 a statement of the facts which lead the complainant to believe that the act, policy or
- 413 practice is discriminatory.

414 (2) *Requests for information.* In investigating the complaint, the OEO may obtain

415 information by:

- 416 a. Oral interview and/or
- 417 b. Requests for written statement or affidavit and/or
- 418 c. Any discovery methods set forth in the Florida Rules of Civil Procedure.

419 (3) *Complainant's duty to cooperate.* The complainant shall appear or be available for

420 interviews and provide necessary information requested by the OEO pursuant to this

421 section. Failure to do so may result in dismissal of the complaint.

422 (4) *Access to files during investigation.* Information obtained during the investigation

423 of the complaint shall be disclosed only to the complainant, the respondent, or their

424 authorized representative, or to witnesses, only when disclosure is deemed

425 necessary by the Director for the investigation or for securing appropriate

426 disposition of the complaint. The Director may direct that a particular record,

427 document or portion thereof be withheld from inspection by a party only when

428 necessary for the protection of a witness or third party, or for the preservation of a

429 trade secret and in accordance with the provisions of the Florida Public Records Law

430 [F.S. § 119.01 et seq.].

431 **Section 15-52 Determination of reasonable cause; notice.**

432 (a) Upon completion of an investigation, if the issue(s) alleged in the complaint has not

433 been settled or withdrawn, the Director shall make a determination based on the

434 facts whether reasonable cause exists to believe that an unlawful discriminatory

435 practice has occurred or is about to occur.

436 (b) If a notice of determination of reasonable cause is issued, the notice shall include an

437 invitation to participate in conciliation.

438 (c) After service of a notice of determination, records and documents in the custody of

439 the OEO that pertain to the determination shall be open for public inspection in
440 accordance with the provisions of the Florida Public Records Law [F.S. § 119.01, et
441 seq.].

442 **Section 15-53 Finding of reasonable cause; conciliation procedure.**

443 (a) During the period beginning with the filing of the complaint and ending with the final
444 disposition, the OEO shall, to the extent feasible, engage in conciliation with respect
445 to such complaint. Where such conciliation attempts are successful, the agreement
446 shall be between the complainant, aggrieved person(s) and the respondent subject to
447 approval by the Director. The terms of the agreement shall be reduced to writing
448 and signed by the complainant, aggrieved person(s), the respondent and the
449 Director. The original of the signed agreement shall be filed with the OEO, and
450 copies shall be sent to the respondent, complainant, aggrieved person(s) and the
451 Board.

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

456 (c) Nothing said or done in the course of the conciliation process may be made public
457 or used as evidence in subsequent proceedings under sections 15-54 through 15-56
458 without the written consent of the parties. Any employee of the OEO who makes
459 public any such information in violation of this provision shall be prosecuted in the
460 same manner as a misdemeanor of the second degree, punishable as provided in
461 Florida Statutes Chapter 775. Final executed and approved conciliation agreements
462 will be made public.

463 **Section 15-54 Enforcement.**

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

466 (b) A complainant may commence a civil action under this article whether or not the
467 complaint has been filed and without regard to the status of any such complaint.
468 However, if the OEO has obtained an agreement with the consent of a complainant,
469 no action may be filed under this article by such complainant with respect to the

470 alleged discriminatory housing practice which forms the basis for such complaint
471 except for the purpose of enforcing the terms of such an agreement.

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

476 (d) If the Board of County Commissioners concludes at any time following the filing of a
477 housing complaint that prompt judicial action is necessary to carry out the purposes
478 of this article, the Board of County Commissioners shall direct the County
479 Attorney to institute a civil action for appropriate temporary or preliminary relief
480 pending final disposition of the complaint under this article. The commencement of
481 a civil action under this subsection shall not affect the initiation or continuation of
482 proceedings under this article. The Board of County Commissioners need not have
483 petitioned for administrative hearing or exhausted the administrative remedies prior to
484 requesting the commencement of a civil action.

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

487 (1) Up to ten thousand dollars (\$10,000.00), if the respondent has not been adjudged
488 to have committed any prior discriminatory housing practice;

489 (2) Up to twenty-five thousand dollars (\$25,000.00), if the respondent has been
490 adjudged by order of the Board or a court to have committed one (1) prior
491 discriminatory housing practice within the preceding five-year period ending on
492 the date of the filing of this complaint.

493 (3) Up to fifty thousand dollars (\$50,000.00), if the respondent has been adjudged by
494 order of the Board or a court to have committed two (2) or more discriminatory
495 housing practices within the preceding seven-year period ending on the date of
496 the filing of this complaint; except that if the acts constituting the discriminatory
497 housing practice that is the object of the charge are committed by the same
498 natural person who has been previously adjudged to have committed acts
499 constituting a discriminatory housing practice, then the civil penalties set forth
500 in subparagraphs (2) and (3) may be imposed without regard to the period of time

501 within which any subsequent discriminatory housing practice occurred.

502 (f) In imposing a fine under subsection (e), the court shall consider the nature and
503 circumstances of the violation, the degree of culpability, the history of prior violations
504 of this article, the financial circumstances of the respondent, and the goal of deterring
505 future violations of this article.

506 (g) In addition to the above-stated fines, the court shall award reasonable attorney's
507 fees and costs to the County in any action in which the County prevails under this
508 article.

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

510 **Section 15-55 Administrative remedies and other relief.**

511 (a) A complainant, a respondent, or an aggrieved person on whose behalf a fair
512 housing complaint was filed under this article may elect to have the claims asserted in
513 that complaint decided in a civil action as provided by Section 15-56 of this
514 article, in lieu of a hearing provided by this section.

515 (b) The election under this section must be made not later than the 20th day after the
516 date of issuance by the electing person of the notice of failure of conciliation, or in
517 the case of the Director, not later than the 20th day after such service. The electing
518 person shall give notice to the Director and to all other complainants and respondents
519 to whom the complaint relates.

520 (c) The fair housing complainant may request an administrative proceeding before the
521 Board within thirty (30) days after receiving the notice of failure of conciliation.
522 Additionally, if the Director is unable to obtain voluntary compliance with this article
523 or has reasonable cause to believe that a discriminatory housing practice has
524 occurred, the Director may institute an administrative proceeding before the Board
525 on any Director-initiated complaint.

526 (d) In conducting an administrative hearing to ascertain whether or not there has been a
527 violation of this article, the Board shall have the power to administer oaths, issue
528 subpoenas, compel the production of books, papers and other documents, and
529 receive evidence. The Board shall conduct the administrative hearing in accordance
530 with the procedure provided in section 120.57, Florida Statutes, as amended.

531 (e) All recommended orders prepared by the Board as a result of such hearing or

532 hearings shall conform to the requirements for such orders as set out in section
533 120.57, Florida Statutes, as amended.

534 (f) The Board shall submit a copy of the order on each party to the administrative
535 proceedings. The recommended order shall be considered as the final order of the
536 Board as provided by section 120.57, Florida Statutes, as amended.

537 (g) Any party to such administrative proceedings shall have the right to appeal the
538 administrative order described herein by filing notice of appeal pursuant to Florida
539 Appellate Rule 9.110(a)(2) within thirty (30) days of the issuance of such order by
540 the Board. Any party shall have the right to bring an action in the appropriate court
541 to ensure compliance with this order.

542 (h) In case of refusal to obey a subpoena issued by the Board, the County or the person at
543 whose request it was issued may, in addition to any other remedies made
544 available, petition for its enforcement in the appropriate court.

545 (i) Should any party fail or refuse to comply with the final order issued or breach a
546 conciliation agreement as provided herein, then following the expiration of the
547 appeal time provided herein, the Board shall forward such order or conciliation
548 agreement to the Board of County Commissioners with a request that the Board of
549 County Commissioners authorize the County Attorney to bring such action or
550 actions as necessary to obtain compliance with this article.

551 (j) When any act is required or allowed to be done at or within a specified time by this
552 section, for cause shown, the Board, at any time in its discretion, and upon the
553 written request of a party, may order the period enlarged unless otherwise prohibited
554 by law.

555 (k) All written motions upon which a ruling is requested shall be filed at least ten (10)
556 days prior to the hearing date established by the Board. Such motions shall be
557 considered and ruled upon by the Board prior to the start of the hearing.

558 (l) All motions and orders thereon shall be made a part of the record of such
559 administrative proceedings.

560 (m) No appeal may be made from rulings on such motions until a final order has been
561 issued.

562 (n) If there are separately filed cases before the Board which involve similar issues of

563 law and fact and identity of parties, then such cases may be consolidated by the
564 Director for hearing before the Board.

565 (o) Discovery shall be permitted and shall proceed in the manner provided by the
566 Florida Rules of Civil Procedure.

567 (p) The Board may order a prehearing conference prior to any administrative hearing.
568 Prior to such conference the Board may direct that the parties submit a preconference
569 statement addressing the issues of law and fact that will be involved in such hearing,
570 identifying the witnesses that will testify, providing a list of all documents or
571 other exhibits that will be submitted, and providing such other information as
572 requested by the Board.

573 (q) The Director shall set the time and place of any administrative hearing. The Director
574 shall send notice by certified mail of such hearing to the parties no later than
575 fourteen (14) calendar days prior to the final hearing. Such notice requirement may be
576 waived with the written consent of all parties. The notice shall also contain:

577 (1) A statement of the nature of the hearing;

578 (2) A statement of the legal authority and jurisdiction under which the hearing is to
579 be held;

580 (3) A reference to the statutes, ordinances and rules involved.

581 (r) Requests for subpoenas in any administrative proceeding shall be filed with the
582 OEO and forwarded to the Board. Such request shall set forth the name and
583 address of the person whose attendance is requested and shall describe with
584 particularity any material to be produced. Such subpoenas shall be issued by the
585 Board or the Director. The requesting party shall be responsible for service of any
586 subpoena.

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

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

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

593 (v) If the Board finds that a discriminatory housing practice has occurred or is about to

594 occur, it shall issue an order prohibiting the practice and awarding affirmative relief
595 from the effects of the practice, including actual damages and reasonable attorney's
596 fees and costs, and other injunctive or equitable relief. To vindicate the public
597 interest, the Board, may assess civil penalties against the respondent, consistent with
598 the provisions of section 15.54 of this article. Funds recovered under this section
599 shall be paid to the Board of County Commissioners' general fund.

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

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

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

608 (a) A civil action shall be commenced no later than two (2) years after the occurrence
609 or the termination of an alleged discriminatory practice or the breach of a conciliation
610 agreement entered into under this article, whichever occurs last, to obtain appropriate
611 relief with respect to such discriminatory practice or breach. However, the court
612 shall continue a civil case brought pursuant to this article from time to time before
613 bringing it to trial if the court believes that the conciliation efforts of the OEO are
614 likely to result in satisfactory settlement of the discriminatory practice
615 complained of in the complaint made to the OEO and which practice forms the
616 basis for the action in court.

617 (b) The computation of such 2-year period shall not include any time during which the
618 investigation was pending with respect to the complaint under this article based
619 upon such discriminatory practice. This paragraph does not apply to actions
620 arising from a breach of a conciliation agreement.

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

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

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

630 It shall be an unlawful discriminatory practice for any person, being the owner, lessee,
631 proprietor, manager, superintendent, agent or employee of any place of public accommodation,
632 because of the race, sex, color, religion, national origin, disability, familial status, sexual
633 orientation, age, marital status, or gender identity or expression of any person directly or
634 indirectly to refuse, withhold from or deny to such person any of the accommodations,
635 advantages, facilities or privileges thereof that are afforded the other customers, directly or
636 indirectly; to publish, circulate, issue, display, post or mail any written or printed
637 communication, notice or advertisement, to the effect that any of the accommodations,
638 advantages, facilities and privileges of any such place shall be refused, withheld from or denied
639 to any person on account of race, sex, color, religion, national origin disability, familial status,
640 sexual orientation, age, marital status, or gender identity or expression, or that the patronage of
641 any person belonging to any particular race, sex, color, religion, national origin, disability,
642 familial status, sexual orientation, age, marital status or gender identity or expression is
643 unwelcome, objectionable or not acceptable, desired or solicited.

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

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

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

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

- 656 (3) To make, print or publish, or cause to be made, printed or published, any notice,
657 statement or advertisement, with respect to the sale or rental of dwelling that
658 indicates any preference, limitation or discrimination based on race, sex, color,
659 religion, national origin, disability, familial status, sexual orientation, age, marital
660 status or gender identity or expression, or an intention to make any such preference,
661 limitation or discrimination.
- 662 (4) To represent to any person because of race, color, religion, sex, national origin,
663 disability, familial status, sexual orientation, age, marital status or gender identity or
664 expression that any dwelling is not available for inspection, sale or rental when such
665 dwelling is in fact so available.
- 666 (5) For profit, to induce or attempt to induce any person to sell or rent any
667 dwelling by representations regarding the entry or prospective entry into the
668 neighborhood of a person or persons of a particular race, sex, color, religion,
669 national origin disability, familial status, sexual orientation, age, marital status or
670 gender identity or expression.
- 671 (6) To discriminate in the sale or rental, or to otherwise make unavailable or deny a
672 dwelling to any buyer or renter because of a disability of:
- 673 a. that buyer or renter,
- 674 b. a person residing in or intending to reside in that dwelling after it is sold, rented,
675 or made available; or
- 676 c. any person associated with that buyer or renter.
- 677 (7) To discriminate against any person in the terms, conditions, or privileges of sale or
678 rental of a dwelling, or in the provision of services or facilities in connection
679 with such dwelling, because of a disability of:
- 680 a. that person; or
- 681 b. a person residing in or intending to reside in that dwelling after it is sold, rented,
682 or made available; or
- 683 c. any person associated with that person.
- 684 (8) To refuse to permit, at the expense of a person with a disability, reasonable
685 modifications of existing premises occupied or to be occupied by such person if such
686 modifications may be necessary to afford such person full enjoyment of the

687 premises, except that, in the case of a rental, the landlord may, where it is reasonable
688 to do so, condition permission for a modification on the renter agreeing to restore
689 the interior of the premises to the condition that existed before the modification,
690 reasonable wear and tear excepted. The landlord may not increase for persons with
691 disabilities any customarily required security deposit. However, where it is
692 necessary in order to ensure with reasonable certainty that funds will be available
693 to pay for the restorations at the end of the tenancy, the landlord may negotiate, as
694 part of a restoration agreement, a provision requiring that the tenant pay into an
695 interest-bearing escrow account, over a reasonable period, a reasonable amount of
696 money not to exceed the cost of the restorations. The interest in any such account
697 shall accrue to the benefit of the tenant.

698 (9) To refuse to make reasonable accommodations in rules, policies, practices or
699 services, when such accommodations may be necessary to afford a person with a
700 disability equal opportunity to use and enjoy a dwelling.

701 (10) To fail to design and construct multifamily dwellings for first occupancy after
702 March 13, 1991, in such a manner that:

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

705 b. All the doors designed to allow passage into and within all premises within such
706 dwellings are sufficiently wide to allow passage by persons with disabilities
707 who utilize wheelchairs;

708 c. All premises within such dwellings contain the following features of adaptive
709 design: an accessible route into and through the dwelling; light switches,
710 electrical outlets, thermostats, and other environmental controls in accessible
711 locations; reinforcements in bathroom walls to allow later installation of grab
712 bars; and usable kitchen and bathrooms such that an individual who utilizes a
713 wheelchair can maneuver about the space; and,

714 d. Compliance with the appropriate requirements of the American National
715 Standards Institute for buildings and facilities providing accessibility and
716 usability for persons with physical disabilities (commonly cited as "ANSI A
717 117.1") suffices to satisfy the requirements of this article.

718 (11) To retaliate or discriminate in any manner against a person who has opposed a
719 practice declared discriminatory by this article, or who has filed a complaint, testified,
720 assisted or participated in any manner in any investigation, proceeding, hearing or
721 conference under this article.

722 (12) To aid, abet, incite, compel or coerce any person to engage in any of the
723 practices prohibited by this article; or to obstruct or prevent any person from
724 complying with the provision of this article; or any order issued there under.

725 (13) To resist, prevent, impede or interfere with the Board or any of its members or
726 representatives in the lawful performance of its or their duty under this article.

727 (14) To initiate maliciously, frivolously or in bad faith any complaint under the
728 provisions of this article for the purposes of harassment.

729 (15) To intimidate, threaten, coerce or interfere with the exercise or enjoyment of, or on
730 account of having exercised or enjoyed, or on account of having aided or
731 encouraged any other person in the exercise or enjoyment of, any right granted or
732 protected by this article.

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

734 It shall be an unlawful discriminatory housing practice of any bank, building and loan
735 association, insurance company or other corporation, association, firm or enterprise whose
736 business consists in whole or in part in the making of commercial real estate loans, to deny a
737 loan or other financial assistance to any person applying therefore for the purpose of
738 purchasing, constructing, improving, repairing or maintaining a dwelling or to discriminate
739 against him/her in the fixing of the amount, interest rate, duration, or other terms or
740 conditions as such loan or other financial assistance, because of the race, sex, color, religion,
741 national origin, disability, familial status, sexual orientation, age, marital status or gender
742 identity or expression of such person or any person associated with him/her in connection
743 with such loan or other financial assistance, or the purposes of such loan or other financial
744 assistance of the present or prospective owners, lessees, tenants or occupants, of the dwelling or
745 dwellings in relation to which such loan or other financial assistance is to be made or given;
746 provided that nothing contained in this section shall impair the scope of effectiveness of the
747 exceptions set forth in section 15-62.

748

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

750 It shall be an unlawful discriminatory housing practice to deny any person who is
751 otherwise professionally qualified by state law and subject to the rules and regulations of the
752 Florida Real Estate Commission, provided the local board of realtors does not discriminate in
753 its membership policies on the basis of race, sex, color, religion, national origin, disability,
754 familial status, sexual orientation, age, marital status or gender identity or expression, access to
755 or membership or participation in any multiple listing service, real estate brokers' organization
756 or other service, organization or facility relating to the business of selling or renting
757 dwellings, or to discriminate against any person in the terms or conditions of such access,
758 membership or participation, on account of race, sex, color, religion, national origin
759 disability, familial status, sexual orientation, age, marital status or gender identity or
760 expression.

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

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

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

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

776 (b) The prohibitions set forth in sections 15-58—15-60 shall not apply to rooms or units
777 in dwellings containing living quarters occupied or intended to be occupied by no
778 more than four (4) families living independently of each other if the owner
779 actually maintains and occupies one of such living quarters, provided such rooms

780 or units are sold or rented without the use in any manner of the sales or rental
781 facilities or the sales or rental services of any real estate broker or real estate
782 salesperson or person in the business of selling or renting dwellings and/or without
783 the publication, posting or mailing of any advertisement or written document in
784 contravention of section 15-58; but this shall not prohibit the use of any attorney,
785 escrow agents, abstractors, title companies and such other professional assistance as
786 is necessary to perfect or transfer title to a dwelling.

787 (c) The prohibitions set forth in sections 15-58 through 15-60 shall not apply to any
788 single-family dwelling unit sold or rented by an owner who does not own more than
789 three (3) such single-family dwelling units at any one time if such unit is sold
790 or rented without the use in any manner of the sales or rental facilities or the sales
791 or rental services of any real estate broker or real estate salesperson or person in the
792 business of selling or renting dwellings and/or without the publication, posting
793 or mailing of any advertisement or written document in contravention of section 15-
794 58; but this shall not prohibit the use of any attorney, escrow agents, abstractors,
795 title companies and such other professional assistance as is necessary to perfect
796 or transfer title to a dwelling.

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

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

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

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

809 (e) The prohibitions set forth in sections 15-57 through 15-60 shall not apply to a person
810 or owner who wishes to rent a portion of a single dwelling unit to a person

811 or persons of the same sex when such persons live in the single dwelling unit.

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

815 (g) Nothing in this article:

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

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

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

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

828 (h) An individual who engages in conduct with a reasonable good faith reliance on the
829 existence of the exemption of this article relating to housing for older persons is not
830 personally liable for money damages for a violation of this article. For the purposes
831 of this paragraph (h), a person engaged in the business or residential real estate
832 transactions is presumed to have such a good faith reliance if that person has no
833 actual knowledge that the housing facility is not or will not be eligible for the
834 housing for older persons exemption and the housing facility gives such a person a
835 written certification stating the compliance of the facility with the requirements for the
836 housing for older persons.

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

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

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

840 (2) A religious organization, association or society or any nonprofit institution or
841 organization operating, supervised or controlled by or in conjunction with a religious

842 organization, association or society from limiting facilities and accommodations,
843 which it owns or operates, for other than a commercial purpose, to persons of the
844 same religion or from giving preference to such persons; and,

845 (3) Any institution or place of accommodation that is in its nature distinctly private.

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

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

851 **Section 15-65. Applicability.**

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

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

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

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

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

862 **Section 15-68. Severability.**

863 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
864 reason held by the Court to be unconstitutional, inoperative or void, it is the intent of the
865 Board of County Commissioners that such holding shall not affect the remainder of this
866 Ordinance.

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

868 The provisions of this Ordinance shall become and be made a part of the Code of Laws
869 and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be
870 renumbered or re-lettered to accomplish such, and the word “ordinance” may be changed to
871 “section,” “article,” or any other appropriate word.

872

873 **Section 15-70. Captions.**

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

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

878 The Ordinance shall be known and cited as the Palm Beach County Housing and Places
879 of Public Accommodation Ordinance.

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

882 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
883 County, Florida, on this the ____ day of _____, 20 ____.

884 **CLERK AND COMPTROLLER**
885

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

886 **By:** _____
887 **Sharon R. Bock**

By: _____
Shelley Vana, Mayor

888
889
890 **APPROVED AS TO FORM AND**
891 **LEGAL SUFFICIENCY**

892 **By:** _____
893 **County Attorney**

894 **EFFECTIVE DATE: Filed with the Department of State on the ____ day of**
895 **_____, 20 ____.**

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897 amended 2015.docx

ORDINANCE NO. 2015-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE, CHAPTER 15 ARTICLE III, CODIFYING ORDINANCE NO. 2014-019, THE PALM BEACH COUNTY ORDINANCE FOR EQUAL OPPORTUNITY TO HOUSING AND PLACES OF PUBLIC ACCOMMODATION; AMENDING THE DEFINITION OF PLACE OF PUBLIC ACCOMMODATIONS PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

7 **WHEREAS**, it is the public policy of the United States of America to provide for fair housing and
8 access to public accommodations throughout the United States and the policy of Palm Beach County,
9 Florida, to also so provide; and

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

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

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

21 **WHEREAS**, it is necessary to amend the Ordinance to expand the definition of a Place of
22 Public Accommodation to provide additional coverage for aggrieved persons.

23 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
24 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:** Chapter 15, Article

25 III, of the Palm Beach County Code, "Housing, Places of Public Accommodation," (Ordinance
26 No. 2014-019, as amended), is hereby amended as follows:

27 **Section 15-37 Definitions.**

28 When used herein:

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

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

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

37 (4) Place of public accommodation shall include the following establishments:

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

42 b. Any restaurant, bar, cafeteria, lunchroom, lunch counter, soda fountain, or
43 other facility principally engaged in selling food for consumption on the
44 premises, including but not limited to any such facility located on the premises
45 of any retail establishment;

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

48 d. An auditorium, convention center, lecture hall or other place of public gathering;

49 e. A bakery, grocery store, clothing store, hardware store, shopping center, or other
50 sales or retail establishment;

51 f. A Laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe
52 repair service, funeral parlor, gas station, office of an accountant or lawyer,
53 pharmacy, insurance office, health care provider, hospital or other service
54 establishment;

55 g. A terminal, depot or other station used for a specified public transportation
56 including but not limited to taxis, limousines and buses;

57 h. A museum, library, gallery or other place of public display or collection;

58 i. A park, zoo, amusement park or other place of recreation;

59 j. A nursery, elementary, secondary, undergraduate or postgraduate private school, or
60 other place of education;

61 k. A day care center, senior citizen center, homeless shelter, food bank, adoption
62 agency or other social service center establishment;

63 l. A gymnasium, health spa, bowling alley, golf course, or other place of exercise or
64 recreation;

65 m. Any area or structure provided for the purpose of storing personal property; and,

66 n. Any establishment:

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

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

71 (ii) Which holds itself out as serving patrons of such covered establishment.
72 Such term shall not include any institution, club or place of
73 accommodation which is in its nature distinctly private and not in fact open
74 to the public.

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

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

82 (7) The term *family* includes the grandparents, parents, children, brothers and sisters,
83 whether by marriage, legal adoption or blood, and their spouses and children, of
84 either the property owner or spouse of the property owner; and the term "family"

85 also includes a single individual.

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

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

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

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

95 b. A record of such an impairment; or

96 c. Being regarded as having such an impairment.

97 d. Disability does not include the current illegal use or addiction to a controlled
98 substance (as defined in Section 102 of the Controlled Substance Act
99 (21U.S.C.802).

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

105 (11) *Familial status* means one (1) or more individuals (who have not attained the age of
106 eighteen (18) years being domiciled with:

107 a. A parent or another person having legal custody of such individual or individuals;
108 or

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

114 (12) *Sexual orientation* means male or female homosexuality, heterosexuality or
115 bisexuality, by preference or practice.

116 (13) *Conciliation* means the attempted resolution of issues raised by the complaint, or by
117 the investigation of such complaint, through informal negotiations involving the
118 complainant, the respondent, and the Office of Equal Opportunity.

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

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

123 (16) *Multifamily dwelling* means:

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

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

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

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

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

130 (ii) secured by residential real estate.

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

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

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

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

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

142 c. Intended and operated for occupancy by at least one (1) person fifty-five (55)
143 years of age or older per unit in eighty (80) percent of the units, provided that the
144 occupancy of such housing can be verified in accordance with rules
145 established by the U. S. Department of Housing and Urban Development and

146 provided that the housing facility publishes and adheres to policies and procedures
147 that demonstrate the intent to provide housing for older persons.

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

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

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

155 e. In determining whether housing meets the requirements of housing for older
156 persons, the County will utilize current federal regulations regarding criteria for
157 housing for older persons.

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

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

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

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

163 The County Administrator exercising his/her power of appointment shall employ a
164 Director ("Director") of the OEO and such other personnel in the OEO as may be
165 provided for in the budget approved by the Board of County Commissioners and for which
166 an appropriation has been made. The staffing complement shall be referred to as the OEO. It
167 shall be the responsibility of the Director and/or the Director's designee to investigate
168 complaints of discrimination prohibited by this article, attempt to conciliate and mediate
169 complaints of discrimination, and to perform such other duties of an administrative nature as may
170 be assigned by the County Administrator.

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

172 The Board is hereby created and established. The Board is to be comprised of nine (9) citizens
173 of the county appointed by the Board of County Commissioners to serve for terms of three (3) years.
174 There shall be a limit of three consecutive three-year terms. Terms shall begin on October 1st, and end
175 on September 30th. All Board members must be residents of Palm Beach County at the time of
176 appointment and while serving on the Board. Board appointments should reflect, to the greatest extent

177 possible, the racial, gender and ethnic make-up of the community. Members of this Board shall be the
178 same as members of the Equal Employment Board created by the Palm Beach County Equal
179 Employment Ordinance as codified in Sections 2-261 – 2-313 of the Palm Beach County Code. Seven (7)
180 of the appointments shall be made as district appointments and two (2) of the appointments shall be
181 made at large by the Board of County Commissioners on the basis of community representation,
182 integrity, experience and interest in the area of equal opportunities. In order that the terms of office
183 of all members shall not expire at the same time, all current members of the Board shall serve the
184 remainder of their respective terms, if they so elect. Any member who elects not to serve the remainder
185 of their term shall be replaced by appointments made by the Board of County Commissioners to serve the
186 unexpired portion of the term. Vacancies shall be filled in the same manner as the original
187 appointments for the remainder of the vacant term. Each member shall serve without compensation.
188 Travel reimbursement is limited to expenses incurred only for travel outside Palm Beach County
189 necessary to fulfill Board member responsibilities when sufficient funds have been budgeted and are
190 available as set forth in PPM CW-O-038. No other expenses are reimbursable except documented long
191 distance phone calls to the OEO. Approval authority for pre-authorized Board member travel is
192 designated to the County Administrator and Deputy County Administrator and shall be in accordance
193 with Countywide Policy and Procedures Memoranda (PPM) CW-F-009. Each district appointee serves
194 at the pleasure of the appointing Commissioner and may be removed without cause by the appointing
195 Commissioner at any time, and at large appointees may be removed without cause by a majority vote of
196 the Board of County Commissioners at any time. The maximum number of boards that an
197 individual appointed by the Board of County Commissioners may serve on at one time shall be
198 three (3), however, membership on the Equal Employment Board and this Board shall only be
199 considered membership on one (1) advisory board. Members shall comply with the applicable
200 provisions of the Palm Beach County Code of Ethics, as codified in Section 2-441 through 2-448 of
201 the Palm Beach County Code and the State Code of Ethics. Abstention from voting due to a conflict
202 of interest on more than three (3) separate matters during a calendar year shall result in automatic
203 removal. Members shall be automatically removed for lack of attendance. Lack of attendance is
204 defined as failure to attend three (3) consecutive meetings or failure to attend more than one-half ($\frac{1}{2}$)
205 of the meetings scheduled during a calendar year. Participation for less than three fourths ($\frac{3}{4}$) of a
206 meeting shall be the same as failure to attend a meeting. Members removed pursuant to this paragraph
207 shall not continue to serve on the Board and such removal shall create a vacancy. Board members
208 shall not be prohibited from qualifying as a candidate for elected office. County employees, other

209 than Commissioners' Aides, may not be appointed to the Board. Former Board of County
210 Commission members may not be appointed to the Board for at least two (2) years following their last
211 day in office as a County Commissioner. Members of the Board shall appoint a chairperson and
212 vice-chairperson, and the Board may promulgate rules and regulations for the conduct of its meetings
213 and affairs.

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

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

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

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

219 b. Preside at Board meetings.

220 c. Sign subpoenas.

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

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

226 (3) If a vacancy occurs in the office of chairperson, the vice-chairperson shall
227 become the chairperson for the unexpired term of the chairperson. If a vacancy
228 occurs in the office of vice-chairperson, the Board will elect another member to fill
229 the unexpired term of the vice-chairperson.

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

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

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

236 The Board shall comply with the Sunshine Law. The Board shall meet on a regular
237 basis and as necessary to conduct administrative hearings. Reasonable notice of the time and
238 place of the meeting shall be given to all Board members and all parties scheduled to be heard,

239 and shall be made public. All meetings of the Board shall be open to the public. The
240 chairperson may call an unscheduled meeting upon not less than twenty-four (24) hours
241 notice, and preferably at least seventy-two (72) hours reasonable notice to the public, and
242 meetings may also be called by the Director upon the request of three (3) members of the
243 Board. The County Administrator shall provide such staff as may reasonably be required in
244 his/her discretion to assist the Board in the performance of its duties. The County
245 Administrator shall provide a regular meeting place for the Board.

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

247 The objectives of the Board shall be:

- 248 (1) To promote and encourage fair treatment and equal opportunity in housing and
249 public accommodation for all persons regardless of race, sex, color, religion,
250 national origin, disability, familial status, sexual orientation, age, marital status, or
251 gender identity or expression; to promote and encourage mutual understanding and
252 respect among such persons and to endeavor to eliminate discrimination in
253 housing and public accommodation against and antagonism between such persons;
- 254 (2) To cooperate with governmental and nongovernmental agencies and organizations
255 having like or kindred functions;
- 256 (3) To make such investigations and studies in the field of fair housing and public
257 accommodation as in its judgment will aid in effectuating its general purposes;
- 258 (4) To assist various groups and agencies of the community to cooperate in
259 educational programs and campaigns devoted to the elimination of discrimination in
260 housing and places of public accommodation;
- 261 (5) To aid in permitting the County to benefit from the fullest realization of its
262 housing and public accommodation resources;
- 263 (6) To recommend to the Board of County Commissioners the acceptance of certain
264 grants and contracts from foundations and other sources for the purposes of carrying
265 out the purposes of this article; and,
- 266 (7) To recommend to the Board of County Commissioners methods for elimination of
267 discrimination and intergroup tensions. The objectives set forth above are not to be
268 construed as duties, and the Board of County Commissioners shall have the
269 discretion to determine when each objective is implemented.

270

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

272 The powers and duties of the Board shall be:

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

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

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

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

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

289 (4) To subpoena witnesses and compel production of evidence requested by the OEO
290 relating to an investigation being conducted pursuant to this article.

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

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

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

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

296 (1) To investigate:

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

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

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

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

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

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

316 (6) To administer oaths.

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

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

319 Any person who claims to have been injured by an unlawful discriminatory practice or
320 who believes that he/she will be injured by an unlawful discriminatory practice that is about to
321 occur may file a sworn written complaint with the OEO, which shall state the name and
322 address of the complainant and the person or persons against whom the complaint is made. It
323 shall also state the facts surrounding the alleged unlawful discriminatory practice and such
324 other information as may be required by the OEO. The Director, with the Board's approval,
325 may also file such a complaint. The complaint shall be filed not later than one (1) year after
326 the date of the alleged unlawful discriminatory practice in order to be processed under this
327 article. The complaint may be reasonably and fairly amended at any time.

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

329 Upon the filing of the complaint, the Director shall serve notice upon the aggrieved
330 person acknowledging such filing and advising the aggrieved person of the time limits and

331 choice of forums provided under this article. The Director or the Director's designee shall, not
332 later than ten (10) days after such filing or the identification of an additional respondent, serve
333 on the respondent a notice, by certified mail, identifying the alleged discriminatory housing
334 practice and advising such respondent of the procedural rights and obligations of respondents
335 under this article, together with a copy of the original complaint. The respondent may file a
336 sworn written answer to the complaint within ten (10) days of receipt of the complaint. Failure
337 to file an answer by the respondent shall not result in any presumption of admission to
338 the allegations in the complaint. Any subsequent amendment to the complaint or answer
339 thereto shall be served by U.S. mail.

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

341 The OEO shall commence its investigation under this article within thirty (30) days
342 of the receipt of a sworn written complaint. Within one hundred (100) days of the filing of the
343 complaint as set forth in section 15-45, the staff of the OEO shall make such investigation as the
344 Director deems appropriate to ascertain facts and issues. If the OEO is unable to complete
345 the investigation within one hundred (100) days after the filing of the complaint, they shall
346 notify the complainant and the respondent in writing of the reasons for not doing so. In
347 conducting an investigation to ascertain whether or not there has been a violation of this article,
348 the Director and/or the Director's designee shall have access at all reasonable times to premises,
349 and may examine records, documents, and other evidence, or possible sources of evidence,
350 and may record the testimony or statements of such persons as are reasonably necessary for the
351 furtherance of the investigation provided that the OEO complies with the provisions of the
352 federal and state constitutions relating to unreasonable searches and seizures. The Director, the
353 Director's designee or the Board may issue subpoenas to compel access to, or the production
354 of, such materials, or the appearance of such persons, and may issue interrogatories to a
355 respondent to the same extent and subject to the same limitations as would apply if the
356 subpoenas or interrogatories were issued or served in aid of a civil action in court. In the case
357 of a refusal to obey a subpoena issued to any person, or refusal to comply with any method
358 of discovery authorized in the Florida Rules of Civil Procedure, the Board and/or the Director
359 shall request the County Attorney to make application to the appropriate court to order the
360 witness to comply with a request for discovery, or to appear before the Board and to produce
361 evidence, if so requested, or to give testimony concerning the matter in question. Failure to
362 obey the order may be punishable by the court as contempt. The Director and/or the Board may

363 administer oaths. The OEO shall endeavor to achieve final administrative disposition of the
364 complaint within one (1) year of its filing, unless it is impracticable to do so. If final
365 administrative disposition is impractical to achieve within one year of the filing of the
366 complaint, the parties shall be provided notice which shall state the reasons why it is
367 impractical to achieve final disposition within one year.

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

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

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

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

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

378 Any complaint filed pursuant to this article shall be dismissed by the Director or the
379 Board upon the following grounds:

- 380 (1) The complainant has failed or refused to cooperate or the complainant cannot be
381 located after reasonable efforts to do so have been made and after at least ten (10)
382 days' notice to the complainant by certified mail to the complainant's last known
383 address and the complainant has failed to duly respond;
- 384 (2) The complaint has not been timely filed with the OEO.
- 385 (3) The Director determines that no reasonable cause exists to believe that a
386 discriminatory practice has occurred or is about to occur.

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

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

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

- 394 a. A statement of each particular harm or potential harm which the aggrieved person
395 has suffered or will suffer and the date on which each harm occurred or will occur;
396 b. For each harm, a statement specifying the act, policy or practice which is alleged
397 to be unlawful;
398 c. For each act, policy or practice alleged to have harmed the aggrieved person,
399 a statement of the facts which lead the complainant to believe that the act, policy or
400 practice is discriminatory.

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

- 403 a. Oral interview and/or
404 b. Requests for written statement or affidavit and/or
405 c. Any discovery methods set forth in the Florida Rules of Civil Procedure.

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

409 (4) *Access to files during investigation.* Information obtained during the investigation
410 of the complaint shall be disclosed only to the complainant, the respondent, or their
411 authorized representative, or to witnesses, only when disclosure is deemed
412 necessary by the Director for the investigation or for securing appropriate
413 disposition of the complaint. The Director may direct that a particular record,
414 document or portion thereof be withheld from inspection by a party only when
415 necessary for the protection of a witness or third party, or for the preservation of a
416 trade secret and in accordance with the provisions of the Florida Public Records Law
417 [F.S. § 119.01 et seq.].

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

- 419 (a) Upon completion of an investigation, if the issue(s) alleged in the complaint has not
420 been settled or withdrawn, the Director shall make a determination based on the
421 facts whether reasonable cause exists to believe that an unlawful discriminatory
422 practice has occurred or is about to occur.
423 (b) If a notice of determination of reasonable cause is issued, the notice shall include an
424 invitation to participate in conciliation.

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

429 **Section 15-53 Finding of reasonable cause; conciliation procedure.**

430 (a) During the period beginning with the filing of the complaint and ending with the final
431 disposition, the OEO shall, to the extent feasible, engage in conciliation with respect
432 to such complaint. Where such conciliation attempts are successful, the agreement
433 shall be between the complainant, aggrieved person(s) and the respondent subject to
434 approval by the Director. The terms of the agreement shall be reduced to writing
435 and signed by the complainant, aggrieved person(s), the respondent and the
436 Director. The original of the signed agreement shall be filed with the OEO, and
437 copies shall be sent to the respondent, complainant, aggrieved person(s) and the
438 Board.

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

443 (c) Nothing said or done in the course of the conciliation process may be made public
444 or used as evidence in subsequent proceedings under sections 15-54 through 15-56
445 without the written consent of the parties. Any employee of the OEO who makes
446 public any such information in violation of this provision shall be prosecuted in the
447 same manner as a misdemeanor of the second degree, punishable as provided in
448 Florida Statutes Chapter 775. Final executed and approved conciliation agreements
449 will be made public.

450 **Section 15-54 Enforcement.**

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

453 (b) A complainant may commence a civil action under this article whether or not the
454 complaint has been filed and without regard to the status of any such complaint.
455 However, if the OEO has obtained an agreement with the consent of a complainant,

456 no action may be filed under this article by such complainant with respect to the
457 alleged discriminatory housing practice which forms the basis for such complaint
458 except for the purpose of enforcing the terms of such an agreement.

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

463 (d) If the Board of County Commissioners concludes at any time following the filing of a
464 housing complaint that prompt judicial action is necessary to carry out the purposes
465 of this article, the Board of County Commissioners shall direct the County
466 Attorney to institute a civil action for appropriate temporary or preliminary relief
467 pending final disposition of the complaint under this article. The commencement of
468 a civil action under this subsection shall not affect the initiation or continuation of
469 proceedings under this article. The Board of County Commissioners need not have
470 petitioned for administrative hearing or exhausted the administrative remedies prior to
471 requesting the commencement of a civil action.

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

474 (1) Up to ten thousand dollars (\$10,000.00), if the respondent has not been adjudged
475 to have committed any prior discriminatory housing practice;

476 (2) Up to twenty-five thousand dollars (\$25,000.00), if the respondent has been
477 adjudged by order of the Board or a court to have committed one (1) prior
478 discriminatory housing practice within the preceding five-year period ending on
479 the date of the filing of this complaint.

480 (3) Up to fifty thousand dollars (\$50,000.00), if the respondent has been adjudged by
481 order of the Board or a court to have committed two (2) or more discriminatory
482 housing practices within the preceding seven-year period ending on the date of
483 the filing of this complaint; except that if the acts constituting the discriminatory
484 housing practice that is the object of the charge are committed by the same
485 natural person who has been previously adjudged to have committed acts
486 constituting a discriminatory housing practice, then the civil penalties set forth

487 in subparagraphs (2) and (3) may be imposed without regard to the period of time
488 within which any subsequent discriminatory housing practice occurred.

489 (f) In imposing a fine under subsection (e), the court shall consider the nature and
490 circumstances of the violation, the degree of culpability, the history of prior violations
491 of this article, the financial circumstances of the respondent, and the goal of deterring
492 future violations of this article.

493 (g) In addition to the above-stated fines, the court shall award reasonable attorney's
494 fees and costs to the County in any action in which the County prevails under this
495 article.

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

497 **Section 15-55 Administrative remedies and other relief.**

498 (a) A complainant, a respondent, or an aggrieved person on whose behalf a fair
499 housing complaint was filed under this article may elect to have the claims asserted in
500 that complaint decided in a civil action as provided by Section 15-56 of this
501 article, in lieu of a hearing provided by this section.

502 (b) The election under this section must be made not later than the 20th day after the
503 date of issuance by the electing person of the notice of failure of conciliation, or in
504 the case of the Director, not later than the 20th day after such service. The electing
505 person shall give notice to the Director and to all other complainants and respondents
506 to whom the complaint relates.

507 (c) The fair housing complainant may request an administrative proceeding before the
508 Board within thirty (30) days after receiving the notice of failure of conciliation.
509 Additionally, if the Director is unable to obtain voluntary compliance with this article
510 or has reasonable cause to believe that a discriminatory housing practice has
511 occurred, the Director may institute an administrative proceeding before the Board
512 on any Director-initiated complaint.

513 (d) In conducting an administrative hearing to ascertain whether or not there has been a
514 violation of this article, the Board shall have the power to administer oaths, issue
515 subpoenas, compel the production of books, papers and other documents, and
516 receive evidence. The Board shall conduct the administrative hearing in accordance
517 with the procedure provided in section 120.57, Florida Statutes, as amended.

- 518 (e) All recommended orders prepared by the Board as a result of such hearing or
519 hearings shall conform to the requirements for such orders as set out in section
520 120.57, Florida Statutes, as amended.
- 521 (f) The Board shall submit a copy of the order on each party to the administrative
522 proceedings. The recommended order shall be considered as the final order of the
523 Board as provided by section 120.57, Florida Statutes, as amended.
- 524 (g) Any party to such administrative proceedings shall have the right to appeal the
525 administrative order described herein by filing notice of appeal pursuant to Florida
526 Appellate Rule 9.110(a)(2) within thirty (30) days of the issuance of such order by
527 the Board. Any party shall have the right to bring an action in the appropriate court
528 to ensure compliance with this order.
- 529 (h) In case of refusal to obey a subpoena issued by the Board, the County or the person at
530 whose request it was issued may, in addition to any other remedies made
531 available, petition for its enforcement in the appropriate court.
- 532 (i) Should any party fail or refuse to comply with the final order issued or breach a
533 conciliation agreement as provided herein, then following the expiration of the
534 appeal time provided herein, the Board shall forward such order or conciliation
535 agreement to the Board of County Commissioners with a request that the Board of
536 County Commissioners authorize the County Attorney to bring such action or
537 actions as necessary to obtain compliance with this article.
- 538 (j) When any act is required or allowed to be done at or within a specified time by this
539 section, for cause shown, the Board, at any time in its discretion, and upon the
540 written request of a party, may order the period enlarged unless otherwise prohibited
541 by law.
- 542 (k) All written motions upon which a ruling is requested shall be filed at least ten (10)
543 days prior to the hearing date established by the Board. Such motions shall be
544 considered and ruled upon by the Board prior to the start of the hearing.
- 545 (l) All motions and orders thereon shall be made a part of the record of such
546 administrative proceedings.
- 547 (m) No appeal may be made from rulings on such motions until a final order has been
548 issued.

- 549 (n) If there are separately filed cases before the Board which involve similar issues of
550 law and fact and identity of parties, then such cases may be consolidated by the
551 Director for hearing before the Board.
- 552 (o) Discovery shall be permitted and shall proceed in the manner provided by the
553 Florida Rules of Civil Procedure.
- 554 (p) The Board may order a prehearing conference prior to any administrative hearing.
555 Prior to such conference the Board may direct that the parties submit a preconference
556 statement addressing the issues of law and fact that will be involved in such hearing,
557 identifying the witnesses that will testify, providing a list of all documents or
558 other exhibits that will be submitted, and providing such other information as
559 requested by the Board.
- 560 (q) The Director shall set the time and place of any administrative hearing. The Director
561 shall send notice by certified mail of such hearing to the parties no later than
562 fourteen (14) calendar days prior to the final hearing. Such notice requirement may be
563 waived with the written consent of all parties. The notice shall also contain:
- 564 (1) A statement of the nature of the hearing;
- 565 (2) A statement of the legal authority and jurisdiction under which the hearing is to
566 be held;
- 567 (3) A reference to the statutes, ordinances and rules involved.
- 568 (r) Requests for subpoenas in any administrative proceeding shall be filed with the
569 OEO and forwarded to the Board. Such request shall set forth the name and
570 address of the person whose attendance is requested and shall describe with
571 particularity any material to be produced. Such subpoenas shall be issued by the
572 Board or the Director. The requesting party shall be responsible for service of any
573 subpoena.
- 574 (s) Any subpoena shall be subject to a motion to quash or a motion for protective order
575 before the appropriate court.
- 576 (t) The official transcript of a hearing shall be preserved by electronic recording or by a
577 court reporter.
- 578 (u) Should a party elect to provide a court reporter for a hearing, that party shall be
579 responsible for entire payment of the reporter's fee.

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

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

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

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

595 (a) A civil action shall be commenced no later than two (2) years after the occurrence
596 or the termination of an alleged discriminatory practice or the breach of a conciliation
597 agreement entered into under this article, whichever occurs last, to obtain appropriate
598 relief with respect to such discriminatory practice or breach. However, the court
599 shall continue a civil case brought pursuant to this article from time to time before
600 bringing it to trial if the court believes that the conciliation efforts of the OEO are
601 likely to result in satisfactory settlement of the discriminatory practice
602 complained of in the complaint made to the OEO and which practice forms the
603 basis for the action in court.

604 (b) The computation of such 2-year period shall not include any time during which the
605 investigation was pending with respect to the complaint under this article based
606 upon such discriminatory practice. This paragraph does not apply to actions
607 arising from a breach of a conciliation agreement.

608 (c) Any sale, encumbrance or rental consummated prior to the issuance of any court
609 order issued under the authority of this article and involving a bona fide purchaser,
610 encumbrance, or tenant without actual notice of the existence of the filing of a

611 complaint or civil action under the provisions of this article shall not be affected.

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

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

617 It shall be an unlawful discriminatory practice for any person, being the owner, lessee,
618 proprietor, manager, superintendent, agent or employee of any place of public accommodation,
619 because of the race, sex, color, religion, national origin, disability, familial status, sexual
620 orientation, age, marital status, or gender identity or expression of any person directly or
621 indirectly to refuse, withhold from or deny to such person any of the accommodations,
622 advantages, facilities or privileges thereof that are afforded the other customers, directly or
623 indirectly; to publish, circulate, issue, display, post or mail any written or printed
624 communication, notice or advertisement, to the effect that any of the accommodations,
625 advantages, facilities and privileges of any such place shall be refused, withheld from or denied
626 to any person on account of race, sex, color, religion, national origin disability, familial status,
627 sexual orientation, age, marital status, or gender identity or expression, or that the patronage of
628 any person belonging to any particular race, sex, color, religion, national origin, disability,
629 familial status, sexual orientation, age, marital status or gender identity or expression is
630 unwelcome, objectionable or not acceptable, desired or solicited.

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

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

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

639 (2) To discriminate against any person in the terms, conditions or privileges of sale or
640 rental of a dwelling, or in the provisions of services or facilities in connection
641 therewith, because of race, sex, color, religion, national origin, familial status,

- 642 sexual orientation, age, marital status, or gender identity or expression.
- 643 (3) To make, print or publish, or cause to be made, printed or published, any notice,
644 statement or advertisement, with respect to the sale or rental of dwelling that
645 indicates any preference, limitation or discrimination based on race, sex, color,
646 religion, national origin, disability, familial status, sexual orientation, age, marital
647 status or gender identity or expression, or an intention to make any such preference,
648 limitation or discrimination.
- 649 (4) To represent to any person because of race, color, religion, sex, national origin,
650 disability, familial status, sexual orientation, age, marital status or gender identity or
651 expression that any dwelling is not available for inspection, sale or rental when such
652 dwelling is in fact so available.
- 653 (5) For profit, to induce or attempt to induce any person to sell or rent any
654 dwelling by representations regarding the entry or prospective entry into the
655 neighborhood of a person or persons of a particular race, sex, color, religion,
656 national origin disability, familial status, sexual orientation, age, marital status or
657 gender identity or expression.
- 658 (6) To discriminate in the sale or rental, or to otherwise make unavailable or deny a
659 dwelling to any buyer or renter because of a disability of:
- 660 a. that buyer or renter,
661 b. a person residing in or intending to reside in that dwelling after it is sold, rented,
662 or made available; or
663 c. any person associated with that buyer or renter.
- 664 (7) To discriminate against any person in the terms, conditions, or privileges of sale or
665 rental of a dwelling, or in the provision of services or facilities in connection
666 with such dwelling, because of a disability of:
- 667 a. that person; or
668 b. a person residing in or intending to reside in that dwelling after it is sold, rented,
669 or made available; or
670 c. any person associated with that person.
- 671 (8) To refuse to permit, at the expense of a person with a disability, reasonable
672 modifications of existing premises occupied or to be occupied by such person if such

673 modifications may be necessary to afford such person full enjoyment of the
674 premises, except that, in the case of a rental, the landlord may, where it is reasonable
675 to do so, condition permission for a modification on the renter agreeing to restore
676 the interior of the premises to the condition that existed before the modification,
677 reasonable wear and tear excepted. The landlord may not increase for persons with
678 disabilities any customarily required security deposit. However, where it is
679 necessary in order to ensure with reasonable certainty that funds will be available
680 to pay for the restorations at the end of the tenancy, the landlord may negotiate, as
681 part of a restoration agreement, a provision requiring that the tenant pay into an
682 interest-bearing escrow account, over a reasonable period, a reasonable amount of
683 money not to exceed the cost of the restorations. The interest in any such account
684 shall accrue to the benefit of the tenant.

685 (9) To refuse to make reasonable accommodations in rules, policies, practices or
686 services, when such accommodations may be necessary to afford a person with a
687 disability equal opportunity to use and enjoy a dwelling.

688 (10) To fail to design and construct multifamily dwellings for first occupancy after
689 March 13, 1991, in such a manner that:

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

692 b. All the doors designed to allow passage into and within all premises within such
693 dwellings are sufficiently wide to allow passage by persons with disabilities
694 who utilize wheelchairs;

695 c. All premises within such dwellings contain the following features of adaptive
696 design: an accessible route into and through the dwelling; light switches,
697 electrical outlets, thermostats, and other environmental controls in accessible
698 locations; reinforcements in bathroom walls to allow later installation of grab
699 bars; and usable kitchen and bathrooms such that an individual who utilizes a
700 wheelchair can maneuver about the space; and,

701 d. Compliance with the appropriate requirements of the American National
702 Standards Institute for buildings and facilities providing accessibility and
703 usability for persons with physical disabilities (commonly cited as "ANSI A

704 117.1”) suffices to satisfy the requirements of this article.

705 (11) To retaliate or discriminate in any manner against a person who has opposed a
706 practice declared discriminatory by this article, or who has filed a complaint, testified,
707 assisted or participated in any manner in any investigation, proceeding, hearing or
708 conference under this article.

709 (12) To aid, abet, incite, compel or coerce any person to engage in any of the
710 practices prohibited by this article; or to obstruct or prevent any person from
711 complying with the provision of this article; or any order issued there under.

712 (13) To resist, prevent, impede or interfere with the Board or any of its members or
713 representatives in the lawful performance of its or their duty under this article.

714 (14) To initiate maliciously, frivolously or in bad faith any complaint under the
715 provisions of this article for the purposes of harassment.

716 (15) To intimidate, threaten, coerce or interfere with the exercise or enjoyment of, or on
717 account of having exercised or enjoyed, or on account of having aided or
718 encouraged any other person in the exercise or enjoyment of, any right granted or
719 protected by this article.

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

721 It shall be an unlawful discriminatory housing practice of any bank, building and loan
722 association, insurance company or other corporation, association, firm or enterprise whose
723 business consists in whole or in part in the making of commercial real estate loans, to deny a
724 loan or other financial assistance to any person applying therefore for the purpose of
725 purchasing, constructing, improving, repairing or maintaining a dwelling or to discriminate
726 against him/her in the fixing of the amount, interest rate, duration, or other terms or
727 conditions as such loan or other financial assistance, because of the race, sex, color, religion,
728 national origin, disability, familial status, sexual orientation, age, marital status or gender
729 identity or expression of such person or any person associated with him/her in connection
730 with such loan or other financial assistance, or the purposes of such loan or other financial
731 assistance of the present or prospective owners, lessees, tenants or occupants, of the dwelling or
732 dwellings in relation to which such loan or other financial assistance is to be made or given;
733 provided that nothing contained in this section shall impair the scope of effectiveness of the
734 exceptions set forth in section 15-62.

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

736 It shall be an unlawful discriminatory housing practice to deny any person who is
737 otherwise professionally qualified by state law and subject to the rules and regulations of the
738 Florida Real Estate Commission, provided the local board of realtors does not discriminate in
739 its membership policies on the basis of race, sex, color, religion, national origin, disability,
740 familial status, sexual orientation, age, marital status or gender identity or expression, access to
741 or membership or participation in any multiple listing service, real estate brokers' organization
742 or other service, organization or facility relating to the business of selling or renting
743 dwellings, or to discriminate against any person in the terms or conditions of such access,
744 membership or participation, on account of race, sex, color, religion, national origin
745 disability, familial status, sexual orientation, age, marital status or gender identity or
746 expression.

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

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

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

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

762 (b) The prohibitions set forth in sections 15-58—15-60 shall not apply to rooms or units
763 in dwellings containing living quarters occupied or intended to be occupied by no
764 more than four (4) families living independently of each other if the owner
765 actually maintains and occupies one of such living quarters, provided such rooms

766 or units are sold or rented without the use in any manner of the sales or rental
767 facilities or the sales or rental services of any real estate broker or real estate
768 salesperson or person in the business of selling or renting dwellings and/or without
769 the publication, posting or mailing of any advertisement or written document in
770 contravention of section 15-58; but this shall not prohibit the use of any attorney,
771 escrow agents, abstractors, title companies and such other professional assistance as
772 is necessary to perfect or transfer title to a dwelling.

773 (c) The prohibitions set forth in sections 15-58 through 15-60 shall not apply to any
774 single-family dwelling unit sold or rented by an owner who does not own more than
775 three (3) such single-family dwelling units at any one time if such unit is sold
776 or rented without the use in any manner of the sales or rental facilities or the sales
777 or rental services of any real estate broker or real estate salesperson or person in the
778 business of selling or renting dwellings and/or without the publication, posting
779 or mailing of any advertisement or written document in contravention of section 15-
780 58; but this shall not prohibit the use of any attorney, escrow agents, abstractors,
781 title companies and such other professional assistance as is necessary to perfect
782 or transfer title to a dwelling.

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

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

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

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

795 (e) The prohibitions set forth in sections 15-57 through 15-60 shall not apply to a person
796 or owner who wishes to rent a portion of a single dwelling unit to a person

797 or persons of the same sex when such persons live in the single dwelling unit.

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

801 (g) Nothing in this article:

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

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

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

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

814 (h) An individual who engages in conduct with a reasonable good faith reliance on the
815 existence of the exemption of this article relating to housing for older persons is not
816 personally liable for money damages for a violation of this article. For the purposes
817 of this paragraph (h), a person engaged in the business or residential real estate
818 transactions is presumed to have such a good faith reliance if that person has no
819 actual knowledge that the housing facility is not or will not be eligible for the
820 housing for older persons exemption and the housing facility gives such a person a
821 written certification stating the compliance of the facility with the requirements for the
822 housing for older persons.

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

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

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

826 (2) A religious organization, association or society or any nonprofit institution or
827 organization operating, supervised or controlled by or in conjunction with a religious

828 organization, association or society from limiting facilities and accommodations,
829 which it owns or operates, for other than a commercial purpose, to persons of the
830 same religion or from giving preference to such persons; and,

831 (3) Any institution or place of accommodation that is in its nature distinctly private.

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

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

837 **Section 15-65. Applicability.**

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

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

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

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

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

848 **Section 15-68. Severability.**

849 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
850 reason held by the Court to be unconstitutional, inoperative or void, it is the intent of the
851 Board of County Commissioners that such holding shall not affect the remainder of this
852 Ordinance.

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

854 The provisions of this Ordinance shall become and be made a part of the Code of Laws
855 and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be
856 renumbered or re-lettered to accomplish such, and the word “ordinance” may be changed to
857 “section,” “article,” or any other appropriate word.

858

859 **Section 15-70. Captions.**

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

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

864 The Ordinance shall be known and cited as the Palm Beach County Housing and Places
865 of Public Accommodation Ordinance.

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

868 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
869 County, Florida, on this the ____ day of _____, 20 ____.

870 **CLERK AND COMPTROLLER**
871

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

872 **By:** _____
873 **Sharon R. Bock**

By: _____
Shelley Vana, Mayor

874
875 **APPROVED AS TO FORM AND**
876 **LEGAL SUFFICIENCY**

877 **By:** _____
878 **County Attorney**

879 **EFFECTIVE DATE: Filed with the Department of State on the ____ day of**
880 **_____, 20 ____.**