

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

---

|                      |                             |                                    |  |
|----------------------|-----------------------------|------------------------------------|--|
| <b>Meeting Date:</b> | July 2, 2019                | <input type="checkbox"/> Consent   | <input type="checkbox"/> Regular                   |
|                      |                             | <input type="checkbox"/> Ordinance | <input checked="" type="checkbox"/> Public Hearing |
| <b>Department:</b>   | Office of Equal Opportunity |                                    |  |
| <b>Submitted By:</b> | Office of Equal Opportunity |                                    |  |

---

I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 15, Article III of the Palm Beach County Code (Ordinance No. 2014-019, amended by Ordinance No. 2015-035), for Housing and Places of Public Accommodation; amending the definition of sexual orientation; amending the definition of place of public accommodation; amending the definition of an aggrieved person; amending the objectives of the Fair Housing and Public Accommodation Board; amending the administrative remedies and other relief, 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.

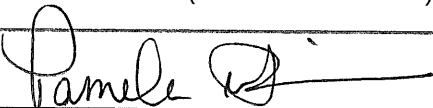

**Summary:** On May 7, 2019, the Board of County Commissioners held a preliminary reading of this Ordinance and authorized advertising for public hearing. The Ordinance was last amended in 2015. This amendment to the Housing and Places of Public Accommodation Ordinance is necessary to add and update definitions and to provide consistency regarding the time limit for complainants to request administrative hearings. This amendment also provides for the Office of Equal Opportunity Director's input regarding the filing of a Civil Action. Additionally, this amendment will include a provision for the Fair Housing Board to review proposals made by non-profit agencies for funding to improve accessibility and increase the public awareness for persons with disabilities and make recommendations to the Board of County Commissioners. Countywide (DO)

**Background and Policy Issues:** The Housing and Places of Public Accommodation Ordinance was established in 1990, to protect the interest of its citizens regarding fair treatment and equal opportunity and access in housing and public accommodation. The Ordinance was last amended in 2015 and additional amendments are necessary to provide greater consistency and understanding of certain provisions and requirements of the Ordinance. As a result, the definition for "aggrieved person" and "marital status" were added to the existing definitions in the Ordinance, and the time limit for a complainant to request an administrative hearing was re-stated for consistency with a similar provision within the Ordinance. Additionally, instead of a mandatory requirement that the County Attorney's Office shall file suit when a complainant elects for a civil action to be filed on their behalf, this amendment provides for the Director of the Office of Equal Opportunity to authorize that suit may be filed. **(Continued on Page 3)**

**Attachments:**

1. Proposed Ordinance Revisions (Without Delineations)
2. Proposed Ordinance Revisions (With Delineations)

---

|                        |   |              |
|------------------------|---|--------------|
| <b>Recommended By:</b> |  | 10 June 2019 |
|                        | Department Director   | (Date)       |
| <b>Approved By:</b>    |  | 6/21/19      |
|                        | Assistant County Administrator  | Date         |

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

| Fiscal Years                            | 2019 | 2020 | 2021 | 2022 | 2023 |
|---|------|------|------|------|------|
| Capital Expenditures                    |      |      |      |      |      |
| Operating Costs                         |      |      |      |      |      |
| External Revenues                       |      |      |      |      |      |
| Program Income (County)                 |      |      |      |      |      |
| In-Kind Match (County)                  |      |      |      |      |      |
| <del>*</del> NET FISCAL IMPACT          |      |      |      |      |      |
| # ADDITIONAL FTE POSITIONS (CUMULATIVE) |      |      |      |      |      |

Is Item included in current budget?                    Yes                    No

Does this Item include the use of federal funds?    Yes                    No

#### Budget Account No.:

Fund \_\_\_\_\_ Agency \_\_\_\_\_ Organization \_\_\_\_\_ Object \_\_\_\_\_

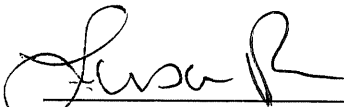
### B. Recommended Sources of Funds/Summary of Fiscal Impact:

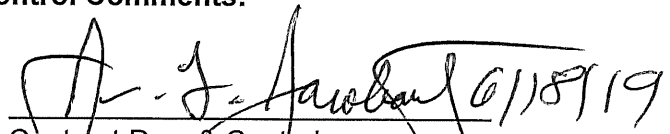
*\*No Fiscal Impact*

### C. Departmental Fiscal Review:


## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Development & Control Comments:

 6/12/19  
 OFMB  
 6/17

 6/18/19  
 Contract Dev. & Control  
 6/17/19 SW

### B. Legal Sufficiency

  
 Assistant County Attorney

### C. Other Department Review

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

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

**Background and Policy Issues (Continued from Page 1):** Lastly, this amendment includes a provision for the Fair Housing Board to review proposals made by non-profit agencies for funding to improve accessibility and increase the public awareness for persons with disabilities and make recommendations to the Board of County Commissioners (BCC) as to the organizations and the amount of funding that should be awarded. The function is currently performed by the Office of Equal Opportunity Handicap Accessibility and Grant Awareness Committee, established by the BCC in 1992 pursuant to Resolution R-92-1890. However, considering the duties of the Fair Housing Board in that regard and the overlap, it would be more efficient and effective to have the Fair Housing Board assume the aforementioned function and repeal the Resolution. The Fair Housing Board supports the proposed Ordinance amendment.

Attachment 1

ORDINANCE NO. 2019-

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. 2015-035, THE PALM BEACH COUNTY HOUSING AND PLACES OF PUBLIC ACCOMMODATION ORDINANCE; AMENDING THE DEFINITION OF SEXUAL ORIENTATION; AMENDING THE DEFINITION OF PLACE OF PUBLIC ACCOMMODATION; AMENDING THE DEFINITION OF AN AGGRIEVED PERSON; AMENDING THE OBJECTIVES OF THE FAIR HOUSING AND PUBLIC ACCOMMODATION BOARD; AMENDING THE ADMINISTRATIVE REMEDIES AND OTHER RELIEF, 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



39           **WHEREAS**, Palm Beach County awards grants to non-profit organizations for projects designed to  
40 improve accessibility and equal opportunity to persons with disabilities in the County and/or to conduct  
41 public awareness programs in the County concerning persons with disabilities; and

42           **WHEREAS**, it is necessary to amend the Ordinance to include additional definitions, re-  
43 state time limits for filing complaints and modify the provision regarding the filing of a civil action.

44           **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
45 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:** Chapter 15, Article  
46 III, of the Palm Beach County Code, "Housing, Places of Public Accommodation," (Ordinance No.  
47 2015-035, as amended), is hereby amended as follows:

48 **Section 15-37 Definitions.**

49           When used herein:

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

- 70 e. A bakery, grocery store, clothing store, hardware store, shopping center, or other sales  
71 or retail establishment;
- 72 f. A laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair  
73 service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy,  
74 insurance office, health care provider, hospital or other service establishment;
- 75 g. A terminal, depot or other station used for a specified public transportation including  
76 but not limited to taxis, limousines and buses;
- 77 h. A museum, library, gallery or other place of public display or collection;
- 78 i. A park, zoo, amusement park or other place of recreation;
- 79 j. A nursery, elementary, secondary, undergraduate or postgraduate private school, or  
80 other place of education;
- 81 k. A day care center, senior citizen center, homeless shelter, food bank, adoption agency  
82 or other social service center establishment;
- 83 l. A gymnasium, health spa, bowling alley, golf course, or other place of exercise or  
84 recreation;
- 85 m. Any area or structure provided for the purpose of storing personal property; and,
- 86 n. Any establishment:
- 87 i) 1. Which is physically located within the premises of any establishment otherwise  
88 covered by this subsection; or
- 89 2. Within the premises of which is physically located any such covered  
90 establishment; and
- 91 ii) Which holds itself out as serving patrons of such covered establishment. Such term  
92 shall not include any institution, club or place of accommodation which is in its  
93 nature distinctly private and not in fact open to the public.
- 94 5) *Dwelling or housing* means any real property, building, mobile home or trailer,  
95 structure or portion thereof which is used or occupied as, or is intended, arranged or  
96 designed to be used or occupied as, the home, residence or sleeping place of one (1) or  
97 more families, and any vacant land which is offered for sale or lease for the  
98 construction or location thereon of any such building, structure or portion thereof.
- 99 6) *To rent* includes to lease, to sublease, to let and otherwise to grant for a consideration the

100 right to occupy premises not owned by the occupant.

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

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

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

110 10) *Disability* means with respect to a person:

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

113 b. A record of such an impairment; or

114 c. Being regarded as having such an impairment.

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

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

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

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

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

129 12) *Sexual orientation* means heterosexuality, homosexuality, bisexuality or asexuality,

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

160 by the U. S. Department of Housing and Urban Development and provided that the  
161 housing facility publishes and adheres to policies and procedures that demonstrate the  
162 intent to provide housing for older persons.

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

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

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

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

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

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

176 21) *Director* means the director of the OEO.

177 22) *Aggrieved person* includes any person who:

178 a. Claims to have been injured by a discriminatory practice in housing or a place of  
179 public accommodation; or

180 b. Believes that such person will be injured by a discriminatory practice in housing or a  
181 place of public accommodation that is about to occur.

182 23) *Marital status* includes any person who is married, not-married, divorced, having a  
183 marriage dissolved or annulled, separated, widowed, or have any other marital status.

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

185 The County Administrator exercising his/her power of appointment shall employ a Director  
186 ("Director") of the OEO and such other personnel in the OEO as may be provided for in  
187 the budget approved by the Board of County Commissioners and for which an appropriation  
188 has been made. The staffing complement shall be referred to as the OEO. It shall be the  
189 responsibility of the Director and/or the Director's designee to investigate complaints of

190 discrimination prohibited by this article, attempt to conciliate and mediate complaints of  
191 discrimination, and to perform such other duties of an administrative nature as may be assigned by  
192 the County Administrator.

193 **Section 15-39 Fair Housing and Places of Public Accommodation Board (Board).**

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

222 Ethics, as codified in Section 2-441 through 2-448 of the Palm Beach County Code and the State Code  
223 of Ethics. Abstention from voting due to a conflict of interest on more than three (3) separate matters  
224 during a calendar year shall result in automatic removal. Members shall be automatically removed for lack  
225 of attendance. Lack of attendance is defined as failure to attend three (3) consecutive meetings or  
226 failure to attend more than one-half ( $\frac{1}{2}$ ) of the meetings scheduled during a calendar year. Participation  
227 for less than three fourths ( $\frac{3}{4}$ ) of a meeting shall be the same as failure to attend a meeting. Members  
228 removed pursuant to this paragraph shall not continue to serve on the Board and such removal shall  
229 create a vacancy. Board members shall not be prohibited from qualifying as a candidate for elected  
230 office. County employees, other than Commissioners' Aides, may not be appointed to the Board.  
231 Former Board of County Commission members may not be appointed to the Board for at least two (2)  
232 years following their last day in office as a County Commissioner. Members of the Board shall appoint  
233 a chairperson and vice-chairperson, and the Board may promulgate rules and regulations for the conduct  
234 of its meetings and affairs.

235 **Section 15-40 Board Terms, Rules and Regulations.**

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

- 237 1) The chairperson of the Board shall be elected by majority vote of the Board and shall  
238 serve for a term of one (1) year and have the following duties:
- 239 a. Call Board meetings and set the agenda for the same.
  - 240 b. Preside at Board meetings.
  - 241 c. Sign subpoenas.
  - 242 d. Perform such other functions as the Board may assign by rule or order.
- 243 2) The vice-chairperson shall be elected by majority vote of the Board and shall serve for a  
244 term of one (1) year. The vice-chairperson shall perform the duties of the chairperson in  
245 the chairperson's absence and such other duties as the chairperson may assign.
- 246 3) If a vacancy occurs in the office of chairperson, the vice-chairperson shall become the  
247 chairperson for the unexpired term of the chairperson. If a vacancy occurs in the office of  
248 vice-chairperson, the Board will elect another member to fill the unexpired term of the  
249 vice-chairperson.
- 250 4) At least three (3) members of the Board or any other odd number shall constitute a  
251 hearing panel for the purpose of hearing discrimination complaints. A majority of

252 members appointed shall constitute a quorum to hold a meeting for any other purpose.  
253 Board business shall be taken by a majority vote.

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

255 **Section 15-41 Board Meetings.**

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

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

267 The objectives of the Board shall be:

- 268 1) To promote and encourage fair treatment and equal opportunity in housing and public  
269 accommodation for all persons regardless of race, sex, color, religion, national origin,  
270 disability, familial status, sexual orientation, age, marital status, or gender identity or  
271 expression; to promote and encourage mutual understanding and respect among such  
272 persons and to endeavor to eliminate discrimination in housing and public  
273 accommodation against and antagonism between such persons;
- 274 2) To cooperate with governmental and nongovernmental agencies and organizations having  
275 like or kindred functions;
- 276 3) To make such investigations and studies in the field of fair housing and public  
277 accommodation as in its judgment will aid in effectuating its general purposes;
- 278 4) To assist various groups and agencies of the community to cooperate in educational  
279 programs and campaigns devoted to the elimination of discrimination in housing and places  
280 of public accommodation;
- 281 5) To aid in permitting the County to benefit from the fullest realization of its housing  
282 and public accommodation resources;



- 283 6) To recommend to the Board of County Commissioners the acceptance of certain grants  
284 and contracts from foundations and other sources for the purposes of carrying out the  
285 purposes of this article;
- 286 7) To review proposals and make recommendations on the award of grant funds; and
- 287 8) To recommend to the Board of County Commissioners methods for elimination of  
288 discrimination and intergroup tensions. The objectives set forth above are not to be  
289 construed as duties, and the Board of County Commissioners shall have the discretion to  
290 determine when each objective is implemented.

291 **Section 15-43 Powers and Duties of the Board.**

292 The powers and duties of the Board shall be:

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

312

313 **Section 15-44 Powers and Duties of the Director.**

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

315 1) To investigate:

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

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

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

329 3) To attempt to conciliate and mediate complaints of discrimination brought pursuant to  
330 this article.

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

333 5) To dismiss complaints of discrimination upon a finding of no reasonable cause under  
334 this article.

335 6) To administer oaths.

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

337 **Section 15-45 Filing of Complaints.**

338 Any person who claims to have been injured by an unlawful discriminatory practice or who  
339 believes that he/she will be injured by an unlawful discriminatory practice that is about to occur  
340 may file a sworn written complaint with the OEO, which shall state the name and address of the  
341 complainant and the person or persons against whom the complaint is made. It shall also  
342 state the facts surrounding the alleged unlawful discriminatory practice and such other  
343 information as may be required by the OEO. The Director, with the Board's approval, may

344 also file such a complaint. The complaint shall be filed not later than one (1) year after the date  
345 of the alleged unlawful discriminatory practice in order to be processed under this article. The  
346 complaint may be reasonably and fairly amended at any time.

347 **Section 15-46 Notice of Complaint.**

348         Upon the filing of the complaint, the Director shall serve notice upon the aggrieved person  
349 acknowledging such filing and advising the aggrieved person of the time limits and choice of  
350 forums provided under this article. The Director or the Director's designee shall, not later than ten  
351 (10) days after such filing or the identification of an additional respondent, serve on the  
352 respondent a notice, by certified mail, identifying the alleged discriminatory housing practice and  
353 advising such respondent of the procedural rights and obligations of respondents under this  
354 article, together with a copy of the original complaint. The respondent may file a sworn written  
355 answer to the complaint within ten (10) days of receipt of the complaint. Failure to file an answer  
356 by the respondent shall not result in any presumption of admission to the allegations in the  
357 complaint. Any subsequent amendment to the complaint or answer thereto shall be served by  
358 U.S. mail.

359 **Section 15-47 Processing Complaints.**

360         The OEO shall commence its investigation under this article within thirty (30) days  
361 of the receipt of a sworn written complaint. Within one hundred (100) days of the filing of the  
362 complaint as set forth in section 15-45, the staff of the OEO shall make such investigation as the  
363 Director deems appropriate to ascertain facts and issues. If the OEO is unable to complete  
364 the investigation within one hundred (100) days after the filing of the complaint, they shall  
365 notify the complainant and the respondent in writing of the reasons for not doing so. In conducting  
366 an investigation to ascertain whether or not there has been a violation of this article, the Director  
367 and/or the Director's designee shall have access at all reasonable times to premises, and may  
368 examine records, documents, and other evidence, or possible sources of evidence, and may  
369 record the testimony or statements of such persons as are reasonably necessary for the furtherance  
370 of the investigation provided that the OEO complies with the provisions of the federal and state  
371 constitutions relating to unreasonable searches and seizures. The Director, the Director's designee  
372 or the Board may issue subpoenas to compel access to, or the production of, such materials, or  
373 the appearance of such persons, and may issue interrogatories to a respondent to the same  
374 extent and subject to the same limitations as would apply if the subpoenas or interrogatories  
375 were issued or served in aid of a civil action in court. In the case of a refusal to obey a subpoena

376 issued to any person, or refusal to comply with any method of discovery authorized in the  
377 Florida Rules of Civil Procedure, the Board and/or the Director shall request the County Attorney  
378 to make application to the appropriate court to order the witness to comply with a request for  
379 discovery, or to appear before the Board and to produce evidence, if so requested, or to give  
380 testimony concerning the matter in question. Failure to obey the order may be punishable by the  
381 court as contempt. The Director and/or the Board may administer oaths. The OEO shall endeavor  
382 to achieve final administrative disposition of the complaint within one (1) year of its filing, unless  
383 it is impracticable to do so. If final administrative disposition is impractical to achieve within  
384 one year of the filing of the complaint, the parties shall be provided notice which shall state  
385 the reasons why it is impractical to achieve final disposition within one year.

386 **Section 15-48 Withdrawal of Complaint.**

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

391 **Section 15-49 Preservation of Records.**

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

395 **Section 15-50 Dismissal of Complaint.**

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

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

405 **Section 15-51 Investigation Procedure.**

406 After the complaint has been filed, the OEO shall conduct an investigation. The OEO

407 may utilize the services and information gathered from other public agencies charged with  
408 the administration of equal opportunity laws. The following procedures shall be followed:

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

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

418 2) *Requests for information.* In investigating the complaint, the OEO may obtain  
419 information by:

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

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

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

434 **Section 15-52 Determination of Reasonable Cause: Notice.**

435 a) Upon completion of an investigation, if the issue(s) alleged in the complaint has not been  
436 settled or withdrawn, the Director shall make a determination based on the facts whether  
437 reasonable cause exists to believe that an unlawful discriminatory practice has occurred

438 or is about to occur.

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

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

444 **Section 15-53 Finding of Reasonable Cause: Conciliation Procedure.**

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

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

457 c) Nothing said or done in the course of the conciliation process may be made public or  
458 used as evidence in subsequent proceedings under sections 15-54 through 15-56 without  
459 the written consent of the parties. Any employee of the OEO who makes public any such  
460 information in violation of this provision shall be prosecuted in the same manner as a  
461 misdemeanor of the second degree, punishable as provided in Florida Statutes Chapter  
462 775. Final executed and approved conciliation agreements 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, no

469 action may be filed under this article by such complainant with respect to the alleged  
470 discriminatory housing practice which forms the basis for such complaint except for the  
471 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 any  
473 federal or state laws protecting the same rights stated herein comes to trial, the OEO  
474 and the Board shall immediately terminate all efforts to obtain voluntary compliance.

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

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

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

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

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

500 housing practice occurred.

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

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

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

508 **Section 15-55 Administrative Remedies and Other Relief.**

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

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

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

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

527 e) All recommended orders prepared by the Board as a result of such hearing or hearings  
528 shall conform to the requirements for such orders as set out in section 120.57, Florida  
529 Statutes, as amended.

530 f) The Board shall submit a copy of the order on each party to the administrative



- 531 proceedings. The recommended order shall be considered as the final order of the Board  
532 as provided by section 120.57, Florida Statutes, as amended.
- 533 g) Any party to such administrative proceedings shall have the right to appeal the  
534 administrative order described herein by filing notice of appeal pursuant to Florida  
535 Appellate Rule 9.110(a)(2) within thirty (30) days of the issuance of such order by the  
536 Board. Any party shall have the right to bring an action in the appropriate court to ensure  
537 compliance with this order.
- 538 h) In case of refusal to obey a subpoena issued by the Board, the County or the person at  
539 whose request it was issued may, in addition to any other remedies made available,  
540 petition for its enforcement in the appropriate court.
- 541 i) Should any party fail or refuse to comply with the final order issued or breach a  
542 conciliation agreement as provided herein, then following the expiration of the appeal  
543 time provided herein, the Board shall forward such order or conciliation agreement to  
544 the Board of County Commissioners with a request that the Board of County  
545 Commissioners authorize the County Attorney to bring such action or actions as necessary  
546 to obtain compliance with this article.
- 547 j) When any act is required or allowed to be done at or within a specified time by this  
548 section, for cause shown, the Board, at any time in its discretion, and upon the written  
549 request of a party, may order the period enlarged unless otherwise prohibited by law.
- 550 k) All written motions upon which a ruling is requested shall be filed at least ten (10) days  
551 prior to the hearing date established by the Board. Such motions shall be considered  
552 and ruled upon by the Board prior to the start of the hearing.
- 553 l) All motions and orders thereon shall be made a part of the record of such administrative  
554 proceedings.
- 555 m) No appeal may be made from rulings on such motions until a final order has been issued.
- 556 n) If there are separately filed cases before the Board which involve similar issues of law  
557 and fact and identity of parties, then such cases may be consolidated by the Director for  
558 hearing before the Board.
- 559 o) Discovery shall be permitted and shall proceed in the manner provided by the Florida  
560 Rules of Civil Procedure.
- 561 p) The Board may order a prehearing conference prior to any administrative hearing. Prior

562 to such conference the Board may direct that the parties submit a preconference statement  
563 addressing the issues of law and fact that will be involved in such hearing, identifying the  
564 witnesses that will testify, providing a list of all documents or other exhibits that will  
565 be submitted, and providing such other information as requested by the Board.

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

- 570 1) A statement of the nature of the hearing;
- 571 2) A statement of the legal authority and jurisdiction under which the hearing is to be  
572 held;
- 573 3) A reference to the statutes, ordinances and rules involved.

574 r) Requests for subpoenas in any administrative proceeding shall be filed with the OEO  
575 and forwarded to the Board. Such request shall set forth the name and address of  
576 the person whose attendance is requested and shall describe with particularity any  
577 material to be produced. Such subpoenas shall be issued by the Board or the Director.  
578 The requesting party shall be responsible for service of any subpoena.

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

581 t) The official transcript of a hearing shall be preserved by electronic recording or by a court  
582 reporter.

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

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

592 w) If a timely election is made under this section, the Director of OEO shall authorize, not

593 later than the 30<sup>th</sup> day after the election is made, that the action be filed and maintained on  
594 behalf of the aggrieved person in a court of competent jurisdiction seeking relief as  
595 provided by state and/or federal law. However, if a timely civil action election is not made  
596 under subsection (b), the fair housing complainant may request an administrative  
597 proceeding.

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

599 **Section 15-56 Enforcement by Private Persons.**

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

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

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

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

620 **Sec. 15-57 Unlawful Discriminatory Practice in Public Accommodations.**

621 It shall be an unlawful discriminatory practice for any person, being the owner, lessee,  
622 proprietor, manager, superintendent, agent or employee of any place of public accommodation,  
623 because of the race, sex, color, religion, national origin, disability, familial status, sexual

624 orientation, age, marital status, or gender identity or expression of any person directly or indirectly  
625 to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities  
626 or privileges thereof that are afforded the other customers, directly or indirectly; to publish,  
627 circulate, issue, display, post or mail any written or printed communication, notice or  
628 advertisement, to the effect that any of the accommodations, advantages, facilities and privileges  
629 of any such place shall be refused, withheld from or denied to any person on account of race,  
630 sex, color, religion, national origin disability, familial status, sexual orientation, age, marital  
631 status, or gender identity or expression, or that the patronage of any person belonging to any  
632 particular race, sex, color, religion, national origin, disability, familial status, sexual orientation,  
633 age, marital status or gender identity or expression is unwelcome, objectionable or not acceptable,  
634 desired or solicited.

635 **Section 15-58 Discriminatory Housing Practices.**

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

- 638 1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate  
639 for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person  
640 because of race, sex, color, religion, national origin, disability, familial status, sexual  
641 orientation, age, marital status or gender identity or expression.
- 642 2) To discriminate against any person in the terms, conditions or privileges of sale or  
643 rental of a dwelling, or in the provisions of services or facilities in connection  
644 therewith, because of race, sex, color, religion, national origin, familial status, sexual  
645 orientation, age, marital status, or gender identity or expression.
- 646 3) To make, print or publish, or cause to be made, printed or published, any notice,  
647 statement or advertisement, with respect to the sale or rental of dwelling that indicates any  
648 preference, limitation or discrimination based on race, sex, color, religion, national origin,  
649 disability, familial status, sexual orientation, age, marital status or gender identity or  
650 expression, or an intention to make any such preference, limitation or discrimination.
- 651 4) To represent to any person because of race, color, religion, sex, national origin,  
652 disability, familial status, sexual orientation, age, marital status or gender identity or  
653 expression that any dwelling is not available for inspection, sale or rental when such  
654 dwelling is in fact so available.

- 655 5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by  
656 representations regarding the entry or prospective entry into the neighborhood of a person  
657 or persons of a particular race, sex, color, religion, national origin disability, familial  
658 status, sexual orientation, age, marital status or gender identity or expression.
- 659 6) To discriminate in the sale or rental, or to otherwise make unavailable or deny a  
660 dwelling to any buyer or renter because of a disability of:
- 661 a. that buyer or renter,  
662 b. a person residing in or intending to reside in that dwelling after it is sold, rented, or  
663 made available; or  
664 c. any person associated with that buyer or renter.
- 665 7) To discriminate against any person in the terms, conditions, or privileges of sale or  
666 rental of a dwelling, or in the provision of services or facilities in connection with  
667 such dwelling, because of a disability of:
- 668 a. that person; or  
669 b. a person residing in or intending to reside in that dwelling after it is sold, rented, or  
670 made available; or  
671 c. any person associated with that person.
- 672 8) To refuse to permit, at the expense of a person with a disability, reasonable  
673 modifications of existing premises occupied or to be occupied by such person if such  
674 modifications may be necessary to afford such person full enjoyment of the premises,  
675 except that, in the case of a rental, the landlord may, where it is reasonable to do so,  
676 condition permission for a modification on the renter agreeing to restore the interior of  
677 the premises to the condition that existed before the modification, reasonable wear and  
678 tear excepted. The landlord may not increase for persons with disabilities any customarily  
679 required security deposit. However, where it is necessary in order to ensure with  
680 reasonable certainty that funds will be available to pay for the restorations at the end of  
681 the tenancy, the landlord may negotiate, as part of a restoration agreement, a provision  
682 requiring that the tenant pay into an interest-bearing escrow account, over a reasonable  
683 period, a reasonable amount of money not to exceed the cost of the restorations. The  
684 interest in any such account shall accrue to the benefit of the tenant.
- 685 9) To refuse to make reasonable accommodations in rules, policies, practices or services,

686 when such accommodations may be necessary to afford a person with a disability equal  
687 opportunity to use and enjoy a dwelling.

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

690 a. The public use and common use portions of such dwellings are readily accessible  
691 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 who  
694 utilize wheelchairs;

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

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

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

709 12) To aid, abet, incite, compel or coerce any person to engage in any of the practices  
710 prohibited by this article; or to obstruct or prevent any person from complying with the  
711 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 provisions  
715 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 encouraged any  
718 other person in the exercise or enjoyment of, any right granted or protected by this  
719 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 purchasing,  
725 constructing, improving, repairing or maintaining a dwelling or to discriminate against him/her  
726 in the fixing of the amount, interest rate, duration, or other terms or conditions as such loan  
727 or other financial assistance, because of the race, sex, color, religion, national origin, disability,  
728 familial status, sexual orientation, age, marital status or gender identity or expression of such  
729 person or any person associated with him/her in connection with such loan or other financial  
730 assistance, or the purposes of such loan or other financial assistance of the present or prospective  
731 owners, lessees, tenants or occupants, of the dwelling or dwellings in relation to which such loan  
732 or other financial assistance is to be made or given; provided that nothing contained in this section  
733 shall impair the scope of effectiveness of the exceptions set forth in section 15-62.

734 **Section 15-60 Discrimination in the Provision of Brokerage Services.**

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

745 **Section 15-61 Discrimination in Residential Real Estate Related Transactions.**

746 It shall be an unlawful discriminatory housing practice for any person or other entity  
747 whose business includes engaging in residential real estate related transactions to discriminate

748 against any person in making available such a transaction, or in the terms or conditions of  
749 such a transaction because of race, sex, color, religion, national origin, disability, familial status,  
750 sexual orientation, age, marital status or gender identity or expression.

751 **Section 15-62 Limitations and Exceptions – Housing Practices.**

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

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

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



- 779 d) For the purposes of subsections (a) and (b) of this section, a person shall be deemed  
780 to be in the business of selling or renting dwellings and said exceptions shall not apply  
781 if:
- 782 1) That person has, within the preceding twelve (12) months, participated as principal in  
783 three or more transactions involving the sale or rental of any dwelling or any interest  
784 therein; or
  - 785 2) That person has, within the preceding twelve (12) months, participated as agent, other  
786 than in the sale of his/her own personal residence, in providing sales or rental facilities  
787 or sales or rental services in two (2) or more transactions involving the sale or rental of  
788 any dwelling or any interest therein; or
  - 789 3) That person is the owner of any dwelling designed for or intended for occupancy by, or  
790 occupied by, five (5) or more families.
- 791 e) The prohibitions set forth in sections 15-57 through 15-60 shall not apply to a person or  
792 owner who wishes to rent a portion of a single dwelling unit to a person or persons  
793 of the same sex when such persons live in the single dwelling unit.
- 794 f) Housing for older persons shall be exempted from the provisions regarding familial  
795 status. Housing for older persons may also maintain only those age restrictions  
796 necessary in order to be designated as housing for older persons.
- 797 g) Nothing in this article:
- 798 1) Prohibits a person engaged in the business of furnishing appraisals of real  
799 property from taking into consideration factors other than race, sex, color, religion,  
800 national origin, disability, familial status, sexual orientation, age, marital status, or  
801 gender identity or expression.
  - 802 2) Limits the applicability of any reasonable local government restrictions regarding the  
803 maximum number of occupants permitted to occupy a dwelling.
  - 804 3) Requires that a dwelling be made available to an individual whose tenancy would  
805 constitute a direct threat to the health or safety of other individuals or whose  
806 tenancy would result in substantial physical damage to the property of others.
  - 807 4) Prohibits conduct against a person because such person has been convicted by any  
808 court of competent jurisdiction of the illegal manufacture or distribution of a  
809 controlled substance as defined by Florida Statutes, Chapter 893.

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

818 **Section 15-63 Limitations and Exceptions – Public Accommodations.**

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

- 820 1) Limit of the use of a restroom to persons of one (1) sex;
- 821 2) A religious organization, association or society or any nonprofit institution or organization  
822 operating, supervised or controlled by or in conjunction with a religious organization,  
823 association or society from limiting facilities and accommodations, which it owns or  
824 operates, for other than a commercial purpose, to persons of the same religion or from  
825 giving preference to such persons; and,
- 826 3) Any institution or place of accommodation that is in its nature distinctly private.

827 **Section 15-64 Limitations and Exceptions – Physical Disability.**

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

831 **Section 15-65 Applicability.**

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

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

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

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

839 All complaints, investigations, orders, hearing processes, and all other functions of the  
840 OEO and Board, initiated or completed pursuant to Ordinance 90-1, as amended by 07-042, shall

841 remain in full force and effect.

842 **Section 15-68 Severability.**

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

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

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

852 **Section 15-70 Captions.**

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

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

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

858 **Section 15-72 Effective Date:** The provisions of this ordinance shall become effective upon  
859 filing with the Department of State.

860

861

862

863

864

865

866

867

868

869

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

872 **CLERK AND COMPTROLLER** **PALM BEACH COUNTY, FLORIDA, BY ITS**  
873 **BOARD OF COUNTY COMMISSIONERS**

874 **By:** \_\_\_\_\_  
875 **Sharon R. Bock**

**By:** \_\_\_\_\_  
**Mack Bernard, Mayor**

876  
877

878 **APPROVED AS TO FORM AND**  
879 **LEGAL SUFFICIENCY**

880 **By:** \_\_\_\_\_  
881 **County Attorney**

882 **EFFECTIVE DATE:** Filed with the Department of State on the \_\_\_\_ day of  
883 \_\_\_\_\_, 20\_\_\_\_.

884 G:\WPDATA\ENVIR\Dottey\OEO\Fair Housing\Ordinance Revision\8. Ord 2019 (02.12.19 Tracking).Docx

ORDINANCE NO. 2015-0352019-

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. 2015-035, THE PALM BEACH COUNTY HOUSING AND PLACES OF PUBLIC ACCOMMODATION ORDINANCE; AMENDING THE DEFINITION OF SEXUAL ORIENTATION; AMENDING THE DEFINITION OF PLACE OF PUBLIC ACCOMMODATION; AMENDING THE DEFINITION OF AN AGGRIEVED PERSON; AMENDING THE OBJECTIVES OF THE FAIR HOUSING AND PUBLIC ACCOMMODATION BOARD; AMENDING THE ADMINISTRATIVE REMEDIES AND OTHER RELIEF, 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.

~~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

45 to best serve the citizens and visitors of Palm Beach County and provide for their general safety and welfare;  
46 and

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

51 ~~WHEREAS, Palm Beach County awards grants to non-profit organizations for projects designed to~~  
52 ~~improve accessibility and equal opportunity to persons with disabilities in the County and/or to conduct~~  
53 ~~public awareness programs in the County concerning persons with disabilities; and~~

Formatted: Font: Bold

54 **WHEREAS**, it is necessary to amend the Ordinance to include additional definitions, re-  
55 state time limits for filing complaints and modify the provision regarding the filing of a civil action.

56 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
57 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:** Chapter 15, Article  
58 III, of the Palm Beach County Code, "Housing, Places of Public Accommodation," (Ordinance No.  
59 ~~2014-019~~2015-035, as amended), is hereby amended as follows:

60 **Section 15-37 Definitions.**

61 When used herein:

- 62 1) *Person* includes one (1) or more individuals, partnerships, associations, corporations,  
63 unincorporated organizations, legal representatives, trustees and trusts, trustees in  
64 bankruptcy, labor organizations, mutual companies, joint-stock companies, receivers, or  
65 fiduciaries.
- 66 2) The term *unlawful discriminatory practice* includes only those practices specified in  
67 sections 15-57 through 15-61 hereof.
- 68 3) The term *Board*, unless a different meaning clearly appears from the context, means  
69 the Fair Housing Board, created by section 15-39.
- 70 4) Place of public accommodation shall include the following establishments:
  - 71 a. Any inn, hotel, motel or other establishment which provides lodging to transient guests,  
72 other than an establishment located within a building which contains not more than  
73 five (5) rooms for rent or hire and which is actually occupied by the proprietor of such  
74 establishment as his/her residence;

- 75 b. Any restaurant, bar, cafeteria, lunchroom, lunch counter, soda fountain, or other  
76 facility principally engaged in selling food for consumption on the premises,  
77 including but not limited to any such facility located on the premises of any retail  
78 establishment;
- 79 c. Any motion picture house, theater, concert hall, sports arena, stadium or other place of  
80 exhibition or entertainment;
- 81 d. An auditorium, convention center, lecture hall or other place of public gathering;
- 82 e. A bakery, grocery store, clothing store, hardware store, shopping center, or other sales  
83 or retail establishment;
- 84 f. A laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair  
85 service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy,  
86 insurance office, health care provider, hospital or other service establishment;
- 87 g. A terminal, depot or other station used for a specified public transportation including  
88 but not limited to taxis, limousines and buses;
- 89 h. A museum, library, gallery or other place of public display or collection;
- 90 i. A park, zoo, amusement park or other place of recreation;
- 91 j. A nursery, elementary, secondary, undergraduate or postgraduate private school, or  
92 other place of education;
- 93 k. A day care center, senior citizen center, homeless shelter, food bank, adoption agency  
94 or other social service center establishment;
- 95 l. A gymnasium, health spa, bowling alley, golf course, or other place of exercise or  
96 recreation;
- 97 m. Any area or structure provided for the purpose of storing personal property; and,
- 98 n. Any establishment:
- 99 i) 1. Which is physically located within the premises of any establishment otherwise  
100 covered by this subsection; or
- 101 2. Within the premises of which is physically located any such covered  
102 establishment; and
- 103 ii) Which holds itself out as serving patrons of such covered establishment. Such term  
104 shall not include any institution, club or place of accommodation which is in its

- 105 nature distinctly private and not in fact open to the public.
- 106 5) *Dwelling or housing* means any real property, building, mobile home or trailer,  
107 structure or portion thereof which is used or occupied as, or is intended, arranged or  
108 designed to be used or occupied as, the home, residence or sleeping place of one (1) or  
109 more families, and any vacant land which is offered for sale or lease for the  
110 construction or location thereon of any such building, structure or portion thereof.
- 111 6) *To rent* includes to lease, to sublease, to let and otherwise to grant for a consideration the  
112 right to occupy premises not owned by the occupant.
- 113 7) The term *family* includes the grandparents, parents, children, brothers and sisters,  
114 whether by marriage, legal adoption or blood, and their spouses and children, of  
115 either the property owner or spouse of the property owner; and the term "family" also  
116 includes a single individual.
- 117 8) The term *complainant* shall mean the person filing the complaint pursuant to this article.
- 118 9) The term *respondent* shall mean the person or other entity accused in the complaint of an  
119 unlawful discriminatory practice and any other person or entity identified in the course  
120 of investigation not named as a respondent in the initial complaint who may be joined  
121 as an additional or substitute respondent upon written notice.
- 122 10) *Disability* means with respect to a person:
- 123 a. A physical or mental impairment which substantially limits one (1) or more of such  
124 person's major life activities.
- 125 b. A record of such an impairment; or
- 126 c. Being regarded as having such an impairment.
- 127 d. Disability does not include the current illegal use or addiction to a controlled  
128 substance (as defined in Section 102 of the Controlled Substance Act (21U.S.C.802)).
- 129 e. As used throughout this article, prohibitions against discrimination on the basis of  
130 disability includes disabilities of the patron, buyer or renter, or of a person residing  
131 in or intending to reside in that dwelling after it is sold, rented, or made  
132 available or of any person associated with the buyer, or renter or patron.
- 133 11) *Familial status* means one (1) or more individuals (who have not attained the age of  
134 eighteen (18) years being domiciled with:



- 135 a. A parent or another person having legal custody of such individual or individuals; or  
 136 b. The designee of such parent or other person having such custody, with the written  
 137 permission of such parent or other person. The protection afforded against  
 138 discrimination on the basis of familial status shall apply to any person who is pregnant  
 139 or is in the process of securing legal custody of any individual who has not attained the  
 140 age of eighteen (18) years.

141 12) *Sexual orientation* means ~~male or female homosexuality, heterosexuality or bisexuality,~~  
 142 ~~by preference or practice~~ heterosexuality, homosexuality, bisexuality or asexuality,  
 143 whether actual or perceived.

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

147 14) *Conciliation agreement* means a written agreement setting forth the resolution of the  
 148 issues in conciliation.

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

151 16) *Multifamily dwelling* means:

- 152 a. Buildings consisting of four (4) or more units if such buildings have one (1) or more  
 153 elevators; and  
 154 b. Ground floor units in other buildings consisting of four (4) or more units.

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

- 156 a. The making or purchasing of loans or providing other financial assistance:  
 157 i) for purchasing, constructing, improving, repairing or maintaining a dwelling; or  
 158 ii) secured by residential real estate.  
 159 b. The selling, brokering or appraising of residential real property.  
 160 c. Nothing in this article prohibits a person engaged in the business of furnishing  
 161 appraisals of real property to take into consideration factors other than race, sex,  
 162 color, religion, national origin, disability, familial status, sexual orientation, age,  
 163 marital status, or gender identity or expression.

164 18) *Housing for older persons* means housing:

- 165 a. Provided under any state or federal program that the OEO or the Board  
 166 determines is specifically designed and operated to assist elderly persons, as defined  
 167 in the state or federal program; or
- 168 b. Intended for, and solely occupied by, persons sixty-two (62) years of age or older;  
 169 or
- 170 c. Intended and operated for occupancy by at least one (1) person fifty-five (55) years  
 171 of age or older per unit in eighty (80) percent of the units, provided that the  
 172 occupancy of such housing can be verified in accordance with rules established  
 173 by the U. S. Department of Housing and Urban Development and provided that the  
 174 housing facility publishes and adheres to policies and procedures that demonstrate the  
 175 intent to provide housing for older persons.
- 176 d. Housing shall not fail to be considered housing for older persons if:
- 177 i) A person who resides in such housing on or after September 13, 1988, does  
 178 not meet the age requirements of this subsection provided that any new occupant  
 179 meets such age requirements; or
- 180 ii) One (1) or more units are unoccupied, provided that any unoccupied units are  
 181 reserved for occupancy by persons who meet the age requirements of this  
 182 subsection.
- 183 iii) In determining whether housing meets the requirements of housing for older  
 184 persons, the County will utilize current federal regulations regarding criteria for  
 185 housing for older persons.
- 186 19) *Gender identity or expression* means a gender-related identity, appearance, expression or  
 187 behavior of an individual, regardless of the individual's assigned sex at birth.
- 188 20) *OEO* means the Palm Beach County Office of Equal Opportunity.
- 189 21) *Director* means the director of the OEO.
- 190 22) *Aggrieved person* includes any person who:
- 191 a. Claims to have been injured by a discriminatory practice in housing or a place of  
 192 public accommodation; or
- 193 b. Believes that such person will be injured by a discriminatory practice in housing or a  
 194 place of public accommodation that is about to occur.

195 23) Marital status includes any person who is married, not-married, divorced, having a  
196 marriage dissolved or annulled, separated, widowed, or have any other marital status.

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

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

206 **Section 15-39 Fair Housing and Places of Public Accommodation Board (Board).**

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

227 County Administrator and Deputy County Administrator and shall be in accordance with Countywide Policy  
228 and Procedures Memoranda (PPM) CW-F-009. Each district appointee serves at the pleasure of the  
229 appointing Commissioner and may be removed without cause by the appointing Commissioner at any time,  
230 and at large appointees may be removed without cause by a majority vote of the Board of County  
231 Commissioners at any time. The maximum number of boards that an individual appointed by the Board  
232 of County Commissioners may serve on at one time shall be three (3), however, membership on  
233 the Equal Employment Board and this Board shall only be considered membership on one (1) advisory  
234 board. Members shall comply with the applicable provisions of the Palm Beach County Code of  
235 Ethics, as codified in Section 2-441 through 2-448 of the Palm Beach County Code and the State Code  
236 of Ethics. Abstention from voting due to a conflict of interest on more than three (3) separate matters  
237 during a calendar year shall result in automatic removal. Members shall be automatically removed for lack  
238 of attendance. Lack of attendance is defined as failure to attend three (3) consecutive meetings or  
239 failure to attend more than one-half (½) of the meetings scheduled during a calendar year. Participation  
240 for less than three fourths (¾) of a meeting shall be the same as failure to attend a meeting. Members  
241 removed pursuant to this paragraph shall not continue to serve on the Board and such removal shall  
242 create a vacancy. Board members shall not be prohibited from qualifying as a candidate for elected  
243 office. County employees, other than Commissioners' Aides, may not be appointed to the Board.  
244 Former Board of County Commission members may not be appointed to the Board for at least two (2)  
245 years following their last day in office as a County Commissioner. Members of the Board shall appoint  
246 a chairperson and vice-chairperson, and the Board may promulgate rules and regulations for the conduct  
247 of its meetings and affairs.

248 **Section 15-40 Board Terms, Rules and Regulations.**

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

- 250 1) The chairperson of the Board shall be elected by majority vote of the Board and shall  
251 serve for a term of one (1) year and have the following duties:
- 252 a. Call Board meetings and set the agenda for the same.
  - 253 b. Preside at Board meetings.
  - 254 c. Sign subpoenas.
  - 255 d. Perform such other functions as the Board may assign by rule or order.
- 256 2) The vice-chairperson shall be elected by majority vote of the Board and shall serve for a

257 term of one (1) year. The vice-chairperson shall perform the duties of the chairperson in  
258 the chairperson's absence and such other duties as the chairperson may assign.

259 3) If a vacancy occurs in the office of chairperson, the vice-chairperson shall become the  
260 chairperson for the unexpired term of the chairperson. If a vacancy occurs in the office of  
261 vice-chairperson, the Board will elect another member to fill the unexpired term of the  
262 vice-chairperson.

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

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

268 **Section 15-41 Board Meetings.**

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

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

280 The objectives of the Board shall be:

281 1) To promote and encourage fair treatment and equal opportunity in housing and public  
282 accommodation for all persons regardless of race, sex, color, religion, national origin,  
283 disability, familial status, sexual orientation, age, marital status, or gender identity or  
284 expression; to promote and encourage mutual understanding and respect among such  
285 persons and to endeavor to eliminate discrimination in housing and public  
286 accommodation against and antagonism between such persons;

287 2) To cooperate with governmental and nongovernmental agencies and organizations having

- 288 like or kindred functions;
- 289 3) To make such investigations and studies in the field of fair housing and public  
290 accommodation as in its judgment will aid in effectuating its general purposes;
- 291 4) To assist various groups and agencies of the community to cooperate in educational  
292 programs and campaigns devoted to the elimination of discrimination in housing and places  
293 of public accommodation;
- 294 5) To aid in permitting the County to benefit from the fullest realization of its housing  
295 and public accommodation resources;
- 296 6) To recommend to the Board of County Commissioners the acceptance of certain grants  
297 and contracts from foundations and other sources for the purposes of carrying out the  
298 purposes of this article;

299 ~~7) To recommend to the Board of County Commissioners methods for elimination of  
300 discrimination and intergroup tensions. The objectives set forth above are not to be  
301 construed as duties, and the Board of County Commissioners shall have the discretion to  
302 determine when each objective is implemented.~~

303 7) To review proposals and make recommendations on the award of grant funds; and

304 8) To recommend to the Board of County Commissioners methods for elimination of  
305 discrimination and intergroup tensions. The objectives set forth above are not to be  
306 construed as duties, and the Board of County Commissioners shall have the discretion to  
307 determine when each objective is implemented.

308 **Section 15-43 Powers and Duties of the Board.**

309 The powers and duties of the Board shall be:

- 310 1) To refer or accept referral of complaints when appropriate and to cause, through the  
311 OEO, investigations of:
- 312 a. Tension or prejudice in relation to all housing and public accommodation matters  
313 involving race, sex, color, religion, national origin, disability, familial status, sexual  
314 orientation, age, marital status, or gender identity or expression.
- 315 b. Discrimination against any person by any person with regard to housing and public  
316 accommodation matters on the basis of race, sex, color, religion, national origin,  
317 disability, familial status, sexual orientation, age, marital status, or gender identity or  
318 expression.

- 319 2) To receive, initiate, seek to conciliate, hold hearings upon and adjudicate complaints  
320 alleging violations of this article; to recommend methods and alternatives for eliminating  
321 injustices occasioned thereby to carry out and enforce the purpose of this article.
- 322 3) To administer oaths, subpoena witnesses, and compel production of evidence pertaining to  
323 any hearing convened pursuant to the powers and duties authorized by this article.
- 324 4) To subpoena witnesses and compel production of evidence requested by the OEO relating  
325 to an investigation being conducted pursuant to this article.
- 326 5) To meet and exercise its power in any place within the county.
- 327 6) To issue remedial orders prohibiting violations of this article and providing affirmative  
328 relief from the effects of the violation as specified in section 15-55.

329

330 **Section 15-44 Powers and Duties of the Director.**

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

- 332 1) To investigate:
- 333 a. Tension or prejudice in relation to all housing and public accommodation matters  
334 involving race, sex, color, religion, national origin, disability, familial status, sexual  
335 orientation, age, marital status, or gender identity or expression.
- 336 b. Discrimination against any person by any person with regard to housing and public  
337 accommodation matters on the basis of race, sex, color, religion, national origin,  
338 disability, familial status, sexual orientation, age, marital status, or gender identity or  
339 expression.
- 340 2) To have access during an investigation, at all reasonable times, to premises, and may  
341 examine records, documents, and other evidence or possible sources of evidence, and  
342 record the testimony or statements of such persons as are reasonably necessary for the  
343 furtherance of the investigation provided that the Director and/or the Director's designee  
344 complies with the provisions of the federal and state constitutions relating to unreasonable  
345 searches and seizures.
- 346 3) To attempt to conciliate and mediate complaints of discrimination brought pursuant to  
347 this article.
- 348 4) To prepare conciliation agreements embodying any agreement reached by the parties

349 relating to the complaint, and advise the Board of such agreement.

350 5) To dismiss complaints of discrimination upon a finding of no reasonable cause under  
351 this article.

352 6) To administer oaths.

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

354 **Section 15-45 Filing of Complaints.**

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

364 **Section 15-46 Notice of Complaint.**

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

376 **Section 15-47 Processing Complaints.**

377 The OEO shall commence its investigation under this article within thirty (30) days  
378 of the receipt of a sworn written complaint. Within one hundred (100) days of the filing of the  
379 complaint as set forth in section 15-45, the staff of the OEO shall make such investigation as the



380 Director deems appropriate to ascertain facts and issues. If the OEO is unable to complete  
381 the investigation within one hundred (100) days after the filing of the complaint, they shall  
382 notify the complainant and the respondent in writing of the reasons for not doing so. In conducting  
383 an investigation to ascertain whether or not there has been a violation of this article, the Director  
384 and/or the Director's designee shall have access at all reasonable times to premises, and may  
385 examine records, documents, and other evidence, or possible sources of evidence, and may  
386 record the testimony or statements of such persons as are reasonably necessary for the furtherance  
387 of the investigation provided that the OEO complies with the provisions of the federal and state  
388 constitutions relating to unreasonable searches and seizures. The Director, the Director's designee  
389 or the Board may issue subpoenas to compel access to, or the production of, such materials, or  
390 the appearance of such persons, and may issue interrogatories to a respondent to the same  
391 extent and subject to the same limitations as would apply if the subpoenas or interrogatories  
392 were issued or served in aid of a civil action in court. In the case of a refusal to obey a subpoena  
393 issued to any person, or refusal to comply with any method of discovery authorized in the  
394 Florida Rules of Civil Procedure, the Board and/or the Director shall request the County Attorney  
395 to make application to the appropriate court to order the witness to comply with a request for  
396 discovery, or to appear before the Board and to produce evidence, if so requested, or to give  
397 testimony concerning the matter in question. Failure to obey the order may be punishable by the  
398 court as contempt. The Director and/or the Board may administer oaths. The OEO shall endeavor  
399 to achieve final administrative disposition of the complaint within one (1) year of its filing, unless  
400 it is impracticable to do so. If final administrative disposition is impractical to achieve within  
401 one year of the filing of the complaint, the parties shall be provided notice which shall state  
402 the reasons why it is impractical to achieve final disposition within one year.

403 **Section 15-48 Withdrawal of Complaint.**

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

408 **Section 15-49 Preservation of Records.**

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

412 **Section 15-50 Dismissal of Complaint.**

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

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

422 **Section 15-51 Investigation Procedure.**

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

- 426 1) *Complaint verification.* As part of the investigation process, the complaining party may  
427 be required to provide an additional sworn written statement, which shall include:
  - 428 a. A statement of each particular harm or potential harm which the aggrieved person  
429 has suffered or will suffer and the date on which each harm occurred or will occur;
  - 430 b. For each harm, a statement specifying the act, policy or practice which is alleged to  
431 be unlawful;
  - 432 c. For each act, policy or practice alleged to have harmed the aggrieved person, a  
433 statement of the facts which lead the complainant to believe that the act, policy or  
434 practice is discriminatory.
- 435 2) *Requests for information.* In investigating the complaint, the OEO may obtain  
436 information by:
  - 437 a. Oral interview and/or
  - 438 b. Requests for written statement or affidavit and/or
  - 439 c. Any discovery methods set forth in the Florida Rules of Civil Procedure.
- 440 3) *Complainant's duty to cooperate.* The complainant shall appear or be available for  
441 interviews and provide necessary information requested by the OEO pursuant to this

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

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

451 **Section 15-52 Determination of Reasonable Cause: Notice.**

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

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

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

461 **Section 15-53 Finding of Reasonable Cause: Conciliation Procedure.**

462 a) During the period beginning with the filing of the complaint and ending with the final  
463 disposition, the OEO shall, to the extent feasible, engage in conciliation with respect to  
464 such complaint. Where such conciliation attempts are successful, the agreement shall be  
465 between the complainant, aggrieved person(s) and the respondent subject to approval by  
466 the Director. The terms of the agreement shall be reduced to writing and signed by the  
467 complainant, aggrieved person(s), the respondent and the Director. The original of the  
468 signed agreement shall be filed with the OEO, and copies shall be sent to the respondent,  
469 complainant, aggrieved person(s) and the Board.

470 b) When an agreement has not been signed, and the complaint has not been withdrawn or  
471 dismissed, the Director shall send a notice of failure of conciliation to the complainant and  
472 the respondent not less than thirty (30) days after issuance of a notice of determination of

473 reasonable cause.

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

480 **Section 15-54 Enforcement.**

- 481 a) In any proceeding brought pursuant to this article, the burden of proof is on the  
482 complainant.
- 483 b) A complainant may commence a civil action under this article whether or not the  
484 complaint has been filed and without regard to the status of any such complaint.  
485 However, if the OEO has obtained an agreement with the consent of a complainant, no  
486 action may be filed under this article by such complainant with respect to the alleged  
487 discriminatory housing practice which forms the basis for such complaint except for the  
488 purpose of enforcing the terms of such an agreement.
- 489 c) Whenever an action filed in either federal or state court pursuant to this article, or any  
490 federal or state laws protecting the same rights stated herein comes to trial, the OEO  
491 and the Board shall immediately terminate all efforts to obtain voluntary compliance.
- 492 d) If the Board of County Commissioners concludes at any time following the filing of a  
493 housing complaint that prompt judicial action is necessary to carry out the purposes of  
494 this article, the Board of County Commissioners shall direct the County Attorney to  
495 institute a civil action for appropriate temporary or preliminary relief pending final  
496 disposition of the complaint under this article. The commencement of a civil action under  
497 this subsection shall not affect the initiation or continuation of proceedings under this  
498 article. The Board of County Commissioners need not have petitioned for administrative  
499 hearing or exhausted the administrative remedies prior to requesting the commencement of  
500 a civil action.
- 501 e) The court may award actual and punitive damages and may impose the following civil  
502 penalties for each violation of this article:
- 503 1) Up to ten thousand dollars (\$10,000.00), if the respondent has not been adjudged to

- 504 have committed any prior discriminatory housing practice;
- 505 2) Up to twenty-five thousand dollars (\$25,000.00), if the respondent has been  
 506 adjudged by order of the Board or a court to have committed one (1) prior  
 507 discriminatory housing practice within the preceding five-year period ending on the  
 508 date of the filing of this complaint.
- 509 3) Up to fifty thousand dollars (\$50,000.00), if the respondent has been adjudged by order  
 510 of the Board or a court to have committed two (2) or more discriminatory housing  
 511 practices within the preceding seven-year period ending on the date of the filing of this  
 512 complaint; except that if the acts constituting the discriminatory housing practice that  
 513 is the object of the charge are committed by the same natural person who has been  
 514 previously adjudged to have committed acts constituting a discriminatory housing  
 515 practice, then the civil penalties set forth in subparagraphs (2) and (3) may be imposed  
 516 without regard to the period of time within which any subsequent discriminatory  
 517 housing practice occurred.
- 518 f) In imposing a fine under subsection (e), the court shall consider the nature and  
 519 circumstances of the violation, the degree of culpability, the history of prior violations of  
 520 this article, the financial circumstances of the respondent, and the goal of deterring future  
 521 violations of this article.
- 522 g) In addition to the above-stated fines, the court shall award reasonable attorney's fees  
 523 and costs to the County in any action in which the County prevails under this article.
- 524 h) The court may also grant injunctive and/or other appropriate equitable relief.

525 **Section 15-55 Administrative Remedies and Other Relief.**

- 526 a) A complainant, a respondent, or an aggrieved person on whose behalf a fair housing  
 527 complaint was filed under this article may elect to have the claims asserted in that  
 528 complaint decided in a civil action as provided by Section 15-56 of this article, in lieu  
 529 of a hearing provided by this section.
- 530 b) The election under this section must be made not later than the 20<sup>th</sup> day after the date of  
 531 issuance by the electing person of the notice of failure of conciliation, or in the case of the  
 532 Director, not later than the 20<sup>th</sup> day after such service. The electing person shall give notice  
 533 to the Director and to all other complainants and respondents to whom the complaint relates.
- 534 c) The ~~fair housing~~ complainant may request an administrative proceeding before the

535 Board within thirty (30) days after the date of issuance of receiving the notice of failure  
536 of conciliation. Additionally, if the Director is unable to obtain voluntary compliance with  
537 this article or has reasonable cause to believe that a discriminatory ~~housing~~ practice  
538 has occurred, the Director may institute an administrative proceeding before the Board on  
539 any Director-initiated complaint.

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

545 e) All recommended orders prepared by the Board as a result of such hearing or hearings  
546 shall conform to the requirements for such orders as set out in section 120.57, Florida  
547 Statutes, as amended.

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

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

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

559 i) Should any party fail or refuse to comply with the final order issued or breach a  
560 conciliation agreement as provided herein, then following the expiration of the appeal  
561 time provided herein, the Board shall forward such order or conciliation agreement to  
562 the Board of County Commissioners with a request that the Board of County  
563 Commissioners authorize the County Attorney to bring such action or actions as necessary  
564 to obtain compliance with this article.

565 j) When any act is required or allowed to be done at or within a specified time by this

566 section, for cause shown, the Board, at any time in its discretion, and upon the written  
567 request of a party, may order the period enlarged unless otherwise prohibited by law.

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

571 l) All motions and orders thereon shall be made a part of the record of such administrative  
572 proceedings.

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

574 n) If there are separately filed cases before the Board which involve similar issues of law  
575 and fact and identity of parties, then such cases may be consolidated by the Director for  
576 hearing before the Board.

577 o) Discovery shall be permitted and shall proceed in the manner provided by the Florida  
578 Rules of Civil Procedure.

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

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

588 1) A statement of the nature of the hearing;

589 2) A statement of the legal authority and jurisdiction under which the hearing is to be  
590 held;

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

592 r) Requests for subpoenas in any administrative proceeding shall be filed with the OEO  
593 and forwarded to the Board. Such request shall set forth the name and address of  
594 the person whose attendance is requested and shall describe with particularity any  
595 material to be produced. Such subpoenas shall be issued by the Board or the Director.  
596 The requesting party shall be responsible for service of any subpoena.

- 597 s) Any subpoena shall be subject to a motion to quash or a motion for protective order before  
598 the appropriate court.
- 599 t) The official transcript of a hearing shall be preserved by electronic recording or by a court  
600 reporter.
- 601 u) Should a party elect to provide a court reporter for a hearing, that party shall be  
602 responsible for entire payment of the reporter's fee.
- 603 v) If the Board finds that a discriminatory housing-practice has occurred or is about to occur,  
604 it shall issue an order prohibiting the practice and awarding affirmative relief from the  
605 effects of the practice, including actual damages and reasonable attorney's fees and costs,  
606 and other injunctive or equitable relief. To vindicate the public interest, the Board, may  
607 assess civil penalties against the respondent, consistent with the provisions of section  
608 15.54 of this article. Funds recovered under this section shall be paid to the Board of  
609 County Commissioners' general fund.
- 610 w) If a timely election is made under this section, the Director of OEO County Attorney shall  
611 authorize, not later than the 30<sup>th</sup> day after the election is made, that the action be filed and  
612 maintained ~~such action~~ on behalf of the aggrieved person in a court of competent  
613 jurisdiction seeking relief as provided by state and/or federal law. However, if a timely  
614 civil action election is not made under subsection (b), the fair housing complainant may  
615 request an administrative proceeding.
- 616 x) An aggrieved person may intervene in the civil action filed under this section.

617 **Section 15-56 Enforcement by Private Persons.**

- 618 a) A civil action shall be commenced no later than two (2) years after the occurrence or the  
619 termination of an alleged discriminatory practice or the breach of a conciliation agreement  
620 entered into under this article, whichever occurs last, to obtain appropriate relief with  
621 respect to such discriminatory practice or breach. However, the court shall continue a  
622 civil case brought pursuant to this article from time to time before bringing it to trial if  
623 the court believes that the conciliation efforts of the OEO are likely to result in  
624 satisfactory settlement of the discriminatory practice complained of in the complaint  
625 made to the OEO and which practice forms the basis for the action in court.
- 626 b) The computation of such 2-year period shall not include any time during which the  
627 investigation was pending with respect to the complaint under this article based upon



628 such discriminatory practice. This paragraph does not apply to actions arising from a  
629 breach of a conciliation agreement.

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

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

638 **Sec. 15-57 Unlawful Discriminatory Practice in Public Accommodations.**

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

653 **Section 15-58 Discriminatory Housing Practices.**

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

656 1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate  
657 for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person  
658 because of race, sex, color, religion, national origin, disability, familial status, sexual

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

- 690 8) To refuse to permit, at the expense of a person with a disability, reasonable  
691 modifications of existing premises occupied or to be occupied by such person if such  
692 modifications may be necessary to afford such person full enjoyment of the premises,  
693 except that, in the case of a rental, the landlord may, where it is reasonable to do so,  
694 condition permission for a modification on the renter agreeing to restore the interior of  
695 the premises to the condition that existed before the modification, reasonable wear and  
696 tear excepted. The landlord may not increase for persons with disabilities any customarily  
697 required security deposit. However, where it is necessary in order to ensure with  
698 reasonable certainty that funds will be available to pay for the restorations at the end of  
699 the tenancy, the landlord may negotiate, as part of a restoration agreement, a provision  
700 requiring that the tenant pay into an interest-bearing escrow account, over a reasonable  
701 period, a reasonable amount of money not to exceed the cost of the restorations. The  
702 interest in any such account shall accrue to the benefit of the tenant.
- 703 9) To refuse to make reasonable accommodations in rules, policies, practices or services,  
704 when such accommodations may be necessary to afford a person with a disability equal  
705 opportunity to use and enjoy a dwelling.
- 706 10) To fail to design and construct multifamily dwellings for first occupancy after March 13,  
707 1991, in such a manner that:
- 708 a. The public use and common use portions of such dwellings are readily accessible  
709 to and usable by persons with a disability;
  - 710 b. All the doors designed to allow passage into and within all premises within such  
711 dwellings are sufficiently wide to allow passage by persons with disabilities who  
712 utilize wheelchairs;
  - 713 c. All premises within such dwellings contain the following features of adaptive design:  
714 an accessible route into and through the dwelling; light switches, electrical outlets,  
715 thermostats, and other environmental controls in accessible locations; reinforcements  
716 in bathroom walls to allow later installation of grab bars; and usable kitchen and  
717 bathrooms such that an individual who utilizes a wheelchair can maneuver about the  
718 space; and,
  - 719 d. Compliance with the appropriate requirements of the American National Standards  
720 Institute for buildings and facilities providing accessibility and usability for persons

721 with physical disabilities (commonly cited as "ANSI A 117.1") suffices to satisfy the  
722 requirements of this article.

723 11) To retaliate or discriminate in any manner against a person who has opposed a practice  
724 declared discriminatory by this article, or who has filed a complaint, testified, assisted or  
725 participated in any manner in any investigation, proceeding, hearing or conference under  
726 this article.

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

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

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

734 15) To intimidate, threaten, coerce or interfere with the exercise or enjoyment of, or on  
735 account of having exercised or enjoyed, or on account of having aided or encouraged any  
736 other person in the exercise or enjoyment of, any right granted or protected by this  
737 article.

738 **Section 15-59 Discrimination in the Financing of Housing.**

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

752 **Section 15-60 Discrimination in the Provision of Brokerage Services.**

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

763 **Section 15-61 Discrimination in Residential Real Estate Related Transactions.**

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

769 **Section 15-62 Limitations and Exceptions – Housing Practices.**

- 770 a) The prohibitions set forth in sections 15-57 through 15-80 shall not apply to a  
771 religious organization, association or society, or any nonprofit institution or organization  
772 operated, supervised or controlled by or in conjunction with a religious organization,  
773 association or society, from limiting the sale, rental or occupancy of dwellings which  
774 it owns or operates for other than commercial purposes to persons of the same religion,  
775 or from giving preference to such persons, unless membership in such religion is restricted  
776 on account of race, sex, color, national origin, disability, familial status, sexual orientation,  
777 age, marital status or gender identity or expression.
- 778 b) The prohibitions set forth in sections 15-58—15-60 shall not apply to rooms or units in  
779 dwellings containing living quarters occupied or intended to be occupied by no more  
780 than four (4) families living independently of each other if the owner actually maintains  
781 and occupies one of such living quarters, provided such rooms or units are sold or rented  
782 without the use in any manner of the sales or rental facilities or the sales or rental services

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

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

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

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

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

807 3) That person is the owner of any dwelling designed for or intended for occupancy by, or  
808 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 or  
810 owner who wishes to rent a portion of a single dwelling unit to a person or persons  
811 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, religion,  
818 national origin, disability, familial status, sexual orientation, age, marital status, or  
819 gender identity or expression.

820 2) Limits the applicability of any reasonable local government restrictions regarding the  
821 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 any  
826 court of competent jurisdiction of the illegal manufacture or distribution of a  
827 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 of  
831 this paragraph (h), a person engaged in the business or residential real estate transactions  
832 is presumed to have such a good faith reliance if that person has no actual knowledge  
833 that the housing facility is not or will not be eligible for the housing for older persons  
834 exemption and the housing facility gives such a person a written certification stating the  
835 compliance of the facility with the requirements for the housing for older persons.

836 **Section 15-63 Limitations and Exceptions – Public Accommodations.**

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

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

839 2) A religious organization, association or society or any nonprofit institution or organization  
840 operating, supervised or controlled by or in conjunction with a religious organization,  
841 association or society from limiting facilities and accommodations, which it owns or  
842 operates, for other than a commercial purpose, to persons of the same religion or from  
843 giving preference to such persons; and,

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

845 **Section 15-64 Limitations and Exceptions – Physical Disability.**

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

849 **Section 15-65 Applicability.**

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

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

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

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

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

860 **Section 15-68 Severability.**

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

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

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

870 **Section 15-70 Captions.**

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

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

874 The Ordinance shall be known and cited as the Palm Beach County Housing and Places of



875 Public Accommodation Ordinance.

876 **Section 15-72 Effective Date:** The provisions of this ordinance shall become effective upon  
877 filing with the Department of State.

878

879

880

881

882

883

884

885

886

887

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

890 **CLERK AND COMPTROLLER PALM BEACH COUNTY, FLORIDA, BY ITS**  
891 **BOARD OF COUNTY COMMISSIONERS**

892 **By:** \_\_\_\_\_ **By:** \_\_\_\_\_  
893 **Sharon R. Bock** **Melissa McKinlay Mack Bernard, Mayor**  
894

895  
896 **APPROVED AS TO FORM AND**  
897 **LEGAL SUFFICIENCY**

898 **By:** \_\_\_\_\_  
899 **County Attorney**

900 **EFFECTIVE DATE: Filed with the Department of State on the \_\_\_\_ day of**  
901 **\_\_\_\_\_, 20\_\_\_\_.**

902 G:\WPDATA\ENVIR\Dottey\OEO\Fair Housing\Ordinance Revision\8\_Ord 2019 (02.12.19 Tracking).Docx