

1 Introduced by Council Member Bowman and Co-Sponsored by Council
2 Members Cumber, Carlucci, Morgan, Priestly Jackson, Hazouri, Diamond,
3 Pittman and Substituted by the Neighborhoods, Community Services,
4 Public Health & Safety Committee:
5
6

7 **ORDINANCE 2020-244-E**

8 AN ORDINANCE CONCERNING EQUAL OPPORTUNITY AND
9 EXPANDING THE CITY'S EQUAL RIGHTS LAWS TO
10 PROHIBIT DISCRIMINATION BASED UPON SEXUAL
11 ORIENTATION OR GENDER IDENTITY; AMENDING SECTION
12 60.105 (FUNCTIONS, POWERS AND DUTIES), *ORDINANCE*
13 *CODE*; AMENDING CHAPTER 400 (EQUAL
14 OPPORTUNITY/EQUAL ACCESS), SECTION 400.101
15 (STATEMENT OF POLICY) AND SECTION 400.301
16 (NATURE OF COMPLAINTS), *ORDINANCE CODE*, TO
17 INCLUDE SEXUAL ORIENTATION AND GENDER IDENTITY;
18 AMENDING CHAPTER 402 (EQUAL EMPLOYMENT
19 OPPORTUNITY), *ORDINANCE CODE*; AMENDING CHAPTER
20 406 (PUBLIC ACCOMMODATIONS), *ORDINANCE CODE*;
21 AMENDING CHAPTER 408 (FAIR HOUSING), *ORDINANCE*
22 *CODE*; AMENDING SECTIONS 402.209, 406.302 AND
23 408.202 TO PROVIDE FOR EXEMPTION FOR RELIGIOUS
24 ORGANZATIONS AND TO PROVIDE FOR SINGLE-SEX
25 FACILITIES AND DRESS CODES; AMENDING SECTIONS
26 402.401, 402.402, 406.403(E), AND 408.801(G),
27 *ORDINANCE CODE*, TO ELIMINATE IMPRISONMENT AS A
28 PENALTY; PROVIDING FOR INTERPRETATION;
29 PROVIDING AN EFFECTIVE DATE.
30

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

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

4 **CHAPTER 60. HUMAN RIGHTS COMMISSION.**

5 **PART 1. IN GENERAL.**

6 * * *

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

8 The Commission shall promote and encourage fair treatment and
9 equal opportunity for all persons regardless of race, color, religion,
10 sex, sexual orientation, gender identity, national origin, age,
11 disability, marital or familial status; and shall promote mutual
12 understanding and respect among all economic, social, racial,
13 religious and ethnic groups and shall endeavor to eliminate
14 discrimination against, and antagonism between, religious, racial and
15 ethnic groups and their members. In performing its functions, the
16 Commission shall have the following powers and duties:

17 * * *

18 **Section 2. Amending Chapter 400 (Equal Opportunity/Equal**
19 **Access), Ordinance Code.** Chapter 400 (Equal Opportunity/Equal
20 Access), *Ordinance Code*, is hereby amended to read as follows:

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

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

23 **Sec. 400.101. Statement of policy.**

24 (a) *Employment.* The Council hereby declares it to be the policy
25 of the City that personnel shall be employed, compensated, promoted,
26 transferred, or disciplined without regard to race, color, religion,
27 political affiliation, gender, sexual orientation, gender identity,
28 national origin, disability, age, marital status, or any
29 circumstances other than merit and qualification.

30 * * *

31 **PART 3. RESOLVING COMPLAINTS OF DISCRIMINATION.**

1 **Sec. 400.301. Nature of Complaints.**

2 A complaint may be filed by an employee/candidate/applicant
3 alleging discrimination based on race, color, religion, political
4 affiliation, gender, sexual orientation, gender identity, national
5 origin, disability, age, or marital status. Discrimination is defined
6 as the loss of job-L status, benefits or opportunities, or the
7 creation or existence of a hostile work environment for reasons that
8 are made unlawful by local, state, or federal law. Complainants and
9 their representatives, witnesses, and all other individuals involved
10 in the processing of internal Equal Opportunity/Equal Access
11 complaints shall be free from restraint, interference, coercion,
12 discrimination, or retaliation with respect to their participation.

13 **Section 3. Amending Chapter 402 (Equal Employment**
14 **Opportunity), Ordinance Code.** Chapter 402 (Equal Employment
15 Opportunity), *Ordinance Code*, is hereby amended to read as follows:

16 **CHAPTER 402. EQUAL EMPLOYMENT OPPORTUNITY.**

17 **PART 1. GENERAL PROVISIONS.**

18 * * *

19 **Sec. 402.102. Legislative findings.**

20 The City finds and declares that:

21 (a) The right of equal opportunity of access to employment and
22 the right of fair treatment by employers without discrimination on
23 the basis of race, color, religion, national origin, sex, sexual
24 orientation, gender identity, marital status, age and disability are
25 civil rights guaranteed by the United States Constitution and
26 implemented and enforced by federal law and by the laws of the state.

27 * * *

28 **Sec. 402.107. Definitions.**

29 In this Chapter, unless the context otherwise requires:

30 * * *

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

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

5 (2) Any of the unlawful employment practices hereinafter
6 enumerated.

7 (3) An unlawful separation, segregation or distinction
8 directly or indirectly against a person because of race, color,
9 religion, national origin, sex, sexual orientation, gender
10 identity, or disability.

11 * * *

12 (n) Gender identity shall mean the gender-related identity,
13 appearance, or expression of a person. Gender identity may
14 be demonstrated by a person's consistent and uniform
15 assertion of a particular gender identity, appearance or
16 expression, or by any other evidence that a person's gender
17 identity is sincerely held, provided, however, that gender
18 identity shall not be asserted for any improper, illegal
19 or criminal purpose.

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

21 * * *

22 (p)~~(e)~~ Reasonable accommodation may include:

23 * * *

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

25 * * *

26 (r) Religious Organization shall mean and include churches,
27 synagogues, mosques, and schools of religious instruction
28 and non-profit institutions or organizations affiliated
29 therewith, as well as any "religious corporation,
30 association or society." The phrase "religious
31 corporation, association or society" shall be interpreted

1 consistent with Section 2000e-(1)(a), United States Code.

2 (s) Sexual orientation shall mean an individual's actual or
3 perceived orientation as heterosexual, homosexual, or
4 bisexual.

5 ~~(t)(g)~~ Substantially limits: The term *substantially limits*
6 means:

7 * * *

8 ~~(u)(R)~~ Training program means any plan containing terms and
9 conditions for qualification, recruitment, selection, employment,
10 training of employees to:

11 * * *

12 ~~(v)(s)~~ Undue hardship:

13 * * *

14 **PART 2. DISCRIMINATION IN EMPLOYMENT.**

15 **Sec. 402.201. Employees.**

16 Except as provided in Section 402.208, it is an unlawful
17 employment practice for an employer:

18 (a) To fail or refuse to hire, to discharge or otherwise to
19 discriminate against an individual with respect to compensation or
20 the terms, conditions or privileges of employment because of race,
21 color, religion, sex, sexual orientation, gender identity, marital
22 status, national origin, age or disability.

23 (b) To limit, segregate or classify employees or applicants in
24 a way which would deprive or tend to deprive an individual of
25 employment opportunities or otherwise adversely affect the status of
26 an employee or applicant because of race, color, religion, sex, sexual
27 orientation, gender identity, marital status, national origin, age
28 or disability.

29 * * *

30 **Sec. 402.202. Employment agencies.**

31 Except as provided in Section 402.208, it is an unlawful

1 employment practice for an employment agency:

2 (a) To fail or refuse to refer for employment or otherwise to
3 discriminate against an individual because of race, color, religion,
4 sex, sexual orientation, gender identity, marital status, national
5 origin, age or disability.

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

9 **Sec. 402.203. Labor organizations.**

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

12 (a) To exclude or to expel from membership or otherwise to
13 discriminate against a member or applicant for membership because of
14 race, color, religion, sex, sexual orientation, gender identity,
15 marital status, national origin, age or disability.

16 (b) To limit, segregate or classify its membership or
17 applicants for membership or to classify or fail or refuse to refer
18 for employment an individual otherwise qualified for membership in a
19 way which would:

20 (1) Deprive an individual of employment opportunities; or

21 (2) Limit the employment opportunities or otherwise
22 adversely affect the status of an employee or of an applicant
23 for employment;

24 Because of race, color, religion, national origin, sex, sexual
25 orientation, gender identity, marital status, age or disability.

26 * * *

27 **Sec. 402.204. Training programs.**

28 Except as provided in Section 402.208, it is an unlawful
29 employment practice for an employer, labor organization or joint
30 labor-management committee controlling apprenticeship or other
31 training or retraining, including on-the-job training, programs to

1 discriminate against an individual because of race, color, religion,
2 sex, sexual orientation, gender identity, marital status, national
3 origin, age or disability in admission to or employment in a program
4 established to provide apprenticeship or other training.

5 * * *

6 **Sec. 402.206. Other discriminatory practices.**

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

12 * * *

13 (c) Relating to admission to or employment in a program
14 established to provide apprenticeship or other training by the joint
15 labor-management committee;

16 Indicating in any of these areas a preference, limitation,
17 specification or discrimination based on race, color, religion, sex,
18 sexual orientation, gender identity, national origin, age, or
19 disability; provided, that a notice or advertisement may indicate a
20 preference, limitation, specification or discrimination based on
21 religion, sex, sexual orientation, gender identity, marital status
22 or national origin when the factor or qualification is a *bona fide*
23 occupational qualification for employment.

24 * * *

25 **Sec. 402.209. - Limitations and exemptions.**

26 (a) This Part 2 does not apply to: A religious organization,
27 as defined by this Chapter, corporation, association or
28 society with respect to the employment of individuals of
29 a particular religion to perform work connected with the
30 carrying on by the corporation, association or society
31 religious organization of its religious activities.

1 (b) Nothing herein shall prohibit an employer from providing
2 single-sex restrooms, locker rooms, shower facilities,
3 bath houses, health spas, dormitories, lodging facilities
4 and similar facilities that are by their nature distinctly
5 private for its employees.

6 (c) Nothing herein shall prohibit an employer from establishing
7 and enforcing a dress code for its employees, provided that
8 such dress code shall not be based upon sex stereotypes.

9 (d) With regard to discrimination based on sexual orientation
10 or gender identity, this Part 2 shall not apply with regard
11 to any action of, or decision made by, a religious
12 organization as defined in this Chapter.

13 **Sec. 402.210: Exceptions.**

14 It is not an unlawful employment practice:

15 (a) For an employer to hire and employ an employee, for an
16 employment agency to classify or refer for employment an individual,
17 for a labor organization to classify its membership or to classify
18 or to refer for employment an individual or for an employer, labor
19 organization or joint labor-management committee controlling
20 apprenticeship or other training or retraining programs to admit or
21 employ an individual in the program on the basis of religion, sex,
22 sexual orientation, gender identity, marital status, national origin,
23 age or disability where religion, sex, sexual orientation, gender
24 identity, marital status, national origin, age or disability is a
25 *bona fide* occupational qualification reasonably necessary to the
26 normal operation of that particular business enterprise.

27 * * *

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

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

31 (a) To apply different standards of compensation or different

1 terms, conditions or privileges of employment pursuant to a *bona fide*
2 seniority or merit system or a system which measures earning by
3 quantity or quality or production or to employees who work in
4 different locations, if the differences are not the result of an
5 intention to discriminate because of race, color, religion, sex,
6 sexual orientation, gender identity, marital status, national origin,
7 age or disability.

8 (b) To give and act upon the results of a professionally
9 developed ability test if the test, its administration or action upon
10 the results is not designed, intended or used to discriminate because
11 of race, color, religion, sex, sexual orientation, gender identity,
12 marital status, national origin, age or disability.

13 * * *

14 **Section 4. Amending Chapter 406 (Public Accommodations),**
15 **Ordinance Code.** Chapter 406 (Public Accommodations), *Ordinance Code,*
16 is hereby amended to read as follows:

17 **CHAPTER 406. PUBLIC ACCOMMODATIONS.**

18 **PART 1. GENERAL PROVISIONS.**

19 * * *

20 **Sec. 406.102. Declaration of policy.**

21 The City declares it to be the policy of the City to provide,
22 within the limits of the Constitution of the United States, access
23 to public accommodations for all people within the City. The
24 availability of access to public accommodations without
25 discrimination on the basis of race, color, religion, ancestry, to
26 national origin, age, sex, sexual orientation, gender identity,
27 pregnancy, disability, marital status, or familial status is a matter
28 of concern to the people of Jacksonville and more particularly of
29 concern to the City in providing for the health, welfare, safety and
30 morals of the people of Jacksonville.

31 * * *

1 **Sec. 406.104. Definitions.**

2 In this Chapter, unless the context otherwise requires:

3 * * *

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

5 (1) A difference in treatment because of race, color,
6 religion, ancestry, national origin, age, sex, sexual
7 orientation, gender identity, pregnancy, disability, marital
8 status, or familial status, where the difference is not
9 justified by business necessity or is not a bona fide
10 qualification.

11 (2) Any of the discriminatory practices hereinafter
12 enumerated.

13 (3) An unlawful separation, segregation or distinction
14 directly or indirectly against a person because of race, color,
15 religion, ancestry, national origin, age, sex, sexual
16 orientation, gender identity, pregnancy, disability, marital
17 status, or familial status.

18 (h) Gender identity shall mean the gender-related identity,
19 appearance, or expression of a person. Gender identity may
20 be demonstrated by a person's consistent and uniform
21 assertion of a particular gender identity, appearance or
22 expression, or by any other evidence that a person's gender
23 identity is sincerely held, provided, however, that gender
24 identity shall not be asserted for any improper, illegal
25 or criminal purpose.

26 (i) ~~(h)~~ *Mediation* means the attempted resolution of issues raised
27 by a complaint or by the investigation of the complaint
28 through informal negotiations involving the complainant,
29 respondent, and the Commission.

30 (j) ~~(i)~~ *Probable Cause Panel* is defined as a three- to five-
31 person panel composed of the members from the Public

1 Accommodations Subcommittee of the Commission appointed to
2 make findings related to probable cause upon the completion
3 of the investigation of a duly filed complaint.

4 (k) Religious Organization shall mean and include churches,
5 synagogues, mosques, and schools of religious instruction
6 and non-profit institutions or organizations affiliated
7 therewith, as well as any "religious corporation,
8 association or society." The phrase "religious
9 corporation, association or society" shall be interpreted
10 consistent with Section 2000e-(1) (a), United States Code.

11 (l)-(j) Respondent means any entity whom has been charged with
12 a violation of this chapter and who meets the requirements
13 under this chapter as one who provides public
14 accommodation.

15 (m)-(k) Settlement agreement means a written agreement setting
16 forth the resolution of the issues in mediation.

17 (n) Sexual orientation shall mean an individual's actual or
18 perceived orientation as heterosexual, homosexual, or
19 bisexual.

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

21 * * *

22 **Sec. 406.201. Unlawful practice.**

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

27 * * *

28 **PART 3. PLACES OF PUBLIC ACCOMMODATION ENUMERATED.**

29 * * *

30 **Sec. 406.302. - Limitations and exemptions.**

31 The following limitations and exemptions shall apply:

1 (a) The provision of this Chapter shall not apply to a private club
2 or other establishments not in fact open to the public, except
3 to the extent that the facilities of such establishments are
4 made available to the customers or patrons of such an
5 establishment.

6 (b) Nothing in this Chapter shall prohibit a religious
7 organization, as defined in this Chapter ~~association or~~
8 ~~society, or any nonprofit institution or organization,~~
9 ~~operating, supervised or controlled by or in conjunction with~~
10 ~~a religious organization, association or society,~~ from limiting
11 facilities and accommodations which it owns or operates for
12 other than commercial purpose to persons of the same religion,
13 or from giving preference to such persons;

14 (c) Nothing in this Chapter shall prohibit the limiting of the use
15 of kindergartens, nurseries, day care centers, theaters and
16 movie theaters to persons of a particular age group.

17 (d) Nothing herein shall prohibit a business or place of public
18 accommodation from providing single-sex restrooms, locker
19 rooms, shower facilities, bath houses, health spas,
20 dormitories, lodging facilities and similar facilities that are
21 by their nature distinctly private.

22 (e) Nothing herein shall prohibit a business or place of
23 accommodation from establishing and enforcing a dress code for
24 its employees, provided that such dress code shall not be based
25 upon sex stereotypes.

26 (f) With regard to discrimination based on sexual orientation or
27 gender identity, this Part 3 shall not apply with regard to any
28 action of, or decision made by, a religious organization as
29 defined in this Chapter.

30 **Section 5. Amending Chapter 408 (Fair Housing), Ordinance**
31 **Code.** Chapter 408 (Fair Housing), *Ordinance Code*, is hereby amended

1 to read as follows:

2 **CHAPTER 408. FAIR HOUSING.**

3 **PART 1. GENERAL PROVISIONS.**

4 * * *

5 **Sec. 408.102. Declaration of policy.**

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

15 * * *

16 **Sec. 408.105. Definitions.**

17 In this Chapter, unless the context otherwise requires:

18 * * *

19 (1) Gender identity shall mean the gender-related identity,
20 appearance, or expression of a person. Gender identity may be
21 demonstrated by a person's consistent and uniform assertion of a
22 particular gender identity, appearance or expression, or by any other
23 evidence that a person's gender identity is sincerely held, provided,
24 however, that gender identity shall not be asserted for any improper,
25 illegal or criminal purpose.

26 (m) ~~(l)~~ General counsel means the General Counsel of the City
27 of Jacksonville.

28 (n) ~~(m)~~ Handicap means a mental or physical impairment that
29 substantially limits at least one major life activity, a record of
30 such impairment, or being regarded as having such an impairment. The
31 term does not include current, illegal use of or addiction to a

1 controlled substance (as defined in Section 102 of the Controlled
2 Substances Act (21 U.S.C. 802)). In this Part, a reference to "an
3 individual with a handicap" or to "handicap" does not apply to an
4 individual because that individual is a transvestite.

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

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

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

18 ~~(r)(e)~~ *Real estate salesperson* includes:

19 * * *

20 (s) Religious Organization shall mean and include churches,
21 synagogues, mosques, and schools of religious instruction and non-
22 profit institutions or organizations affiliated therewith, as well
23 as any "religious corporation, association or society." The phrase
24 "religious corporation, association or society" shall be interpreted
25 consistent with Section 2000e-(1)(a), United States Code.

26 ~~(t)(r)~~ *To rent* includes to lease, to sublease, to let and
27 otherwise to grant for a consideration the right to occupy premises
28 not owned by the occupant.

29 ~~(u)(s)~~ *Respondent* means:

30 * * *

31 (v) Sexual orientation shall mean an individual's actual or

1 perceived orientation as heterosexual, homosexual, or bisexual.

2 * * *

3 **PART 2. FAIR HOUSING**

4 * * *

5 **Sec. 408.202. - Religious organization and private club**
6 **exemption.**

7 (a) This Part does not prohibit a religious organization, as defined
8 in this Chapter ~~association, or society, or a nonprofit~~
9 ~~institution or organization operated, supervised, or controlled~~
10 ~~by or in conjunction with a religious organization, association,~~
11 ~~or society, from:~~

12 (1) Limiting the sale, rental, or occupancy of dwellings that it
13 owns or operates for other than a commercial purpose to persons
14 of the same religion, unless membership in the religion is
15 restricted on account of race, color, or national origin; or

16 (2) Giving preference to persons of the same religion, unless
17 membership in the religion is restricted because of race,
18 color, or national origin.

19 (b) With regard to discrimination based on sexual orientation or
20 gender identity, this Chapter shall not apply with regard to any
21 action of, or decision made by, a religious organization as defined
22 in this Chapter.

23 (c) This Part does not prohibit a private club not open to the public
24 that, as an incident to its primary purpose, provides lodging that
25 it owns or operates for other than a commercial purpose from
26 limiting the rental or occupancy of that lodging to its members
27 or from giving preference to its members.

28 * * *

29 **Sec. 408.204. Appraisal exemption.**

30 This Part does not prohibit a person engaged in the business of
31 furnishing appraisals of real property from taking into consideration

1 factors other than race, color, religion, sex, sexual orientation,
2 gender identity, handicap, familial status, or national origin.

3 * * *

4 **PART 4. DISCRIMINATION PROHIBITED.**

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

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

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

16 * * *

17 **Sec. 408.402. Publication.**

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

25 **Sec. 408.403. Falsely representing availability.**

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

31 **Sec. 408.404. Entry into neighborhood.**

1 A person may not, for profit, induce or attempt to induce a
2 person to sell or rent a dwelling by representations regarding the
3 entry or prospective entry into a neighborhood of a person of a
4 particular race, color, religion, sex, sexual orientation, gender
5 identity, handicap, familial status, or national origin.

6 * * *

7 **Sec. 408.406. Residential real estate related transaction.**

8 (a) A person whose business includes engaging in residential
9 real estate related transactions may not discriminate against a person
10 in making a real estate related transaction available or in the terms
11 or conditions of a real estate related transaction because of race,
12 color, religion, sex, sexual orientation, gender identity, handicap,
13 familial status, or national origin.

14 * * *

15 **Sec. 408.407. Brokerage services.**

16 A person may not deny any person access to, or membership or
17 participation in, a multiple-listing service, real estate brokers'
18 organization or other service, organization, or facility relating to
19 the business of selling or renting dwellings, or discriminate against
20 a person in the terms or conditions of access, membership, or
21 participation, on the basis of race, color, religion, national origin,
22 sex, sexual orientation, gender identity, familial status, or
23 handicap.

24 **Section 6. Amending Chapter 402 (Equal Employment**
25 **Opportunity), Part 4 (Penalties), Ordinance Code.** Chapter 402 (Equal
26 Employment Opportunity), Part 4 (Penalties), *Ordinance Code*, is
27 hereby amended to read as follows:

28 **CHAPTER 402. EQUAL EMPLOYMENT OPPORTUNITY**

29 * * *

30 **PART 4. PENALTIES**

31 **Sec. 402.401. Violations; penalty.**

1 A person who, knowingly and willfully:

2 * * *

3 Shall, upon conviction thereof, be punished by fine not to exceed
4 \$500 ~~or by imprisonment for not exceeding 90 days, or by both a~~
5 ~~fine and imprisonment.~~

6 **Sec. 402.402. Malicious complaints.**

7 A person who files or procures the filing of a complaint with
8 the Commission alleging one or more unlawful employment practices
9 when, at the time of filing the complaint, the person knew or
10 reasonably should have known that the complaint was false and the
11 person filed or procured the filing of the complaint maliciously or
12 with intent to disrupt the business operations of the person against
13 whom the complaint was filed shall, upon conviction thereof, be
14 punished by a fine not to exceed \$500 ~~or by imprisonment not to exceed~~
15 ~~90 days, or by both a fine and imprisonment.~~

16 * * *

17 **Section 7. Amending Chapter 406 (Public Accommodations),**
18 **Part 4 (Procedures for public accommodations complaint), Ordinance**
19 **Code.** Chapter 406 (Public Accommodations), Part 4 (Procedures for
20 public accommodations complaint), *Ordinance Code*, is hereby amended
21 to read as follows:

22 **CHAPTER 406. PUBLIC ACCOMMODATIONS**

23 * * *

24 **PART 4. PROCEDURES FOR PUBLIC ACCOMMODATIONS COMPLAINT**

25 * * *

26 **Sec. 406.403. Subpoenas.**

27 In support of the above, the following procedures shall apply:

28 * * *

29 (e) Any person who, with intent thereby to mislead the Commission
30 or the Director, makes or causes to be made any false entry or
31 statement of fact in any report, account, record or other

1 document submitted to the Commission pursuant to its subpoena
2 or other order, or shall willfully neglect or fail to make or
3 cause to be made full, true and correct entries in such reports,
4 accounts, records or other documents, or shall willfully
5 mutilate, alter, or by any other means falsify any documentary
6 evidence, may be fined by the County Court of Duval County, not
7 more than \$500 ~~or imprisoned not more than 60 days or both.~~

8 * * *

9 **Section 8. Amending Chapter 408 (Fair Housing), Part 8**
10 **(Penalties), Ordinance Code.** Chapter 408 (Fair Housing), Part 8
11 (Penalties), *Ordinance Code*, is hereby amended to read as follows:

12 **CHAPTER 408. FAIR HOUSING**

13 * * *

14 **PART 8. PENALTIES**

15 **Sec. 408.801. Violations; penalty.**

16 A person who, knowingly and willfully:

17 * * *

18 (g) ~~Shall, upon conviction thereof, be punished by a fine not to~~
19 ~~exceed \$500 or by imprisonment for not exceeding 90 days, or by~~
20 ~~both a fine and imprisonment. A conviction based upon a violation~~
21 ~~order under this Section shall be a bar to further prosecutions~~
22 ~~for alleged violations arising out of substantially the same~~
23 ~~circumstances.~~

24 * * *

25 **Section 9. Interpretation.**

26 Any ordinance or Charter provision or part of any Ordinance or
27 Charter provision in conflict with the provisions hereof is repealed
28 to the extent of the conflict. Should any part of this Ordinance
29 2020-244-E be held invalid by a court of competent jurisdiction, the
30 remainder of this Ordinance 2020-244-E shall continue in full force
31 and effect and it shall be presumed that this Ordinance 2020-244-E

1 was enacted without the invalid provision.

2 **Section 10. Effective Date.** This ordinance shall become
3 effective upon signature by the Mayor or upon becoming effective
4 without the Mayor's signature.

5
6 Form Approved:

7
8 
9 Office of General Counsel

10 Legislation Prepared by: Margaret M. Sidman

11 GC-#1369578-v1-2020-244-E.docx

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ORDINANCE 2020-244-E

CERTIFICATE OF AUTHENTICATION

ENACTED BY THE COUNCIL

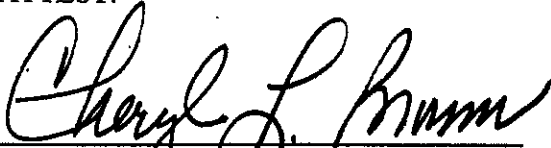
June 9, 2020



SCOTT WILSON
COUNCIL PRESIDENT

JUN 11 2020

ATTEST:



DR. CHERYL L. BROWN
COUNCIL SECRETARY

APPROVED: _____



LENNY CURRY, MAYOR

