

1 Introduced by Council Member Bowman and Co-Sponsored by Council
2 Members Cumber, Carlucci, Morgan, Priestly Jackson, Hazouri,
3 Diamond, Pittman and Substituted by the Neighborhoods, Community
4 Services, 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
12 SECTION 60.105 (FUNCTIONS, POWERS AND DUTIES),
13 *ORDINANCE 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
18 IDENTITY; AMENDING CHAPTER 402 (EQUAL
19 EMPLOYMENT OPPORTUNITY), *ORDINANCE CODE*;
20 AMENDING CHAPTER 406 (PUBLIC ACCOMMODATIONS),
21 *ORDINANCE CODE*; AMENDING CHAPTER 408 (FAIR
22 HOUSING), *ORDINANCE CODE*; AMENDING SECTIONS
23 402.209, 406.302 AND 408.202 TO PROVIDE FOR
24 EXEMPTION FOR RELIGIOUS ORGANZATIONS AND TO
25 PROVIDE FOR SINGLE-SEX FACILITIES AND DRESS
26 CODES; AMENDING SECTIONS 402.401, 402.402,
27 406.403 (E), AND 408.801 (G), *ORDINANCE CODE*, TO
28 ELIMINATE IMPRISONMENT AS A PENALTY; PROVIDING
29 FOR INTERPRETATION; PROVIDING AN EFFECTIVE
30 DATE.

1
2 **BE IT ORDAINED** by the Council of the City of Jacksonville:

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

6 **CHAPTER 60. HUMAN RIGHTS COMMISSION.**

7 **PART 1. IN GENERAL.**

8 * * *

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

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

20 * * *

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

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

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

26 **Sec. 400.101. Statement of policy.**

27 (a) *Employment.* The Council hereby declares it to be the
28 policy of the City that personnel shall be employed, compensated,
29 promoted, transferred, or disciplined without regard to race,
30 color, religion, political affiliation, gender, sexual orientation,
31 gender identity, national origin, disability, age, marital status,

1 or any circumstances other than merit and qualification.

2 * * *

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

4 **Sec. 400.301. Nature of Complaints.**

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

17 **Section 3. Amending Chapter 402 (Equal Employment**
18 **Opportunity), Ordinance Code.** Chapter 402 (Equal Employment
19 Opportunity), *Ordinance Code*, is hereby amended to read as follows:

20 **CHAPTER 402. EQUAL EMPLOYMENT OPPORTUNITY.**

21 **PART 1. GENERAL PROVISIONS.**

22 * * *

23 **Sec. 402.102. Legislative findings.**

24 The City finds and declares that:

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

* * *

Sec. 402.107. Definitions.

In this Chapter, unless the context otherwise requires:

* * *

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

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

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

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

* * *

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

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

* * *

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

* * *

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

* * *

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

8 (s)Sexual orientation shall mean an individual's actual or
9 perceived orientation as heterosexual, homosexual, or
10 bisexual.

11 (t)-(q) Substantially limits: The term *substantially limits*
12 means:

13 * * *

14 (u)-(R) Training program means any plan containing terms and
15 conditions for qualification, recruitment, selection, employment,
16 training of employees to:

17 * * *

18 (v)-(s) Undue hardship:

19 * * *

20 **PART 2. DISCRIMINATION IN EMPLOYMENT.**

21 **Sec. 402.201. Employees.**

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

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

29 (b) To limit, segregate or classify employees or applicants
30 in a way which would deprive or tend to deprive an individual of
31 employment opportunities or otherwise adversely affect the status

1 of an employee or applicant because of race, color, religion, sex,
2 sexual orientation, gender identity, marital status, national
3 origin, age or disability.

4 * * *

5 **Sec. 402.202. Employment agencies.**

6 Except as provided in Section 402.208, it is an unlawful
7 employment practice for an employment agency:

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

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

15 **Sec. 402.203. Labor organizations.**

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

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

22 (b) To limit, segregate or classify its membership or
23 applicants for membership or to classify or fail or refuse to refer
24 for employment an individual otherwise qualified for membership in
25 a way which would:

26 (1) Deprive an individual of employment opportunities;

27 or

28 (2) Limit the employment opportunities or otherwise
29 adversely affect the status of an employee or of an applicant
30 for employment;

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

3 * * *

4 **Sec. 402.204. Training programs.**

5 Except as provided in Section 402.208, it is an unlawful
6 employment practice for an employer, labor organization or joint
7 labor-management committee controlling apprenticeship or other
8 training or retraining, including on-the-job training, programs to
9 discriminate against an individual because of race, color,
10 religion, sex, sexual orientation, gender identity, marital status,
11 national origin, age or disability in admission to or employment in
12 a program established to provide apprenticeship or other training.

13 * * *

14 **Sec. 402.206. Other discriminatory practices.**

15 It is an unlawful employment practice for an employer, labor
16 organization, employment agency or joint labor-management committee
17 controlling apprenticeship or other training or retraining,
18 including on-the-job training, programs to print or publish or
19 cause to be printed or published a notice or advertisement:

20 * * *

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

24 Indicating in any of these areas a preference, limitation,
25 specification or discrimination based on race, color, religion,
26 sex, sexual orientation, gender identity, national origin, age, or
27 disability; provided, that a notice or advertisement may indicate a
28 preference, limitation, specification or discrimination based on
29 religion, sex, sexual orientation, gender identity, marital status
30 or national origin when the factor or qualification is a *bona fide*
31 occupational qualification for employment.

* * *

Sec. 402.209. - Limitations and exemptions.

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

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

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

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

Sec. 402.210. Exceptions.

It is not an unlawful employment practice:

(a) For an employer to hire and employ an employee, for an employment agency to classify or refer for employment an individual, for a labor organization to classify its membership or to classify or to refer for employment an individual or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ an individual in the program on the basis of religion, sex, sexual orientation, gender identity, marital status,

1 national origin, age or disability where religion, sex, sexual
2 orientation, gender identity, marital status, national origin, age
3 or disability is a *bona fide* occupational qualification reasonably
4 necessary to the normal operation of that particular business
5 enterprise.

6 * * *

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

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

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

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

23 * * *

24 **Section 4. Amending Chapter 406 (Public Accommodations),**
25 **Ordinance Code.** Chapter 406 (Public Accommodations), *Ordinance*
26 *Code,* is hereby amended to read as follows:

27 **CHAPTER 406. PUBLIC ACCOMMODATIONS.**

28 **PART 1. GENERAL PROVISIONS.**

29 * * *

30 **Sec. 406.102. Declaration of policy.**

31 The City declares it to be the policy of the City to provide,

1 within the limits of the Constitution of the United States, access
2 to public accommodations for all people within the City. The
3 availability of access to public accommodations without
4 discrimination on the basis of race, color, religion, ancestry, to
5 national origin, age, sex, sexual orientation, gender identity,
6 pregnancy, disability, marital status, or familial status is a
7 matter of concern to the people of Jacksonville and more
8 particularly of concern to the City in providing for the health,
9 welfare, safety and morals of the people of Jacksonville.

10 * * *

11 **Sec. 406.104. Definitions.**

12 In this Chapter, unless the context otherwise requires:

13 * * *

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

15 (1) A difference in treatment because of race, color,
16 religion, ancestry, national origin, age, sex, sexual
17 orientation, gender identity, pregnancy, disability, marital
18 status, or familial status, where the difference is not
19 justified by business necessity or is not a bona fide
20 qualification.

21 (2) Any of the discriminatory practices hereinafter
22 enumerated.

23 (3) An unlawful separation, segregation or distinction
24 directly or indirectly against a person because of race,
25 color, religion, ancestry, national origin, age, sex, sexual
26 orientation, gender identity, pregnancy, disability, marital
27 status, or familial status.

28 (h) Gender identity shall mean the gender-related identity,
29 appearance, or expression of a person. Gender identity
30 may be demonstrated by a person's consistent and uniform
31 assertion of a particular gender identity, appearance or

1 expression, or by any other evidence that a person's
2 gender identity is sincerely held, provided, however,
3 that gender identity shall not be asserted for any
4 improper, illegal or criminal purpose.

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

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

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

22 (l)~~(j)~~ *Respondent* means any entity whom has been charged with
23 a violation of this chapter and who meets the
24 requirements under this chapter as one who provides
25 public accommodation.

26 (m)~~(k)~~ *Settlement agreement* means a written agreement setting
27 forth the resolution of the issues in mediation.

28 (n) *Sexual orientation* shall mean an individual's actual or
29 perceived orientation as heterosexual, homosexual, or
30 bisexual.

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

* * *

Sec. 406.201. Unlawful practice.

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

* * *

PART 3. PLACES OF PUBLIC ACCOMMODATION ENUMERATED.

* * *

Sec. 406.302. - Limitations and exemptions.

The following limitations and exemptions shall apply:

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

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

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

(d) Nothing herein shall prohibit a business or place of public accommodation from providing single-sex restrooms, locker rooms, shower facilities, bath houses, health spas,

dormitories, lodging facilities and similar facilities that are by their nature distinctly private.

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

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

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

CHAPTER 408. FAIR HOUSING.

PART 1. GENERAL PROVISIONS.

* * *

Sec. 408.102. Declaration of policy.

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

* * *

Sec. 408.105. Definitions.

In this Chapter, unless the context otherwise requires:

* * *

(1) Gender identity shall mean the gender-related identity,

1 appearance, or expression of a person. Gender identity may be
2 demonstrated by a person's consistent and uniform assertion of a
3 particular gender identity, appearance or expression, or by any
4 other evidence that a person's gender identity is sincerely held,
5 provided, however, that gender identity shall not be asserted for
6 any improper, illegal or criminal purpose.

7 (m)~~(l)~~ *General counsel* means the General Counsel of the City
8 of Jacksonville.

9 (n)~~(m)~~ *Handicap* means a mental or physical impairment that
10 substantially limits at least one major life activity, a record of
11 such impairment, or being regarded as having such an impairment.
12 The term does not include current, illegal use of or addiction to a
13 controlled substance (as defined in Section 102 of the Controlled
14 Substances Act (21 U.S.C. 802)). In this Part, a reference to "an
15 individual with a handicap" or to "handicap" does not apply to an
16 individual because that individual is a transvestite.

17 (o)~~(n)~~ *Housing facility* means and includes any building,
18 structure or portion thereof which is occupied as, or designed or
19 intended for occupancy as the home, living quarters or residence of
20 one or more families, and any vacant land which is offered for sale
21 or lease for the construction or location thereof of any such
22 building, structure or portion thereof.

23 (p)~~(o)~~ *Person* includes one or more individuals, corporations,
24 partnerships, associations, labor organizations, legal
25 representatives, mutual companies, joint-stock companies, trusts,
26 unincorporated organizations, trustees, trustees in cases under 11
27 U.S.C. 101 et seq. (Bankruptcy Code), receivers and fiduciaries.

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

30 (r)~~(q)~~ *Real estate salesperson* includes:

31 * * *

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

8 (t)-(r) To rent includes to lease, to sublease, to let and
9 otherwise to grant for a consideration the right to occupy premises
10 not owned by the occupant.

11 (u)-(s) Respondent means:

12 * * *

13 (v) Sexual orientation shall mean an individual's actual or
14 perceived orientation as heterosexual, homosexual, or bisexual.

15 * * *

16 **PART 2. FAIR HOUSING**

17 * * *

18 **Sec. 408.202. - Religious organization and private club**
19 **exemption.**

20 (a) This Part does not prohibit a religious organization, as defined
21 in this Chapter ~~association, or society, or a nonprofit~~
22 ~~institution or organization operated, supervised, or controlled~~
23 ~~by or in conjunction with a religious organization, association,~~
24 ~~or society,~~ from:

- 25 (1) Limiting the sale, rental, or occupancy of dwellings that it
26 owns or operates for other than a commercial purpose to
27 persons of the same religion, unless membership in the
28 religion is restricted on account of race, color, or national
29 origin; or

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

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

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

13 * * *

14 **Sec. 408.204. Appraisal exemption.**

15 This Part does not prohibit a person engaged in the business
16 of furnishing appraisals of real property from taking into
17 consideration factors other than race, color, religion, sex, sexual
18 orientation, gender identity, handicap, familial status, or
19 national origin.

20 * * *

21 **PART 4. DISCRIMINATION PROHIBITED.**

22 **Sec. 408.401. Sale or rental.**

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

28 (b) A person may not discriminate against any person in the
29 terms, conditions, or privileges of sale or rental of a dwelling,
30 or in providing services or facilities in connection with the sale
31 or rental, because of race, color, handicap, religion, sex, sexual

1 orientation, gender identity, familial status, or national origin.

2 * * *

3 **Sec. 408.402. Publication.**

4 A person may not make, print, or publish or cause to be made,
5 printed, or published any notice, statement, or advertisement with
6 respect to the sale or rental of a dwelling that indicates any
7 preference, limitation, or discrimination based on race, color,
8 religion, sex, sexual orientation, gender identity, handicap,
9 familial status, national origin, or an intention to make such a
10 preference, limitation, or discrimination.

11 **Sec. 408.403. Falsely representing availability.**

12 A person may not represent to any person because of race,
13 color, religion, sex, sexual orientation, gender identity,
14 handicap, familial status, or national origin that a dwelling is
15 not available for inspection, sale or rental when the dwelling is
16 available for inspection, sale or rent.

17 **Sec. 408.404. Entry into neighborhood.**

18 A person may not, for profit, induce or attempt to induce a
19 person to sell or rent a dwelling by representations regarding the
20 entry or prospective entry into a neighborhood of a person of a
21 particular race, color, religion, sex, sexual orientation, gender
22 identity, handicap, familial status, or national origin.

23 * * *

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

25 (a) A person whose business includes engaging in residential
26 real estate related transactions may not discriminate against a
27 person in making a real estate related transaction available or in
28 the terms or conditions of a real estate related transaction
29 because of race, color, religion, sex, sexual orientation, gender
30 identity, handicap, familial status, or national origin.

31 * * *

1 **Sec. 408.407. Brokerage services.**

2 A person may not deny any person access to, or membership or
3 participation in, a multiple-listing service, real estate brokers'
4 organization or other service, organization, or facility relating
5 to the business of selling or renting dwellings, or discriminate
6 against a person in the terms or conditions of access, membership,
7 or participation, on the basis of race, color, religion, national
8 origin, sex, sexual orientation, gender identity, familial status,
9 or handicap.

10 **Section 6. Amending Chapter 402 (Equal Employment**
11 **Opportunity), Part 4 (Penalties), Ordinance Code.** Chapter 402
12 (Equal Employment Opportunity), Part 4 (Penalties), *Ordinance Code,*
13 is hereby amended to read as follows:

14 **CHAPTER 402. EQUAL EMPLOYMENT OPPORTUNITY**

15 * * *

16 **PART 4. PENALTIES**

17 **Sec. 402.401. Violations; penalty.**

18 A person who, knowingly and willfully:

19 * * *

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

23 **Sec. 402.402. Malicious complaints.**

24 A person who files or procures the filing of a complaint with
25 the Commission alleging one or more unlawful employment practices
26 when, at the time of filing the complaint, the person knew or
27 reasonably should have known that the complaint was false and the
28 person filed or procured the filing of the complaint maliciously or
29 with intent to disrupt the business operations of the person
30 against whom the complaint was filed shall, upon conviction
31 thereof, be punished by a fine not to exceed \$500 ~~or by~~

1 ~~imprisonment not to exceed 90 days, or by both a fine and~~
2 ~~imprisonment.~~

3 * * *

4 **Section 7. Amending Chapter 406 (Public Accommodations),**
5 **Part 4 (Procedures for public accommodations complaint), Ordinance**
6 **Code.** Chapter 406 (Public Accommodations), Part 4 (Procedures for
7 public accommodations complaint), *Ordinance Code*, is hereby amended
8 to read as follows:

9 **CHAPTER 406. PUBLIC ACCOMMODATIONS**

10 * * *

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

12 * * *

13 **Sec. 406.403. Subpoenas.**

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

15 * * *

16 (e) Any person who, with intent thereby to mislead the Commission
17 or the Director, makes or causes to be made any false entry or
18 statement of fact in any report, account, record or other
19 document submitted to the Commission pursuant to its subpoena
20 or other order, or shall willfully neglect or fail to make or
21 cause to be made full, true and correct entries in such
22 reports, accounts, records or other documents, or shall
23 willfully mutilate, alter, or by any other means falsify any
24 documentary evidence, may be fined by the County Court of
25 Duval County, not more than \$500 ~~or imprisoned not more than~~
26 ~~60 days or both.~~

27 * * *

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

31 **CHAPTER 408. FAIR HOUSING**

* * *

PART 8. PENALTIES

Sec. 408.801. Violations; penalty.

A person who, knowingly and willfully:

* * *

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

* * *

Section 9. Interpretation.

Any ordinance or Charter provision or part of any Ordinance or Charter provision in conflict with the provisions hereof is repealed to the extent of the conflict. Should any part of this Ordinance 2020-244-E be held invalid by a court of competent jurisdiction, the remainder of this Ordinance 2020-244-E shall continue in full force and effect and it shall be presumed that this Ordinance 2020-244-E was enacted without the invalid provision.

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

Form Approved:

/s/ Margaret M. Sidman

Office of General Counsel

Legislation Prepared by: Margaret M. Sidman

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