

ORDINANCE NO. C-19-30

AN ORDINANCE OF THE CITY COMMISSION OF CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY CREATING CHAPTER 29, TO BE ENTITLED "HUMAN RELATIONS," TO PROHIBIT DISCRIMINATION IN EMPLOYMENT, PUBLIC ACCOMMODATIONS, REAL ESTATE TRANSACTIONS, AND AGAINST FAMILIES WITH CHILDREN IN MULTI-FAMILY RENTAL HOUSING, TO PROVIDE FOR RIGHTS AND LEGAL EFFECTS OF DOMESTIC PARTNERSHIPS, TO PROHIBIT CONVERSION THERAPY ON MINORS, PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale ("City") is committed to securing for all individuals within the City freedom from discrimination because of race, color, religion, sex, national origin, age, marital status, political affiliation, familial status, disability, sexual orientation, pregnancy, gender identity or expression, veteran or service member status, lawful source of income, or being the victim of dating violence, domestic violence, or stalking, in connection with employment, public accommodations, or real estate transactions, where applicable, and thereby to promote the interests, rights, and privileges of individuals within the City; and

WHEREAS, the City expresses support for the policies embodied in the Broward County Human Rights Act; Florida Civil Rights Act of 1992, as amended; Titles II, III, and VII of the Federal Civil Rights Act of 1964, as amended; Title VIII of the Federal Civil Rights Act of 1968, as amended; Section 504 of the Federal Rehabilitation Act of 1973, as amended; the Civil Rights Act of 1991, as amended; the Age Discrimination and Employment Act of 1967, as amended; the Americans with Disabilities Act of 1990, as amended; and other federal, state, and county anti-discrimination laws and ordinances; and

WHEREAS, the rules developed to implement the provisions of this ordinance shall be construed to accomplish the policies and purposes of the ordinance. However, this ordinance shall not be construed to supersede any federal, state, or county, laws, ordinances, or regulations, nor shall this ordinance be interpreted in a manner as to bring it into conflict with federal, state, or county laws or ordinances;

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the foregoing "Whereas" clauses are ratified and incorporated as the legislative intent of this Ordinance.

SECTION 2. That the Code of Ordinances of the City of Fort Lauderdale, Florida is amended by creating Chapter 29, entitled "Human Relations," to provide as follows:

ARTICLE I. – IN GENERAL

Sec. 29-1. – Declaration of Intent and Policy.

The general purpose and intent of this chapter is:

- (1) To express support within the City for the policies embodied in the Broward County Human Rights Act of 2011, as amended; Titles II, III, and VII of the Federal Civil Rights Act of 1964, as amended; Title VIII of the Federal Civil Rights Act of 1968, as amended; Section 504 of the Federal Rehabilitation Act of 1973, as amended; the Civil Rights Act of 1991, as amended; the Age Discrimination and Employment Act of 1967, as amended; the Americans with Disabilities Act of 1990, as amended; the Florida Civil Rights Act of 1992, as amended; and other federal, state, and county anti-discrimination laws; and
- (2) To secure for all individuals within the City freedom from discrimination because of race, color, religion, sex, national origin, age, marital status, political affiliation, familial status, disability, sexual orientation, pregnancy, gender identity or expression, veteran or service member status, lawful source of income, or being the victim of dating violence, domestic violence, or stalking, in connection with employment, housing and public accommodations, or real estate transactions, where applicable, and thereby to promote the interests, rights, and privileges of individuals within the City.

This chapter shall be liberally construed to further the general purposes stated in this chapter. The provisions of this chapter shall be construed consistent with similar federal and state statutes and Broward County ordinances.

Sec. 29-2. – Definitions.

The following words, terms and phrases, abbreviations and their derivations when used in this article, shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning:

Age means a person being at least eighteen (18) years of age.

Aggrieved person means any person who claims to have been injured by a discriminatory practice.

Auxiliary aids and services includes qualified interpreters or other effective methods of making aurally-delivered materials available to individuals with hearing impairments; qualified readers, taped texts, or other effective methods of making visually-delivered materials available to individuals with visual impairments; acquisition or modification of equipment devices; and other similar services and actions.

Disabled person means a person who has a disability.

Disability means:

- 1) With respect to an individual:
 - a. A physical or mental impairment that substantially limits one (1) or more of the major life activities of such individual;
 - b. A record of such impairment;
 - c. Being regarded as having such impairment;
 - d. Having a developmental disability as defined in Subsection 393.063 (12), Florida Statutes; or
 - e. Having human immunodeficiency virus (HIV).
- 2) However, the current illegal use of, or addiction to, any drug or federally controlled substance is not a disability.

- 3) For complaints of discrimination that allege discriminatory acts occurring on or after January 1, 2009, the definition of disability shall be construed in favor of broad coverage of individuals under the ADA Amendments Act of 2008 (ADAAA).
- 4) The term "substantially limits" shall be interpreted consistently with the findings and purposes of the ADAAA.
- 5) An impairment that substantially limits one (1) major life activity need not limit other major life activities in order to be considered a disability.
- 6) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
- 7) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; or learned behavioral or adaptive neurological modifications.
- 8) The ameliorative effects of the mitigating measures of ordinary glasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity. As used in this subparagraph:
- 9) The term "ordinary eyeglasses or contact lenses" means lenses that are intended to fully correct visual acuity or eliminate refractive error; and
- 10) The term "low-vision devices" means devices that magnify, enhance, or otherwise augment a visual image.

Discriminatory classification means a classification on the basis of race, color, religion, sex, national origin, age, marital status, political affiliation, familial status, disability, sexual orientation, pregnancy, gender identity or expression, veteran or service member status, lawful source of income, or being the victim of dating violence, domestic violence, or stalking. Familial status, veteran or service member status, lawful source of income, or being the victim of dating violence, domestic violence, or stalking shall only be included in this definition for the purpose of claims alleging a discriminatory housing practice under this chapter.

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Discriminatory employment practice means an act that is unlawful under Article II of this chapter and Article VI, as it relates to acts made unlawful under Article II of this chapter.

Discriminatory housing practice means an act that is unlawful under Article IV of this chapter and Article VI, as it relates to acts made unlawful under Article IV of this chapter.

Discriminatory practice means an act or practice designated as unlawful under the terms of this chapter.

Discriminatory public accommodations practice means an act that is unlawful under Article III of this chapter and Article VI, as it relates to acts made unlawful under Article III of this chapter.

Dwelling unit means a space, area or portion of a building designed for and to be occupied by one (1) family as a residence, with cooking facilities for the exclusive use of such family.

Document includes, but is not limited to, writings, drawings, graphs, charts, photographs, sound recordings, and other data or compilations from which information can be obtained.

Employee means any individual employed by an employer, or any applicant for such employment.

Employer means a person, or any agent of such person, who employs five (5) or more employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year. The weeks need not be consecutive. The term does not include:

- 1) The United States or a corporation wholly owned by the Government of the United States;
- 2) An Indian tribe;
- 3) The State of Florida and its agencies; or
- 4) Broward County and its agencies, excluding independent authorities, independent boards, and constitutional county officers.
- 5) City of Fort Lauderdale and its agencies, excluding independent authorities, independent boards, and constitutional county officers.

Employment agency means any person regularly undertaking, with or without compensation, to procure employees for an employer, or to procure for employees the opportunity to work for an employer, and includes an agent of such a person.

Familial status means:

- 1) One (1) or more individuals who have not attained the age of eighteen (18) years and who are domiciled with:
 - a. A parent or another person who has legal custody of such individual or individuals;
or
 - b. The designee of such parent, or other person having such custody, with the written permission of such parent or other person.
- 2) The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

Gender identity or expression means gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual's assigned sex at birth.

Housing accommodation includes any real property, building, mobile home or trailer, structures, or part thereof that is intended, arranged, or designed to be used or occupied as the home or residence of one (1) or more individuals.

Housing for older persons means housing:

- 1) Provided under any state or federal program that the Secretary of the United States Department of Housing and Urban Development (HUD) determines is specifically designed and operated to assist elderly persons as defined in the state or federal program;
- 2) Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
- 3) Intended for occupancy by at least one (1) person fifty-five (55) years of age or older per unit, and at least eighty percent (80%) of the occupied units are occupied by at least one (1) person who is fifty-five (55) years of age or older, and which housing complies with the provisions set forth in Section 29-26.

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Labor organization includes:

- 1) An organization of any kind representing employees in dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment;
- 2) A conference, general committee, system board, or council that is subordinate to a national or international labor organization; and
- 3) An agent of a labor organization.

Lawful source of income means the origin or cause of a legal gain or recurrent benefit, often measured in money or currency, including, but not limited to, income derived from social security, supplemental security income, child support, alimony, veteran's benefits, disability benefits, unemployment, pension and retirement benefits, an annuity, a gift, an inheritance, the sale or pledge of or interest in property, or any form of federal, state, county, or local public, food, or housing assistance or subsidy, including assistance from the Supplemental Nutrition Assistance Program (SNAP) and the Housing Choice Voucher Program or "Section 8" vouchers, whether such income is received directly or indirectly by the renter or purchaser and even if such income includes additional federal, state, county, or local requirements.

Marital status means the state of being unmarried, married, or separated, as defined by state law. The term "unmarried" includes people who are single, divorced, or widowed.

Major life activities means those basic activities that the average person in the general population can perform with little or no difficulty including, but not limited to, functions such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Major life activities also includes the operation of a major bodily function including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Multifamily dwelling means a building or buildings containing multiple dwelling units occupied or intended to be occupied by more than two (2) families, living separately and with separate kitchens or facilities for cooking on the premises. This term shall not include hotels, motels or bed and breakfast dwellings, townhouse or cluster dwellings. Multifamily dwellings shall include apartments, condominiums and coach homes.

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National origin means the national origin of an ancestor or the country of origin of a person's forebears naturally, by marriage, or by adoption.

Owner includes a lessee, sublessee, co-tenant, assignee, agent, or other person who has the right of ownership or possession, or the rights to sell, rent, or lease any housing accommodation.

Person includes an individual, association, corporation, joint apprenticeship committee, joint stock company, labor organization, legal representative, mutual company, partnership, receiver, trust, trustee in bankruptcy, unincorporated organization, or any other legal or commercial entity not otherwise excluded pursuant to this subsection.

Place of public accommodations means any establishment, either licensed or unlicensed, that supplies goods or services to the public or that is supported directly or indirectly by government funds; however, such term shall not include any institution or place of accommodation that is in its nature distinctly private.

Political affiliation means belonging to or endorsing any political party.

Qualified individual means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

Real estate broker, salesperson, or agent includes any person authorized to perform an action on behalf of another person regarding any matter related to the sale or rental of dwellings, including offers, solicitations, or contracts, and the administration of matters regarding such offers, solicitations, or contracts, or any real estate-related transactions.

Real property includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein.

Reasonable accommodation may include: making existing facilities readily accessible to and usable by individuals with disabilities; job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modification of equipment or devices; appropriate adjustment or modifications of examinations; training materials or policies; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.

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Reasonable modification means a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises.

Record of impairment means, with respect to employment, an individual who:

- 1) Has a history of a substantially limiting impairment; or
- 2) Has been misclassified as having a substantially limiting impairment.

Regarded as having such an impairment means that an individual has established that he or she has been subjected to a prohibited action because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This term shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of six (6) months or less.

Religion means all aspects of religious observance and practice, as well as religious belief.

To rent includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

Service member status means the state of serving on active duty in the armed forces of the United States, including the Reserves and National Guard.

Sexual orientation means being heterosexual, bisexual, or homosexual, or the perception that an individual is heterosexual, bisexual, or homosexual, or the perception that an individual is associated with individuals who are heterosexual, bisexual, or homosexual.

Training program means any plan containing terms and conditions for qualification, recruitment, employment, or training of employees to:

- 1) Enter a specific trade or occupation after completion of a specified training program; or
- 2) Offer a person, already either partially or wholly trained in a specified trade or occupation, an opportunity to advance himself or herself after completion of a specified training program. A training program may be managed and supervised by representatives of labor and management ("joint"), or unilateral ("nonjoint").

Undue hardship means an action requiring significant difficulty or expense, when considered in light of the following factors: (i) the nature and cost of the accommodation needed; and (ii) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, and the effect on expenses and resources, or the impact otherwise, of such accommodation upon the operation of the facility.

Veteran status means the state of having served in any branch of the armed forces of the United States, including the Reserves and National Guard, and having been discharged or released therefrom under conditions other than dishonorable as defined under federal law.

Victim of dating violence means a person who has been subjected to acts or threats of violence, not including acts of self-defense, during the course of a significant relationship of a romantic or intimate nature, committed by another person under the following circumstances:

- 1) The nature of the relationship was characterized by the expectation of affection or sexual involvement between the individuals; and
- 2) The frequency and type of interaction between the individuals was on a continuous basis during the course of the relationship.

This subsection does not include violence between individuals involved in a casual acquaintanceship or individuals who have engaged only in ordinary fraternization in a business or social context.

Victim of domestic violence shall mean a family or household member who has been subjected to acts or threats of violence, not including acts of self-defense, by another family or household member. For purposes of this section, "family or household member" includes:

- 1) A current or former spouse of the victim;
- 2) A person with whom the victim shares a child in common;
- 3) A person who is cohabitating with or has cohabitated with the victim; or
- 4) A person who is or has continually or at regular intervals lived in the same household as the victim.

Victim of stalking means a victim of acts that constitute or are deemed under state law to be willful, malicious, and repeated following, harassing, or cyberstalking of another person, or the making of a credible threat with the intent to place that victim in reasonable fear of death or bodily injury of the person, or the person's child, sibling, spouse, parent, or dependent. The term "cyberstalking" means engaging in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

Secs. 29-3 – 29-10. Reserved.

ARTICLE II. – DISCRIMINATION IN EMPLOYMENT

Sec. 29-11. – Discriminatory Practices in Employment.

- (1) Employers. It is a discriminatory practice for an employer:
 - a. To fail or refuse to hire, to discharge, or to otherwise discriminate against an individual, with respect to compensation or the terms, conditions, or privileges of employment, because of a discriminatory classification; or
 - b. To limit, segregate, or classify an employee in a way that would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect the status of an employee because of a discriminatory classification.
- (2) Employment Agencies. It is a discriminatory practice for an employment agency on the basis of a discriminatory classification:
 - a. To fail or refuse to refer for employment, or to otherwise discriminate against an individual; or
 - b. To classify or refer for employment an individual on such a discriminatory basis.
- (3) Labor Organizations. It is a discriminatory practice for a labor organization:
 - a. To exclude or to expel from membership or otherwise discriminate against any individual on the basis of a discriminatory classification;

- b. To limit, segregate, or classify membership or applicants for a membership, or to classify or to fail or refuse to refer an individual for employment in a way that would deprive or tend to deprive, limit, or adversely affect an individual's employment opportunities on the basis of a discriminatory classification; or
 - c. To cause or attempt to cause an employer to violate this chapter.
- (4) *Training Programs.* It is a discriminatory practice for an employer, labor organization, or training committee, whether joint or unilateral, to discriminate against an individual on the basis of a discriminatory classification in admission or employment in a training program providing apprenticeship or other training.
- (5) *Advertising.* It is a discriminatory practice for an employer, labor organization, or employment agency, to publish an advertisement relating to employment, indicating a preference, limitation, specification, or discrimination, based on a discriminatory classification; but a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on such a classification when religion, sex, pregnancy, gender identity or expression, national origin, age, marital status, political affiliation, or absence of disability is a bona fide occupational qualification for employment.
- (6) *Discriminatory Information Gathering.* Except as permitted by ordinance, by applicable federal, state, or county law, or by bona fide occupational qualifications, it is a discriminatory practice for an employer or employment agency:
- a. To elicit information about an employee's race, color, religion, sex, national origin, age, marital status, political affiliation, disability, sexual orientation, pregnancy, or gender identity or expression; or
 - b. To keep a record of, or to disclose, such information.

The City Commission shall not adopt any ordinance or regulation that authorizes an employer to disclose information that is otherwise prohibited from disclosure pursuant to federal, state, county, or local law.

- (7) *Other Employment-Related Protections.*
- a. *Disability Discrimination Based Upon Association.* It is a discriminatory employment practice for an employer, employment agency, or labor organization to fail or refuse

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to hire, to discharge, to deny advancement, or to otherwise exclude or deny equal job opportunities, benefits, or other terms, conditions, and privileges of employment to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association. This subparagraph shall not be construed to require an employer to make or otherwise provide a reasonable accommodation to a non-disabled individual.

- b. *Harassment Prohibited.* It is a discriminatory employment practice for an employer, employment agency, or labor organization to subject an individual to harassment because of a discriminatory classification. Conduct constitutes harassment under this subsection when:
- i. Submission to the conduct is expressly or implicitly used as a condition of employment;
 - ii. Submission or rejection of the conduct is used as a basis for making employment decisions; or
 - iii. The conduct is sufficiently severe or pervasive so as to alter the terms and conditions of a person's employment, thus creating a hostile working environment.
- c. *Pregnancy Discrimination.* It is a discriminatory employment practice for an employer, employment agency, or labor organization to fail or refuse to hire, to discharge, or to otherwise discriminate against an individual because of, or on the basis of, pregnancy, childbirth, or a medical condition relating to pregnancy or childbirth. Women affected by pregnancy, childbirth, or related medical conditions, must be treated the same for all employment-related purposes as other persons not so affected but who are similar in their ability or inability to work.

Nothing contained in this section shall be construed to prohibit discrimination where said discrimination is based on a bona fide occupational qualification reasonably necessary to the normal operation of a particular business or enterprise; nor shall anything in this section be construed to affect the retirement policy or system of any employer where such policy or system is not merely a subterfuge to evade the purposes of this section; nor shall anything in this section be deemed to preclude the varying of insurance coverages according to an employee's age. The bona fide occupational exemption shall be interpreted narrowly.

Sec. 29-12. – Exemptions; Employment.

- (1) It is not a discriminatory practice:

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- a. For a religious corporation, association, or society to employ individuals of a particular religion to perform work connected with the carrying on by the corporation, association, or society of its religious activities.
 - b. For a religious education institution or organization owned, operated, supervised, or controlled by a religious institution or organization to limit employment or give preference to members of the same religion.
 - c. For an employer to employ, an employment agency or a labor organization to classify or refer for employment, or a training committee controlling apprenticeship or other training to admit or employ, an individual on the basis of religion, sex, national origin, age, marital status, political affiliation, absence of disability, sexual orientation, pregnancy, or gender identity or expression, where these qualifications are bona fide occupational qualifications reasonably necessary to the normal operation of that particular business or enterprise.
 - d. For an employer to apply different standards of compensation or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, to a system which measures earnings by quantity or quality of production, or to employees who work in different locations, provided that such differences are not the result of an intent to discriminate because of race, color, religion, sex, national origin, age, disability, marital status, political affiliation, sexual orientation, pregnancy, or gender identity or expression.
 - e. For an employer to give and to act upon the results of any professionally-developed ability test, provided that such test, its administration, or action upon the results, is not designed, intended, or used to discriminate because of race, color, religion, sex, national origin, age, disability, marital status, political affiliation, sexual orientation, pregnancy, or gender identity or expression.
- (2) The provisions concerning employment discriminatory practices do not limit the free exercise of religion guaranteed by the United States Constitution and the State of Florida Constitution.

Secs. 29-13 – 29-15. Reserved.

ARTICLE III. – DISCRIMINATION IN PUBLIC ACCOMMODATIONS**Sec. 29-16. – Discriminatory Practices in Public Accommodations.**

- (1) It is unlawful for a person:
- a. To deny, withhold, or refuse an individual or group the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation because of a discriminatory classification;
 - b. To interfere with the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation on the basis that an individual's patronage or presence is objectionable, unwelcome, unacceptable, or undesirable because of a discriminatory classification;
 - c. To deny an individual or group the full and equal enjoyment of a place of public accommodation by creating architectural barriers or limiting accessible parking; or
 - d. To discriminate against any individual because of a discriminatory classification in evaluating an application for membership in a club that has more than four hundred (400) members, that provides regular meal service, and that regularly receives payment for dues, fees, use of space, facilities, services, meals, or beverages, directly or indirectly, from nonmembers for business purposes. It is unlawful for a person, on behalf of such a club, to publish, circulate, issue, display, post, or mail any advertisement, notice, or solicitation that contains a statement to the effect that the accommodations, advantages, facilities, membership, or privileges of the club are denied to any individual because of a discriminatory classification. This subsection does not apply to fraternal or benevolent organizations, ethnic clubs, or religious organizations where business activity is not prevalent.
- (2) Establishments Covered. A place of public accommodation within the meaning of this article shall include, but not be limited to, the following establishments which serve the public:
- a. Any inn, hotel, motel or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than two units for rent or hire and which is actually occupied by the owner of such establishment as the owner's residence.

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- b. Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain or other facility principally engaged in selling food for consumption on the premises, including but not limited to, any such facility located on the premises of any retail establishment, or any gasoline station.
- c. Any bar, lounge, nightclub or other facility principally engaged in selling alcoholic beverages for consumption on the premises, or any facility principally engaged in selling both food and alcoholic beverages for consumption on the premises.
- d. Any motion picture house, theater, concert hall, sports arena, stadium, convention hall or other place of exhibition or entertainment.
- e. Any library or educational facility supported in part or whole by public funds, public conveyance (to include taxis, limousines, and buses), barber and beauty shop, hospital, laundry, swimming pool, nursery, kindergarten or day care center.
- f. Any establishment which is physically located within the premises of any establishment otherwise covered by this article.
- g. Any establishment within the premises of which is physically located any covered establishment, and which holds itself out as serving patrons of the covered establishment.

Sec. 29-17. – Public Accommodations; Exemptions.

- (1) The provisions of this article concerning discrimination in public accommodations do not limit the free exercise of religion guaranteed by the United States Constitution and the State of Florida Constitution.
- (2) The provision of this article do not prohibit discrimination on the basis of sex in:
 - a. Restrooms, shower rooms, bathhouses, and similar facilities which are by their nature distinctly private; or
 - b. YMCA, YWCA, and similar type dormitory lodging facilities.
- (3) The provision of this article shall not apply to a private club or other establishment not in fact open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of such an establishment within the scope of subsection (2) above.

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- a. Nothing in this article shall prohibit a religious organization, association or society, or any non-profit 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 a commercial purpose to persons of the same religion, or from giving preference to such persons.
- b. Nothing in this article shall prohibit the limiting of the use of kindergartens, nurseries, day care centers, theaters and motion picture houses to persons of a particular age group.

Secs. 29-18 – 29-20. Reserved.

ARTICLE IV. – DISCRIMINATION IN REAL ESTATE TRANSACTIONS

Sec. 29-21. – Discriminatory Practices in Real Estate Transactions.

It is unlawful for any person, including but not limited to any owner, lessee, lessor, sublessee, sublessor, assignee, assignor, manager, real estate broker, salesperson, condominium association, homeowners' association, cooperative association, or any representative of any of the foregoing:

- (1) To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, or otherwise to make unavailable or deny, a dwelling to any person because of a discriminatory classification.
- (2) To discriminate against any person in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of a discriminatory classification.
- (3) To represent to any person because of a discriminatory classification that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- (4) To make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on a discriminatory classification, or an intention to make any such preference, limitation, or discrimination.

- (5) To induce or attempt to induce, for profit, any person to sell or rent any dwelling by a representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, national origin, marital status, age, familial status, political affiliation, disability, sexual orientation, gender identity or expression, pregnancy status, veteran or service member status, lawful source of income, or being the victim of dating violence, domestic violence, or stalking.
- (6) To discriminate in the sale or rental of, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:
- a. That buyer or renter;
 - b. A person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
 - c. Any person associated with the buyer or renter.
- (7) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provisions of services or facilities in connection with such dwelling, because of a disability of:
- a. That buyer or renter;
 - b. A person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
 - c. Any person associated with the buyer or renter.
- (8) For purposes of subsections (6) and (7), discrimination includes:
- a. Refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modification may be necessary to afford such person full enjoyment of the premises. In the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before modification, reasonable wear and tear excepted.

- b. A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.
- (9) Covered multifamily dwellings as defined herein that are intended for first occupancy after March 13, 1991, shall be designed and constructed to have at least one (1) building entrance on an accessible route. Such buildings shall also be designed and constructed in such a manner that:
- a. The public use and common use portions of such dwellings are readily accessible and usable by disabled persons.
 - b. All doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by a person in a wheelchair.
 - c. All premises within such dwellings contain the following features of adaptive design:
 - i. An accessible route into and through the dwelling.
 - ii. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.
 - iii. Reinforcements in bathroom walls to allow later installation of grab bars.
 - iv. Usable kitchens and bathrooms such that a person in a wheelchair can maneuver about the space.
- (10) Compliance with the appropriate requirements of the American National Standard Institute for buildings and facilities providing accessibility and usability for physically disabled people, commonly cited as ANSI A17.1-1986, shall satisfy the requirements of Subsection 29-21.(9).
- (11) State agencies with building construction regulation responsibility, county governments, or local governments, as appropriate, may review the plans and specifications for the construction of covered multifamily dwellings to determine consistency with the requirements of this section. However, determinations of compliance or non-compliance by a state agency, county agency, or unit of local government, under this subsection, are not conclusive in enforcement proceedings brought pursuant to this chapter.

- (12) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

Sec. 29-22. – Discriminatory Financial Practices.

- (1) It is unlawful for any person or entity, whose business consists, in whole or in part, of the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying for a loan for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling because of a discriminatory classification. It is also unlawful to discriminate against a person in the fixing of the amount, interest rate, duration, or other term or condition of such loan or other financial assistance, because of the discriminatory classification of such person or of any person associated with such person in connection with such loan or other financial assistance, or because of the discriminatory classification of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given.
- (2) It is unlawful for any person or entity whose business includes engaging in residential real estate transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of a discriminatory classification.
- (3) It is unlawful to use any form of application for such financial assistance or to make any record or inquiry in connection with applications for such financial assistance which expresses, directly or indirectly, any limitation, specification or discrimination because of a discriminatory classification.

Sec. 29-23. – Blockbusting.

It is unlawful for a person, for the purpose of inducing a real estate transaction from which such person may benefit financially:

- (1) To represent that a change has occurred, or may or will occur, in the composition, with respect to a discriminatory classification of the owners or occupants, in the block, neighborhood, or area in which the real estate is located;

- (2) To represent that such change will or may result in the increase or decrease of property values, have an adverse or positive impact on the neighborhood, increase or decrease criminal or antisocial behavior, or raise or diminish the quality of the schools, neighborhood, or area in which the real property is located; or
- (3) To induce or attempt to induce, for profit, any person to sell or rent any dwelling by representations regarding the entry or exit or prospective entry or exit into or from the neighborhood of a person or persons of a particular race, color, religion, sex, national origin, marital status, age, familial status, political affiliation, disability, sexual orientation, pregnancy status, gender identity or expression, veteran or service member status, lawful source of income, or being the victim of dating violence, domestic violence, or stalking.

Sec. 29-24. – Brokerage Services.

It is unlawful to deny any person access to, or membership or participation in, any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against such person in the terms or conditions of such access, membership, or participation, on the basis of a discriminatory classification.

Sec. 29-25. – Exemptions; Real Estate Transactions.

- (1) Except for the provisions of Sections 29-21(4), 29-22 and 29-24, this article shall not apply to:
 - a. Any single-family house sold or rented by its private, individual owner, provided that such owner does not:
 - i. Own more than three (3) such single-family houses at any one time; or
 - ii. Own any interest in, nor is there owned or reserved on his or her behalf, under any express or voluntary agreement, title to or any right to any part of the proceeds from the sale or rental of more than three (3) single-family houses at any one time.
 - b. The sale or rental of any such single-family house shall be exempted only if the house is sold or rented without:

- i. The use of the sales or rental facilities, or services for sale or rental, of any real estate broker, agent, or salesperson or any person in the business of selling or renting a dwelling, or of any employee or agent of such; and
- ii. The making, printing, publication, posting, or mailing of any advertisement or written notice in violation of this section.

Nothing in this section prohibits the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer title to real property.

- c. The sale or rental of rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies any such living quarters as his or her residence. For the purposes of this section, a person is deemed to be in the business of selling or renting dwellings if:
 - i. He or she has, within the preceding twelve (12) months, participated as a principal in three (3) or more transactions involving the sale or rental of any dwelling or interest therein;
 - ii. He or she has, within the preceding twelve (12) months, participated as an agent, other than in the sale or rental of his or her own personal residence, in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or interest therein; or
 - iii. He or she is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families.
- d. A private club not open to the public that, as an incident to its primary purpose or purposes, provides lodging that it owns or operates for other than a commercial purpose and that limits or gives preference in the rental or occupancy of such lodgings to its members, unless membership is restricted on account of a discriminatory classification as set forth in Section 29-16.
- e. A religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by, or in conjunction with, a religious organization, association, or society, from limiting the sale, rental, or occupancy of any dwelling that it owns or operates for other than a commercial purpose, to persons of the same religion or from giving preference to such

persons, unless membership in such religion is restricted on account of a discriminatory classification.

f. The exemption in paragraph (1)a.i. above applies only to one (1) such sale in any twenty-four (24) month period.

(2) Nothing in this section:

a. Prohibits a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, national origin, religion, sex, age, marital status, political affiliation, disability, familial status, sexual orientation, pregnancy, gender identity or expression, veteran or service member status, lawful source of income, being the victim of dating violence, domestic violence, or stalking, or other discriminatory classification.

b. Limits the applicability of any reasonable local restriction regarding the maximum number of occupants permitted to occupy a dwelling.

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

d. Prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the unlawful manufacture or distribution of a controlled substance as defined under Chapter 893, Florida Statutes.

(3) The provisions of this Chapter concerning residential real estate transactions do not limit the free exercise of religion guaranteed by the United States Constitution and the State of Florida Constitution.

Sec. 29-26. – Exemptions; Housing for Older Persons.

(1) The provisions regarding discrimination based on familial status in this article shall not apply to housing intended and operated for older persons as defined in Section 29-2.

(2) Housing for older persons, as defined in Section 29-2, qualifies for this exemption if the housing community or facility complies with:

- a. Section 807(b)(2)(C) (42 U.S.C. § 3607(b)) of the Fair Housing Act as amended;
and
 - b. Title 24 CFR Sections 100.305, 100.306, and 100.307.
- (3) For purposes of this subpart, housing facility or community means any dwelling or group of dwelling units governed by a common set of rules, regulations, or restrictions. A portion or portions of a single building shall not constitute a housing facility or community. Examples of a housing facility or community include, but are not limited to:
- a. A condominium association;
 - b. A cooperative;
 - c. A property governed by a homeowners' or resident association;
 - d. A municipally zoned area;
 - e. Leased property under common private ownership;
 - f. A mobile home park; or
 - g. A manufactured housing community.
- (4) For purposes of this subpart, older person means a person fifty-five (55) years of age or older.
- (5) A housing facility or community qualifies as housing for older persons under this section if at least eighty percent (80%) of its occupied units are occupied by at least one (1) person fifty-five (55) years of age or older.
- (6) For purposes of this subpart, occupied unit means:
- a. A dwelling unit that is actually occupied by one (1) or more persons on the date that the exemption is claimed; or
 - b. A temporarily vacant unit, if the primary occupant has resided in the unit during the past year and intends to return on a periodic basis.

- (7) For purposes of this subpart, occupied by at least one (1) person fifty-five (55) years of age or older means that on the date the exemption for housing intended and operated for persons who are fifty-five (55) years of age or older is claimed:
- a. At least one (1) occupant of the dwelling unit is fifty-five (55) years of age or older;
or
 - b. If the dwelling unit is temporarily vacant, at least one (1) of the occupants immediately prior to the date on which the unit was temporarily vacated was fifty-five (55) years of age or older.
- (8) Newly-constructed housing for first occupancy after March 12, 1989, need not comply with the requirements of this section until at least twenty-five percent (25%) of the units are occupied. For purposes of this section, newly-constructed housing includes a facility or community that has been wholly unoccupied for at least ninety (90) days prior to re-occupancy due to renovation or rehabilitation.
- (9) Housing satisfies the requirements of this section even though:
- a. On September 13, 1988, less than eighty percent (80%) of the occupied units in the housing facility or community were occupied by at least one (1) person fifty-five (55) years of age or older, provided that at least eighty percent (80%) of the units occupied by new occupants after September 13, 1988, are occupied by at least one (1) person fifty-five (55) years of age or older.
 - b. There are unoccupied units, provided that at least eighty percent (80%) of the occupied units are occupied by at least one (1) person fifty-five (55) years of age or older.
 - c. There are units occupied by employees of the housing facility or community (and family members residing in the same unit) who are under fifty-five (55) years of age, provided the employees perform substantial duties related to the management or maintenance of the facility or community.
 - d. There are units occupied by persons who are necessary to provide a reasonable accommodation to disabled residents as required by 24 CFR Section 100.204 and who are under the age of fifty-five (55).

- (10) Where application of the eighty percent (80%) rule results in a fraction of a unit, that unit shall be considered to be included in the units that must be occupied by at least one (1) person fifty-five (55) years of age or older.
- (11) Each housing facility or community may determine the age restriction, if any, for units that are not occupied by at least one (1) person fifty-five (55) years of age or older, so long as the housing facility or community complies with the provisions of this section.
- (12) In order for a housing facility or community to qualify as housing intended or operated for persons who are fifty-five (55) years of age or older, it must publish and adhere to policies and procedures that demonstrate its intent to operate as housing for persons fifty-five (55) years of age or older. The following factors, among others, are considered relevant in determining whether the housing facility or community has complied with this requirement:
- a. The manner in which the housing facility or community is described to prospective residents;
 - b. Any advertising designed to attract prospective residents;
 - c. Lease provisions;
 - d. Written rules, regulations, covenants, deeds, or other restrictions;
 - e. The maintenance and consistent application of relevant procedures; Actual practices of the housing facility or community; and
 - f. Public posting in common areas of statements describing the facility or community as housing for persons fifty-five (55) years of age or older.
- (13) Phrases such as "adult living," "adult community," or similar statements in any written advertisement or prospectus are not consistent with the intent that the housing facility or community intends to operate as housing for persons fifty-five (55) years of age or older.
- (14) A housing facility or community may allow occupancy by families with children as long as it meets the requirements of this section.

- (15) In order for a housing facility or community to qualify as housing for persons fifty-five (55) years of age or older, it must be able to produce verification of compliance with this section through reliable surveys and affidavits.
- (16) A facility or community shall develop procedures for routinely determining the occupancy of each unit, including the identification of whether at least one (1) occupant of each unit is fifty-five (55) years of age or older. Such procedures may be part of a normal leasing or purchasing arrangement.
- (17) The procedures described in subsection (12) of this section must provide for regular updates, through surveys or other means, of the initial information supplied by the occupants of the housing facility or community. Such updates must take place at least once every two (2) years. A survey may include information regarding whether any units are occupied by persons described in this section.
- (18) Any of the following documents are considered reliable documentation of the age of the occupants of the housing facility or community:
- a. Driver's license;
 - b. Birth certificate;
 - c. Passport;
 - d. Immigration card;
 - e. Military identification;
 - f. Any other state, county, local, national, or international official documents containing a birth date of comparable reliability; or
 - g. A certification in a lease, application, affidavit, or other document signed by any member of the household age eighteen (18) or older asserting that at least one (1) person in the unit is fifty-five (55) years of age or older.
- (19) A facility or community shall consider any one (1) of the forms of verification identified above as adequate for verification of age, provided that it contains specific information about current age or date of birth.

- (20) The housing facility or community must establish and maintain appropriate policies to require that occupants comply with the age verification procedures required by this section.
- a. If the occupants of a particular dwelling unit refuse to comply with the age verification procedures, the housing facility or community may, if it has sufficient evidence, consider the unit to be occupied by at least one (1) person fifty-five (55) years of age or older. Such evidence may include:
 - i. Government records or documents, such as a local household census;
 - ii. Prior forms or applications; or
 - iii. A statement from an individual who has personal knowledge of the age of the occupants. The individual's statement must set forth the basis for such knowledge and be signed under the penalty of perjury.
 - b. Surveys and verification procedures that comply with the requirements of this section shall be admissible in administrative and judicial proceedings for the purpose of verifying occupancy.
 - c. A summary of occupancy surveys shall be available for inspection upon reasonable notice and request by any person.
- (21) A person shall not be held personally liable for monetary damages for discriminating on the basis of familial status if the person acted with the good faith belief that the housing facility or community qualified for a housing for older persons exemption under this subpart.
- a. A person claiming the good faith belief defense must have actual knowledge that the housing facility or community has, through an authorized representative, asserted in writing that it qualifies for a housing for older persons exemption.
 - b. Before the date on which the discrimination is claimed to have occurred, a community or facility, through its authorized representatives, must certify, in writing, and under oath or affirmation, to the person subsequently claiming the defense, that it complies with the requirements for such an exemption as housing for persons fifty-five (55) years of age or older in order for such person to claim the defense.

- c. For purposes of this section, an authorized representative of a housing facility or community means the individual, committee, management company, owner, or other entity having the responsibility for adherence to the requirements established in this subpart.
- d. For the purposes of this section, a person means a natural person.
- e. A person shall not be entitled to the good faith defense if the person has actual knowledge that the housing facility or community does not, or will not, qualify as housing for persons fifty-five (55) years of age or older. Such a person will be ineligible for the good faith defense regardless of whether the person received the written assurance described in paragraph (1) of this subsection.

Sec. 29-27. – Exemption; Appraisal.

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

Sec. 29-28. – Required Notices in Connection with Application to Purchase or Rent a Dwelling.

- (1) Within fifteen (15) days after receipt of any incomplete or incorrectly completed application (or amended application) to purchase or rent a dwelling, the condominium association, homeowners' association, or cooperative association shall provide the applicant with written notice specifically identifying any and all items in the application that need to be completed or corrected.
- (2) Within forty-five (45) days after receipt of a correctly completed application, the association shall either reject or approve the application and shall provide the applicant with written notice of same. If the application is rejected, the written notice must state with specificity each reason for the rejection.
- (3) If the condominium association, homeowners' association, or cooperative association fails to comply with the provisions of Sec. 29-28 (1) or (2), a complaint may be filed with Broward County, pursuant to the Broward County Human Rights Act. The failure of the condominium association, homeowners' association, or cooperative association to timely comply with this provision may be considered in determining whether

reasonable cause exists to believe the association's decision or action was discriminatory.

Secs. 29-29 – 29-33. Reserved.

ARTICLE V. – PRIVATE CAUSE OF ACTION; REMEDIES; ENFORCEMENT

Sec. 29.34. – In General.

- (1) An aggrieved individual who claims to have been injured by a discriminatory employment practice, discriminatory housing practice, or discriminatory public accommodations practice may, under this chapter, commence a civil action in a court of competent jurisdiction provided, however, that such civil action must be filed no later than one year after the discriminatory practice is alleged to have been committed. The aggrieved individual must send the prospective defendant a notice letter outlining his or her intention to file a lawsuit and a detailed explanation of the grounds for the intended lawsuit at least 21 days prior to the filing of said action. The notice letter must be sent to the prospective defendant via U.S. certified mail, return receipt requested.
- (2) If, in a civil action commenced under this article, the court finds that the defendant has intentionally engaged in or is intentionally engaging in an unlawful employment practice, the court may enjoin the defendant from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include, but is not limited to, reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), punitive damages, attorney's fees and costs, or any equitable relief as the court deems appropriate. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable.
- (3) The provisions of F.S. § 57.105, (2018), shall apply to an unsupported claim for which relief is sought under the provisions of this chapter.
- (4) The provisions of this article are supplemental to other sanctions and remedies available under law, in equity, under court rules, or pursuant to administrative processes, including but not limited to, the Broward County Human Rights Act.

Sec. 29.35. – Cooperation with Other Entities.

The City shall cooperate with and, as appropriate, may provide technical and other assistance to federal, state, county, local, and other public or private entities in formulating or operating programs to prevent or eliminate discriminatory practices.

ARTICLE VI. – DISCRIMINATION AGAINST FAMILIES WITH CHILDREN IN MULTI-FAMILY RENTAL HOUSING**Sec. 29.36. – In General.**

This part shall be known as the City of Fort Lauderdale ordinance prohibiting discrimination against families with children in multi-family rental housing.

Sec. 29.37. – Definitions.

For purposes of this article, the following words and terms shall have the meaning set forth herein:

Multi-Family Housing Accommodation means a residential rental unit consisting of one or more rooms in which cooking facilities are available and located in a multi-family complex.

Minor Child is a person under the age of eighteen (18) years who has not been emancipated in accordance with state law.

Multi-Family Complex means a housing development with more than four (4) housing accommodations joined by common walls, common entry ways, located on a single building site.

Sec. 29.38. – Prohibited Activities.

It shall constitute a violation of this article, for the owner, lessor, sublessor, real estate broker, assignee or other person having the right to rent, lease or sublease any housing accommodation or any agent or employee of such a person to:

1. Evict or refuse to renew a rental agreement on the basis of the tenancy of a minor child, other than for good cause as defined in Florida Statutes § 83.64.

2. To impose any restrictions on the ages of minor children who can reside in said unit for any current residents of said unit; provided specifically, however, that in the event a complex intends to convert partially or totally to an all-adult complex a minimum notice of eighteen (18) months shall be required and deemed sufficient to notify all tenants in said multi-family complex that rental agreements shall not be renewed because the multi-family complex is being converted, in whole or in part, to an all-adult status. This article shall not be construed as authorizing the abrogation of any lease provision or the earlier termination of a lease or as sanctioning any type of retaliatory eviction or other eviction prohibited by Florida Statutes Chapter 83.

Sec. 29.39. – Remedies for Housing Accommodation Discrimination

All charges of discrimination in housing accommodations arising within the City of Fort Lauderdale and in violation of this article may be filed with the Broward County Human Rights Section and in accordance with the Broward County Human Rights Act and any other applicable State and Federal laws.

Sec. 29.40. – Compatibility with Other City Code Chapters, County, State and Federal Law on Housing Accommodations.

This article shall be construed so as to complement existing City ordinances, and county, state and federal laws dealing with housing discrimination and this article shall not be construed to supersede any provision of any other City ordinances, county law, state law, or federal law relating to discrimination in housing or to health, safety and occupancy standards provided for in other laws, ordinances, regulations or rules of any federal, state, county, or local agency.

Secs. 29-41 – 29-44. Reserved.

ARTICLE VII. – INTERFERENCE, COERCION, INTIMIDATION OR RETALIATION

Sec. 29-45. – Prohibition of Interference, Coercion, Intimidation, or Retaliation.

- (1) It is unlawful for a person, or for two (2) or more persons to conspire:
 - a. To coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, or on account of that person engaging in activities

designed to make other persons aware of, any right granted or protected by this Chapter;

- b. To retaliate or discriminate against a person because he or she has opposed a discriminatory practice, or because he or she has made a charge, filed a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, hearing, or any other proceeding under this Chapter;
 - c. To aid, abet, incite, or coerce a person to engage in a discriminatory practice;
 - d. Willfully to interfere with the performance of a duty or the exercise of a power by the City or its employees, or one of its members or representatives; or
 - e. Willfully to obstruct or prevent a person from complying with the provisions of this Chapter or any order issued pursuant to this Chapter.
- (2) Conduct made unlawful under this section includes, but is not limited to, the following:
- a. Coercing a person by any means to deny or limit the benefits provided to that person in connection with the sale or rental of a dwelling or in connection with a residential real estate-related transaction because of a discriminatory classification.
 - b. Threatening, intimidating, or interfering with persons in their enjoyment of a dwelling because of a discriminatory classification of such persons, or of visitors or associates of such persons.
 - c. Threatening an employee or agent with dismissal or an adverse employment action, or taking such adverse employment action, in response to any effort to assist a person seeking access to the sale or rental of a dwelling or seeking access to any residential real estate-related transaction, because of a discriminatory classification of that person or of any person associated with that person.

Secs. 29-46 – 29-55. Reserved.

ARTICLE VIII. – DOMESTIC PARTNERSHIPS

Sec. 29-56. – Findings; construction.

- (1) The City Commission finds that there are many individuals who establish and maintain

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a significant personal, emotional, and economic relationship with another individual. Individuals forming such domestic partnerships often live in a committed family relationship. As a result of the status of their relationship, domestic partners in many cases are not extended certain employment benefits that are otherwise made available to other employees.

- (2) The City Commission finds that the provision of domestic partner benefits promotes employee recruitment, employee retention, and employee loyalty. Furthermore, the provision of such benefits promotes fairness and serves to address the discriminatory effect of practices which deny such benefits solely upon the basis of an employee's familial or marital status.
- (3) The provisions of this article shall be liberally construed to promote the public safety, health, and general welfare of the residents of the City of Fort Lauderdale and to further the general policies and purposes stated in this article. However, this article shall not be construed to supersede any federal, state, or county laws or regulations, nor shall this article be interpreted in a manner as to bring it into conflict with federal, state, or county laws. The rules developed to implement the provisions of this article shall be liberally construed to accomplish the policies and purposes stated in this article.

Sec. 29-57. – Definitions.

The following words, terms and phrases, words, abbreviations and their derivations when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Domestic Partners means only two adults who are parties to a valid domestic partnership relationship and who meet the requisites for a valid domestic partnership relationship as established pursuant to Section 16½-153 of the Broward County Human Rights Act.

Jointly responsible means each Domestic Partner mutually agrees to provide for the other partner's basic needs while the domestic partnership relationship is in effect, except that partners need not contribute equally or jointly to said basic needs such as food and shelter.

Health care facility includes, but is not limited to, hospitals, nursing homes, hospice care facilities, convalescent facilities, walk-in clinics, doctor's offices, mental health care facilities and any other short-term or long-term health care facilities located within the City.

Correctional facility means holding cells, jails, and juvenile correction centers of any kind, located within or under the jurisdiction of the City.

Mutual residence means a residence shared by the Registered Domestic Partners; it is not necessary that the legal right to possess the place of residence be in both of their names. Two people may share a mutual residence even if one or both have additional places to live. Registered Domestic Partners do not cease to share a mutual residence if one leaves the shared place but intends to return.

Dependent is a person who resides within the household of a registered domestic partnership and is:

- 1) A biological, adopted or foster child of a registered Domestic Partner; or
- 2) A dependent as defined under IRS regulations; or
- 3) A ward of a registered Domestic Partner as determined in a guardianship or other legal proceeding.

Sec. 29-58. – Rights and Legal Effect of Registered Domestic Partnership.

To the extent not superseded by federal, state, county or other City ordinance, or contrary to rights conferred by contract or separate legal instrument, Registered Domestic Partners, in accordance with Article VIII of the Broward County Human Rights Act, shall have the following rights:

- (1) Visitation to Licensed Facilities.
 - a. If a health care facility or any licensed residential facility restricts the visitors of a patient or resident, the facility shall permit the patient or resident to name those individuals whom he or she wishes to visit, including any domestic partner, or any children or family member of such domestic partner, unless:
 - i. No visitors are allowed; or
 - ii. The facility, in its sole discretion, decides that the presence of a particular individual named by the patient or resident would endanger the health or safety of a patient or a resident, or would endanger the primary operations of the facility.

- b. If a patient or resident has not made the designation provided for in paragraph (a), the facility shall permit the patient or resident's domestic partner, the children of the domestic partner, and any other family member of the patient or resident's domestic partner, to visit, unless one of the exceptions described in paragraph (a)(1) or (a)(2) applies.
- (2) *Health Care Surrogate Designation.* Any person who is a party to a registered domestic partnership relationship, pursuant to Section 16½-153 of the Broward County Human Rights Act, shall have the same right as any other individual to be designated as health care surrogate of his or her domestic partner pursuant to Chapter 765, pt. II, F.S. (§ 765.201, F.S. et seq.) and a person so designated shall have the right to make health care decisions on behalf of his or her domestic partner; to provide, withhold, or withdraw consent on behalf of his or her domestic partner; to apply for public benefits to defray the cost of health care; and to authorize the admission to, or transfer from, a health care facility. No person designated as a health care surrogate shall be denied or otherwise be defeated in serving as a health care surrogate based solely upon his or her status as the domestic partner of the partner on whose behalf health care decisions are to be made.
- (3) *Preneed Guardian Designation.* Any person who is a party to a registered domestic partnership relationship, pursuant to Section 16½-153 of the Broward County Human Rights Act, shall have the same right as any other individual to be designated as a preneed guardian pursuant to §744.3045, Florida Statutes and to serve in such capacity in the event of his or her declarant domestic partner's incapacity. A domestic partner shall not be denied or otherwise be defeated in serving as the plenary guardian of his or her domestic partner or the partner's property, under the provisions of Chapter 744, Florida Statutes, to the extent that the incapacitated partner has not executed a valid preneed guardian designation, based solely upon his or her status as the domestic partner of the incapacitated partner.
- (4) *Visitation Rights at County Correctional and Juvenile Detention Facilities.* Any person who is a party to a registered domestic partnership relationship, pursuant to section 16½-153 of the Broward County Human Rights Act, shall be entitled to visit his or her domestic partner, or other family member of the domestic partner, who is an inmate at a county correctional facility or a juvenile detention facility, upon the same terms and conditions under which visitation is afforded to spouses, children, or parents of inmates. Visitation rights provided by this section shall extend to any children of the domestic partners, and the domestic partners of an inmate's parents or children.

- (5) Notification of Family Members. In any situation providing for mandatory or permissible notification of family members, including notification of family members in an emergency, or when permission is granted to inmates to contact family members, "notification of family" shall include domestic partners.
- (6) Funeral and Burial Decisions. Registration as a domestic partner under this chapter shall be considered to be written inter vivos authorization and direction by the decedent to have his or her domestic partner direct the disposition of the decedent's body for funeral, burial, or cremation purposes as a legally authorized person pursuant to Chapter 497, Florida Statutes, if the decedent specifically elects to grant such authority on the declaration of domestic partnership. Such authority shall survive the automatic termination of the domestic partnership provided for in Section 16 $\frac{1}{2}$ -154(c) of the Broward County Human Rights Act due to the death of a domestic partner. If the decedent provides conflicting written inter vivos authorization and directions that are dated after the declaration of domestic partnership, the later dated authorizations and directions shall control.
- (7) Reciprocity. A domestic partnership lawfully entered into in another jurisdiction shall be entitled to all the rights and benefits available to domestic partners registered pursuant to the Broward County Human Rights Act. A certificate or other official document of such domestic partnership issued by another jurisdiction shall constitute sufficient proof of entitlement to such rights and benefits. However, a domestic partner who seeks to have his or her domestic partner direct the disposition of the decedent's body for funeral, burial, or cremation purposes, pursuant to Section 16 $\frac{1}{2}$ -163 of the Broward County Human Rights Act, must register as a domestic partnership under this Act, or provide proof of valid inter vivos designation of the partner as the person authorized to make such decisions.
- (8) Participation in Education.
- a. To the extent allowed by federal, state, and county law, and subject to the policies of the School Board of Broward County, Florida, and any applicable court orders or agreements, a domestic partner shall have the same rights as a biological parent to participate in the education of a dependent of his or her domestic partner in all schools located within Broward County, if his or her domestic partner specifically elects to grant such a right on the declaration of domestic partnership.
- b. The term "school" includes, but is not limited to, private or public elementary schools, junior high and middle schools, secondary schools, high schools,

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vocational schools, preschool programs, after-school programs, and day care programs.

c. This section shall not apply to a school operated, supervised, or controlled by a religious organization, association, or society.

Sec. 29-59. – Limited Effect.

- (1) Nothing in this article shall be interpreted to alter, affect, or contravene city, county, state or federal law.
- (2) Nothing in this article shall be construed as recognizing or treating a registered Domestic Partnership as a marriage.
- (3) All rights, privileges, and benefits extended to registered domestic partnerships registered pursuant to this article shall also be extended to all persons legally partnered in another jurisdiction.
- (4) This article is independent of Chapter 20 of the Code of Ordinances of the City of Fort Lauderdale and does not affect any rights or benefits of City employees.

Sec. 29-60. – Enforcement.

A registered Domestic Partner may enforce the rights under Article VIII of this chapter by filing a private judicial action against a person or entity in any court of competent jurisdiction for declaratory relief, injunctive relief, or both.

Secs. 29-61 – 29-64. Reserved.

ARTICLE IX. – PROHIBITION OF CONVERSION THERAPY ON MINORS

Sec. 29-65. – Intent.

It is the intent of this article to protect the physical and psychological well-being of minors, including, but not limited to, lesbian, gay, bisexual, transgender, gender nonconforming, and gender-questioning youth, from exposure to the serious harms and risks caused by conversion therapy or reparative therapy.

Sec. 29-66. – Definitions.

Conversion therapy or reparative therapy means, interchangeably, any counseling, practice, or treatment that seeks to change an individual's sexual orientation or gender identity, including, but not limited to, efforts to change behaviors, gender identity, or gender expression, or to eliminate or reduce sexual or romantic attractions or feelings towards individuals of the same gender or sex. Conversion therapy or reparative therapy does not include:

- 1) Counseling that provides support to an individual undergoing gender transition;
- 2) Counseling that provides acceptance, support, or understanding of an individual's sexual orientation, gender identity, or gender expression; or
- 3) Facilitating an individual's coping, social support, identity exploration, or development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, if such counseling does not seek to change sexual orientation, gender identity, or gender expression.

Minor means a person less than 18 years of age.

Provider means a person who is licensed by the State of Florida to provide professional counseling, or who performs counseling as part of his or her professional training under Chapters 456, 458, 459, 490, or 491 of the Florida Statutes, as may be amended, including, but not limited to, medical practitioners, osteopathic practitioners, psychologists, psychiatrists, psychotherapists, social workers, marriage and family therapists, and licensed counselors, excluding Providers acting in their pastoral or religious capacity as members of the clergy or as religious counselors as long as they do not hold themselves out as operating pursuant to any of the aforementioned Florida Statutes when acting in their pastoral or religious capacity.

Sec. 29-67. – Conversion Therapy Prohibited.

A Provider shall not engage in conversion therapy or reparative therapy with a minor, regardless of whether the Provider receives monetary compensation in exchange for such services.

Sec. 29-68. – Enforcement and Civil Penalties.

- (1) Any Provider who violates this article shall be required to pay City a civil penalty of two hundred fifty dollars (\$250.00) for the first violation and five hundred dollars (\$500.00)

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for each repeat violation. Each conversion therapy session with a minor shall constitute a separate offense, and any session that purports to extend from one day to another shall constitute separate offenses for each day in which a session takes place.

- (2) These penalties shall not preclude any other remedies available at law or in equity, including injunctive relief in the circuit court.
- (3) This article shall be enforced according to the alternate code enforcement procedure provided for in Chapter 11, Article II, Code of Ordinances of the City of Fort Lauderdale, Florida, as may be amended from time to time.

Secs. 29-69 – 29-73. Reserved.


SECTION 3. The City Clerk is hereby authorized and directed to cause the amendment approved herein to be incorporated into the Code of Ordinances of the City of Fort Lauderdale, Florida.

SECTION 4. Should any section or provision of this ordinance, or any portion, paragraph, sentence or word thereof be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof.

SECTION 5. That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

PASSED FIRST READING this the 12th day of September, 2019.

PASSED SECOND READING this the 17th day of September, 2019.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
JEFFREY A. MODARELLI

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