

1 Introduced by Council Members Bowman, Hazouri and Love:
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4 **ORDINANCE 2017-15**

5 AN ORDINANCE CONCERNING EQUAL OPPORTUNITY AND
6 EXPANDING THE CITY'S EQUAL RIGHTS LAWS TO
7 PROHIBIT DISCRIMINATION BASED UPON SEXUAL
8 ORIENTATION AND GENDER IDENTITY, AMENDING
9 SECTION 60.105 (FUNCTIONS, POWERS AND DUTIES),
10 *ORDINANCE CODE*; AMENDING SECTION 400.101
11 (STATEMENT OF POLICY), *ORDINANCE CODE*; AMENDING
12 CHAPTER 402 (EQUAL EMPLOYMENT OPPORTUNITY),
13 *ORDINANCE CODE*; AMENDING CHAPTER 406 (PUBLIC
14 ACCOMMODATIONS), *ORDINANCE CODE*; AMENDING
15 CHAPTER 408 (FAIR HOUSING), *ORDINANCE CODE*;
16 PROVIDING LEGISLATIVE INTENT; PROVIDING FOR
17 EXEMPTION FOR RELIGIOUS INSTITUTIONS; PROVIDING
18 FOR EXEMPTION FOR SMALL EMPLOYERS; PROVIDING
19 FOR SINGLE-SEX FACILITIES AND DRESS CODES;
20 PROVIDING FOR INTERPRETATION; AUTHORIZING THE
21 OFFICE OF GENERAL COUNSEL TO MAKE CODIFICATION
22 CHANGES; PROVIDING AN EFFECTIVE DATE.
23

24 **WHEREAS**, the City of Jacksonville is an inclusive and
25 welcoming community, wherein no discrimination should occur; and

26 **WHEREAS**, City of Jacksonville routinely competes with other
27 cities and counties, within Florida, in other states and
28 internationally, in the areas of economic development; and

29 **WHEREAS**, the City of Jacksonville seeks to be competitive in
30 attracting new industries, corporate relocations and expansions,
31 medical facilities, educational opportunities, conventions,

1 sporting, entertainment and cultural events, tourism, employee
2 recruitment and retention, and in other important categories; and

3 **WHEREAS**, the City of Jacksonville has great respect for the
4 many diverse religious communities represented by local houses of
5 worship and faith leaders, each of which and all of whom have been
6 carefully considered and provided for herein with appropriate
7 exemptions; and

8 **WHEREAS**, The City of Jacksonville is home to thriving small
9 businesses that form the backbone of the local economy, the needs
10 of which have been carefully considered and provided for herein
11 with appropriate exemptions; and

12 **WHEREAS**, The City of Jacksonville recognizes and appreciates
13 the contributions of the members of its lesbian, gay, bisexual and
14 transgender ("LGBT") community, and finds that a strong LGBT
15 community is a vital thread in the diverse tapestry of this City;
16 now therefore

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

18 **Section 1. Legislative Findings.**

19 It is hereby ascertained, represented, determined and declared
20 that:

21 (a) The Duval County School Board passed and enacted human
22 rights protections for its students, faculty, administrators, and
23 other employees in June 2012.

24 (b) In March 2016, after leading three community conversations
25 on the topic, Mayor Lenny Curry by departmental directive required
26 the City of Jacksonville to update its equal employment opportunity
27 policy to prohibit discrimination on the basis of an applicant or
28 employee's "sexual orientation, gender identity or expression," a
29 requirement which Mayor Curry also extended to vendors that
30 contract with the City.

31 (c) Following Mayor Lenny Curry's lead, Sheriff Mike Williams

1 extended human rights protections to all employees of the
2 Jacksonville Sheriff's Office. In addition, several key independent
3 authorities, namely JEA, the Jacksonville Transportation Authority,
4 the Jacksonville Port Authority, and the Jacksonville Aviation
5 Authority have done the same.

6 (d) The Department of Defense, including the United States
7 Navy, Marines, Coast Guard, Army, and Air Force, adopted policies
8 and procedures that protect LGBT service-members, and their
9 families, from discrimination.

10 **Section 2. Amending Sections 60.105, 400.101, 400.301,**
11 **402.102, 402.107(g) (1), 402.107(g) (3), 402.201, 402.202, 402.203,**
12 **402.204, 402.206, 402.209, 402.210, 402.211, 406.102,**
13 **406.104(g) (1), 406.104(g) (3), 406.201, 408.102, 408.204, 408.401,**
14 **408.402, 408.403, 408.404, 408.406, and 408.407, Ordinance Code.**

15 The foregoing sections of the Ordinance Code are hereby
16 amended as follows: wherever protected categories are listed, that
17 sexual orientation and gender identity, as defined in Section 3
18 below, shall be added to the list.

19 **Section 3. Amending Sections 402.107, 406.104, and**
20 **408.105, Ordinance Code.**

21 The foregoing sections of the Ordinance Code are hereby
22 amended as follows:

23 (a) Wherever definitions are provided, the definition of
24 sexual orientation shall be added and shall mean an individual's
25 actual or perceived orientation as heterosexual, homosexual, or
26 bisexual.

27 (b) Wherever definitions are provided, the definition of
28 gender identity shall be added and shall mean the gender-related
29 identity, appearance, or expression of a person. Gender identity
30 may be demonstrated by a person's consistent and uniform assertion
31 of a particular gender identity, appearance or expression, or by

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

4 **Section 4. Exemption for Religious Institutions.**

5 Religious organizations, such as churches, synagogues,
6 mosques, and schools of religious instruction and non-profit
7 institutions or organizations affiliated therewith, are exempt from
8 the provisions contained herein.

9 **Section 5. Exemption for Small Employers.**

10 Since 1964, civil and human rights statutes at all levels of
11 government have exempted employers with fewer than 15 employees.
12 The same standard applies in the City of Jacksonville with respect
13 to employment discrimination claims under this provision.

14 **Section 6. Single-Sex Facilities and Dress Codes.**

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

20 (b) Nothing herein shall prohibit a business from establishing
21 and enforcing a dress code for its employees, provided that such
22 dress code shall not be based upon sex stereotypes.

23 **Section 7. Interpretation.**

24 Any ordinance or Charter provision or part of any Ordinance or
25 Charter provision in conflict with the provisions hereof is
26 repealed to the extent of the conflict. Should any part of this
27 Ordinance 2017-15-E be held invalid by a court of competent
28 jurisdiction, the remainder of this Ordinance 2017-15-E shall
29 continue in full force and effect and it shall be presumed that
30 this Ordinance 2017-15-E was enacted without the invalid provision.

31 **Section 8. Authorizing the Office of General Counsel to**

1 **make Codification changes allowed by this Ordinance.** The Office of
2 General Counsel is authorized to take all necessary action in
3 connection with this legislation, to execute the finalization and
4 codification of the legislation to effectuate the purposes of this
5 Ordinance as recommended by the Council Committees and enacted by
6 Council, without further Council action, provided such changes
7 implement the ordinance as approved by 2017-15-E. All such
8 finalization and codification shall be subject to appropriate legal
9 review and approval by the General Counsel, or designee, and all
10 other appropriate official action required by law.

11 **Section 9. Effective Date.** This Ordinance shall become
12 effective upon signature by the Mayor or upon becoming effective
13 without the Mayor's signature.

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15 Form Approved:

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17 /s/ Margaret M. Sidman

18 Office of General Counsel

19 Legislation Prepared by: Wendy E. Byndloss

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