

ORDINANCE NO. 2012-12

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA ESTABLISHING CHAPTER 2, ADMINISTRATION, ARTICLE VII OF THE CODE OF ORDINANCES ENTITLED THE CITY OF VENICE HUMAN RIGHTS ACT, PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Venice City Council wishes to foster and encourage the growth and development of the city in a manner that will assure all persons an equal opportunity to live free of discrimination based on age, race, color, creed, religion, national origin, ancestry, disability, marital status, sex, sexual orientation, gender identity or expression, or physical characteristic; and

WHEREAS, discriminatory practices are contrary to public policy and are a menace to the public peace and welfare of all citizens; and

WHEREAS, the City of Venice Human Rights Act is intended to reinforce and supplement the Federal Civil Rights Act of 1964, the Federal Civil Rights Act of 1986, the Florida Civil Rights Act and all similar local, state and federal laws regarding discrimination and discriminatory practices.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA as follows:

SECTION 1. Chapter 2 Article VII of the Code of Ordinances is hereby established and shall read as follows:

Article VII. Human Rights Act.

Sec. 2-351. Name.

This ordinance shall be referred to as the City of Venice Human Rights Act.

Sec. 2-352. Purpose and Intent.

It is the intent of the Venice City Council, in enacting this ordinance, to protect and safeguard the right and opportunity of all persons to be free from all forms of discrimination, including discrimination based on age, race, color, creed, religion, national origin, ancestry, disability, marital status, sex, sexual orientation, gender identity or expression, or physical characteristic.

Sec. 2-353. Definitions.

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

“Disability” or “Disabled” means, with respect to an individual: a physical or mental impairment; a record of such an impairment; or being regarded as having such an impairment.

“Discriminate, Discrimination or Discriminatory” means any act, policy, advertisement or practice which, regardless of intent, has the effect of subjecting any person to differential treatment as a result of that person’s actual or perceived race, color, creed, religion, national origin, ancestry, disability, age, marital status, sex, sexual orientation, gender identity or expression, or physical characteristic. Discrimination also includes any differential treatment because of one’s association with a person or group of people identified herein.

“Educational Institution” means any public or private educational institution and any business, nursing, professional, secretarial, technical or vocational school;

“Employee” means any individual employed or seeking employment from an employer;

“Employer” means any person who, for compensation, regularly employs five or more individuals, not including the employer’s parents, spouse or children. For purposes of this ordinance an “employer” is also any person acting on behalf of an employer, directly or indirectly, or any employment agency.

“Gender identity or expression” means a person’s gender-related self-identity, appearance, expression or behavior, regardless of the person’s assigned sex at birth.

“Person” means any natural person, firm, corporation, partnership or other organization, association or group of persons however arranged.

“Physical Characteristic” means a bodily condition or bodily characteristic of any person which is from birth, accident, or disease, or from any natural physical development, or any other event outside the control of that person including individual physical mannerisms, height, or weight.

“Place of public accommodation” means all establishments within the City of Venice which offer goods, services, accommodations or entertainment to the public. A place of public accommodation does not include any institution or club which by its nature is distinctly private.

“Sexual orientation” means a person’s actual or perceived heterosexuality, homosexuality, or bisexuality.

Sec. 2-354. Prohibited Acts of Discrimination - Employment.

With regard to employment, it shall be unlawful for any employer or labor organization, to engage in any of the following acts, wholly or partially for a discriminatory reason:

(1) To discriminate against any individual, with respect to failure to hire, refusal to hire, discharge, compensation, terms, conditions, or privileges of employment, including promotion; however nothing in this subsection shall be construed to require any employer to provide benefits, such as insurance, to individuals not employed by the employer;

(2) To limit, segregate, or classify employees in any way which would deprive or tend to deprive any employee of employment opportunities, or which would otherwise tend to adversely affect his or her status as an employee; or

(3) To fail or refuse to refer for employment, or to give negative information to a potential employer of any individual, in such a manner that would deprive or limit an individual’s employment opportunities or that would otherwise adversely affect an individual’s status as an applicant or prospective employee.

Sec. 2-355. Prohibited Acts of Discrimination - Housing and Real Estate Transactions.

With regard to housing and real estate transactions, it shall be unlawful to engage in any of the following acts wholly or partially for a discriminatory reason:

(1) To discriminate by impeding, delaying, discouraging, imposing different terms, or otherwise limiting or restricting any transaction in real estate;

(2) To discriminate in the terms and conditions, or in performing, or refusing to perform, any act necessary to determining an individual’s financial ability to engage in a real estate transaction or to represent falsely that an interest in real estate is not available for transaction; or

(3) For a property manager to discriminate by refusing to provide equal treatment of, or services to, occupants or potential occupants of any real estate which he or she manages.

It shall not be an unlawful discriminatory practice for an owner, lessor or renter to refuse to rent, lease or sublease a portion of a single family dwelling unit where it is anticipated that the owner, lessor or renter will be occupying any portion of the single-family dwelling.

Sec. 2-356. Prohibited Acts of Discrimination - Business Establishment or Public Accommodations.

It shall be unlawful for a business establishment or place of public accommodation to deny, directly or indirectly, any person the full enjoyment of the goods, services, facilities, privileges, advantages, and accommodations wholly or partially for a discriminatory reason.

Sec. 2-357. Prohibited Acts of Discrimination - Educational Institution.

It shall be unlawful for an educational institution to engage in any of the following acts wholly or partially for a discriminatory reason: to deny, restrict, abridge or condition the use of, or access to, any educational facilities or educational services to any person otherwise qualified.

Sec. 2-358. General Exceptions.

(1) It shall not be an unlawful discriminatory practice for an employer to observe the conditions of a bona fide seniority system or a bona fide employee benefit system based on age such as a retirement, pension or insurance plan which is not a subterfuge or pretext to evade the purpose of this ordinance.

(2) Nothing contained in this ordinance shall be deemed to prohibit selection or rejection based solely upon a bona fide occupational qualification, a bona fide physical requirement, or, as to a religious or denominational institution, based upon a preference for applicants of the same religion or denomination.

SECTION 2. Severability. The sections, paragraphs, sentences, clauses and phrases of this chapter are severable; and if any phrase, clause, sentence, paragraph or section of this chapter shall be declared unconstitutional or unreasonable and thus void by the valid judgment or decree of any court of competent jurisdiction, that unconstitutionality or declaration of unreasonableness shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this chapter, since they would have been enacted without the unconstitutional or unreasonable phrase, clause, sentence, paragraph or section.

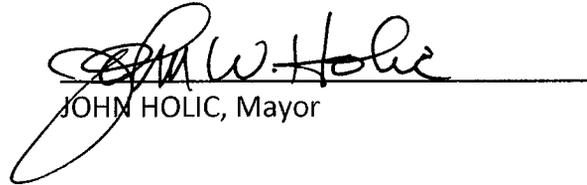
SECTION 3. Effective Date. This ordinance shall take effect immediately upon its adoption.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 27th DAY OF MARCH, 2012.

First Reading: March 13, 2012

Final Reading: March 27, 2012

ADOPTION: March 27, 2012


JOHN HOLIC, Mayor

ATTEST:


LORI STELZER, MMC, City Clerk

I, **LORI STELZER, MMC**, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council, at a meeting thereof duly convened and held on the 27th day of March, 2012, a quorum being present.

WITNESS my hand and the official seal of said City this 28th day of March, 2012.


LORI STELZER, MMC, City Clerk

(SEAL)

Approved as to form:


City Attorney