



City of North Port

ORDINANCE NO. 2017-01

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING CHAPTER 16, HUMAN RIGHTS ACT OF THE CITY OF NORTH PORT CITY CODE, SECTION 16.01 PURPOSE AND INTENT, SECTION 16.02 DEFINITIONS, SECTION 16.03 GENERAL DISCRIMINATORY PRACTICES, 16.04 PRIVATE CAUSES OF ACTION, 16.05 SOVEREIGN IMMUNITY; NO WAIVER OF RIGHTS OR REMEDIES AT LAW, 16.06 REMEDIES PROHIBITING ACTS OF DISCRIMINATION – EMPLOYMENT, REPEALING SECTION 16.07 PROHIBITED ACTS OF DISCRIMINATION – HOUSING AND REAL ESTATE TRANSACTIONS, SECTION 16.08 PROHIBITED ACTS OF DISCRIMINATION – BUSINESS ESTABLISHMENT OR PUBLIC ACCOMODATIONS, SECTION 16.09 PROHIBITED ACTS OF DISCRIMINATION – EDUCATIONAL INSTITUTION, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, this amendment is being considered primarily to include Veteran’s Status and Pregnancy into the Human Rights Ordinance (2015-47) passed and adopted by the North Port City Commission the 27th day of October, 2015; and

WHEREAS, Veteran’s Status, Pregnancy, Citizenship, Familial Status, Genetic Information, and Handicap are categories of protected classes that were omitted from ordinance 2015-47; and

WHEREAS, the intent of this ordinance as amended is to prohibit all forms of discrimination; and

WHEREAS, the ordinance as amended is consistent with attorney fee provisions in Florida Statutes §57.105; and

NOW, THEREFORE BE IT ORDAINED by the City of North Port City Commission:

SECTION 1. HUMAN RIGHTS

1.01 Chapter 16 of the Code of the City of North Port is hereby amended as:

Chapter 16. – Human Rights

SECTION 2. PURPOSE AND INTENT.

2.01 Chapter 16, Section 16.01 of the Code of the City of North Port is hereby amended as:

Sec. 16.01. - Purpose and intent.

- a) It is the desire of the City Commission to foster and encourage the growth and development of the City of North Port in a manner that will ensure all Citizens an equal opportunity to live free of discrimination imposed by age, race, color, religion, national origin, disability, marital status, familial status, sex, sexual orientation, gender identity or expression, physical characteristic, pregnancy, genetic information, handicap, creed, ancestry, or veterans status; and that discriminatory practices are contrary to the public policy of the City of North Port and are a menace to the public health and welfare of our citizens.; and
- b) The general purpose of this chapter is to secure for all Citizens within the City of North Port freedom from discrimination because of age, race, color, religion, national origin, disability, marital status, familial status, sex, sexual orientation, gender identity or expression, physical characteristic, pregnancy, genetic information, handicap, creed, ancestry, or veterans status and thereby to protect their interest in personal dignity, to make the City of North Port secure against strife and unrest, to preserve the public safety, health, and general welfare, and to promote the interests, rights, privileges of Citizens within the City of North Port, and, in an effort to accomplish this purpose, to create a private cause of action to all Citizens in the City of North Port against such discriminatory practices.

SECTION 3. DEFINITIONS.

3.01 Chapter 16, Section 16.02 of the Code of the City of North Port is hereby amended as:

Sec. 16.02. - 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:

Age means any person 40 years or older.

Ancestry refers to the country, nation, tribe or other identifiable group of people from which a person descends. It can also refer to the physical, cultural or linguistic characteristics of the person's ancestors.

Color refers to a person's skin color.

Citizen refers to all person born or naturalized in the United States.

Creed refers to a system of belief, principles or opinions.

Disability or *disabled* means, a physical or mental impairment; a record of such an impairment; or being regarded as having such an impairment.

Discriminate, discrimination or discriminatory means treating someone less favorably because of his or her actual or perceived age, race, color, religion, national origin, disability, marital status, familial status, sex, sexual orientations, gender identity or expression, or physical characteristic, pregnancy, genetic information, handicap, creed, ancestry, or veteran's status. Discrimination also includes any differential treatment because of one's association with a person or group of people identified herein.,

Familial Status means one or more individuals (who have not attained the age of 18 years) being domiciled with (a) a parent or another person having 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.

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.

Genetic Information means information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history)

Handicap refers a mental or physical impairment that significantly limits one's abilities.

Marital Status is the condition of being married or unmarried.

National Origin refers to a person's, or his or her ancestor's, country of birth.

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.

Pregnancy means the condition of being pregnant.

Race refers to a group of people united or classified together based on a common history, nationality or geography

Religion means a particular system of faith or worship.

Sex refers to a person's gender

Sexual orientation means a person's actual or perceived heterosexuality, homosexuality, or bisexuality.

Veteran's Status means a person who served in the active military, naval, or air service and who was discharged or released under honorable conditions only or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veterans Affairs on individuals discharged or released with other than honorable discharges.

SECTION 4. GENERAL DISCRIMINATORY PRACTICES.

4.01 Chapter 16, Section 16.03 of the Code of the City of North Port is hereby amended as:

Sec. 16.03. - General discriminatory practices.

In addition to those discriminatory practices made unlawful by this chapter, the following discriminatory practices shall be unlawful:

- (1) It shall be unlawful for a person to retaliate or discriminate in any manner against an a Citizen because such Citizen opposed a practice prohibited by this chapter or prohibited by existing federal or state law prohibiting discrimination; or to retaliate or discriminate in any manner against a Citizen because such Citizen has filed a complaint, testified, assisted or participated in any manner in any investigation, proceedings, hearing or conference under this chapter or under any federal or state law prohibiting discrimination.
- (2) It shall be unlawful to coerce, intimidate, threaten or interfere with any Citizen in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other Citizen in the exercise or enjoyment of, any right granted or protected by this chapter.

SECTION 5. PRIVATE CAUSES OF ACTION; REMEDIES.

5.01 Chapter 16, Section 16.04 of the Code of the City of North Port is hereby amended as:

Sec. 16.04. – Private causes of action; remedies.

- (a) An aggrieved Citizen may, under this chapter, commence a civil action in a court of competent jurisdiction against the person alleged to have committed a discriminatory practice; provided, however, that such civil action must be filed no later one (1) year after the discriminatory practice is alleged to have been committed.
- (b) If, in a civil action commenced under this chapter, the court finds that a discriminatory practice has been committed or is about to be committed, the court may issue an order prohibiting the discriminatory practice and providing affirmative relief from the effects of the discriminatory practice including, but not limited to, a temporary or permanent injunction or other equitable relief, a temporary restraining order, an award of actual damages, including back pay, punitive damages, an award of reasonable attorney's fees, interest, and costs, or other such relief as the court deems appropriate.
- (c) In any civil action commenced under this chapter, upon the court's initiative or motion of any party, the court shall award reasonable attorney fees pursuant to Florida Statutes §57.105.

SECTION 6. SOVEREIGN IMMUNITY; NO WAIVER OF RIGHTS OR REMEDIES AT LAW.

6.01 Chapter 16, Section 16.05 of the Code of the City of North Port is hereby amended as:

Sec. 16.05. – Sovereign immunity; no waiver of rights or remedies at law.

- (a) Nothing in this chapter shall be deemed to be a provision for bringing suit against the state, city, county or local government or otherwise be deemed to be a waiver of sovereign immunity.
- (b) Nothing in this chapter shall be construed to prohibit any sovereignly immune entity from adopting its own internal policies and rules to prohibit discriminatory practices and acts and to resolve allegations or complaints of such discriminatory practice and acts to the

extent allowed by law. The City of North Port specifically adopts this chapter as applicable to the government of the City of North Port.

- (c) This chapter shall be applicable within the jurisdictional boundary of the City of North Port.
- (d) Nothing in this chapter shall be deemed to modify, impair, or otherwise affect any other right or remedy conferred by the constitution or laws of the United States or the State of Florida, and the provisions of this chapter shall be deemed to be in addition to those provided by such other laws.

SECTION 7. PROHIBITED CONDUCT

7.01 Chapter 16, Section 16.06 of the Code of the City of North Port is hereby amended as:

Sec. 16.06 – Prohibited conduct.

It shall be unlawful for any Citizen to discriminate against another Citizen because of age, race, color, religion, national origin, disability, marital status, familial status, sex, sexual orientation, gender identity or expression, or physical characteristic, pregnancy, genetic information, handicap, creed, ancestry, or veteran’s status.

SECTION 8. PROHIBITED ACTS OF DISCRIMINATION – HOUSING AND REAL ESTATE TRANSACTIONS.

8.01 Chapter 16, Section 16.07 of the Code of the City of North Port is hereby repealed as:

SECTION 9. PROHIBITED ACTS OF DISCRIMINATION – BUSINESS ESTABLISHMENT OR PUBLIC ACCOMODATIONS.

9.01 Chapter 16, Section 16.08 of the Code of the City of North Port is hereby repealed as:

SECTION 10. PROHIBITED ACTS OF DISCRIMINATION – EDUCATIONAL INSTITUTION.

10.01 Chapter 16, Section 16.09 of the Code of the City of North Port is hereby repealed as:

SECTION 11. GENERAL EXCEPTIONS.

11.01 Chapter 16, Section 16.10 of the Code of the City of North Port is hereby left unchanged as:

Sec. 16.10 - General exceptions.

- (a) 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 article.
- (b) Nothing contained in this article 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 12. SEVERABILITY

If any section, subsection, sentence, clause, or provision of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, or provision shall be deemed a separate, distinct, and independent section, subsection, sentence, clause, or provision and such holding shall not affect the validity of the remaining sections, subsections, sentences, clauses, or provisions.

SECTION 13. EFFECTIVE DATE

All portions of this Ordinance shall become effective immediately upon adoption.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session this ____ day of _____, 2017.

PASSED AND DULY ADOPTED on the second and final reading in public session by the City Commission of City of North Port, Florida this ____ day of _____, 2017.

CITY OF NORTH PORT, FLORIDA

**LINDA YATES,
MAYOR**

ATTEST:

**PATSY ADKINS, MMC
CITY CLERK**

Approved as to form and correctness:

**MARK MORIARTY
CITY ATTORNEY**