



City of North Port

ORDINANCE NO. 2017-01

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, CHAPTER 16 – HUMAN RIGHTS TO ADD GENETIC INFORMATION, HANDICAP, CREED, ANCESTRY, AND VETERAN’S STATUS AND TO CLARIFY TERMS THEREIN, BY AMENDING SECTION 16.01 – PURPOSE AND INTENT, AND SECTION 16.02 – DEFINITIONS; PROVIDING FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODING OF AMENDMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the North Port City Commission is concerned about protecting and safeguarding the rights and opportunity of all individuals to be free from all forms of discrimination, including but not limited to discrimination based on age, race, color, religion, national origin, disability, marital status, familial status, sex, sexual orientation, gender identity or expression, physical characteristic, genetic information, handicap, creed, ancestry, or veteran’s status; and

WHEREAS, the North Port City Commission promotes the public health and welfare of all individuals who live in, visit, and work in the City of North Port; and

WHEREAS, the City Commission desires to ensure that all individuals within the City of North Port have equal access to employment, housing, and public accommodations;

WHEREAS, the City of North Port Human Rights Ordinance is intended to reinforce and supplement the Federal Civil Rights Act of 1964, the Federal Civil Rights Act of 1968, 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 of North Port City Commission:

SECTION 1. FINDINGS

1.01 The recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.

SECTION 2. ADOPTION OF AMENDMENTS TO SECTION 16.01

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 individuals 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, or physical characteristic, genetic information, handicap, creed, ancestry, or veteran's 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, as such, the commission shall direct its efforts toward eliminating discriminatory practices within the City of North Port in the areas of employment, housing, and public accommodations where they exist; and
- b) The general purpose of this chapter is to secure for all individuals 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, or physical characteristic, genetic information, handicap, creed, ancestry, or veteran's 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 individuals within the City of North Port, and, in an effort to accomplish this purpose, to create a private cause of action to all individuals in the City of North Port against such discriminatory practices.

SECTION 3. ADOPTION OF AMENDMENTS TO SECTION 16.02

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.

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

Color refers to a person's skin color.

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

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, religion, national origin, disability, age, marital status, familial status, sex, sexual orientations, gender identity or

expression, or physical characteristic, 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.

Educational institution means any public or private educational institution and any business, nursing, professional, secretarial, and 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 article an "employer" is also any person acting on behalf of an employer, directly or indirectly, or any employment agency.

Familial Status means one or more individuals (who have not attained the age of 18) 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 to 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.

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, pregnancy, 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 North Port 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.

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 actions by the United States Department of Veterans Affairs on individuals discharged or released with other than honorable discharges.

SECTION 4. CONFLICTS

4.01 In the event of any conflict between the provisions of this Ordinance and any other Ordinance or portions thereof, the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 5. SEVERABILITY

5.01 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 6. CODING OF AMENDMENTS

6.01 In this Ordinance, additions are shown as underlined and deletions as strikethrough. These editorial notations shall not appear in the codified text.

SECTION 7. EFFECTIVE DATE

7.01 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 M. YATES
MAYOR**

ATTEST:

PATSY ADKINS, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

AMBER L. SLAYTON
CITY ATTORNEY