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Introduced by Council Members Bowman, Hazouri and Love:

**ORDINANCE 2017-15**

AN ORDINANCE CONCERNING EQUAL OPPORTUNITY AND  
EXPANDING THE CITY’S EQUAL RIGHTS LAWS TO  
PROHIBIT DISCRIMINATION BASED UPON SEXUAL  
ORIENTATION AND GENDER IDENTITY, AMENDING  
SECTION 60.105 (FUNCTIONS, POWERS AND DUTIES),  
*ORDINANCE CODE*; AMENDING SECTION 400.101  
(STATEMENT OF POLICY), *ORDINANCE CODE*; AMENDING  
CHAPTER 402 (EQUAL EMPLOYMENT OPPORTUNITY),  
*ORDINANCE CODE*; AMENDING CHAPTER 406 (PUBLIC  
ACCOMMODATIONS), *ORDINANCE CODE*; AMENDING  
CHAPTER 408 (FAIR HOUSING), *ORDINANCE CODE*;  
PROVIDING LEGISLATIVE INTENT; PROVIDING FOR  
EXEMPTION FOR RELIGIOUS INSTITUTIONS; PROVIDING  
FOR EXEMPTION FOR SMALL EMPLOYERS; PROVIDING  
FOR SINGLE-SEX FACILITIES AND DRESS CODES;  
PROVIDING FOR INTERPRETATION; AUTHORIZING THE  
OFFICE OF GENERAL COUNSEL TO MAKE CODIFICATION  
CHANGES; PROVIDING AN EFFECTIVE DATE.

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

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

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

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

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

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

12       **WHEREAS**, The City of Jacksonville recognizes and appreciates  
13the contributions of the members of its lesbian, gay, bisexual and  
14transgender ("LGBT") community, and finds that a strong LGBT  
15community is a vital thread in the diverse tapestry of this City;  
16now 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  
20that:

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

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

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

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

6 (d) The Department of Defense, including the United States  
7Navy, Marines, Coast Guard, Army, and Air Force, adopted policies  
8and procedures that protect LGBT service-members, and their  
9families, 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, 406.104(g)**  
13**(1), 406.104(g)(3), 406.201, 408.102, 408.204, 408.401, 408.402,**  
14**408.403, 408.404, 408.406, and 408.407, Ordinance Code.**

15 The foregoing sections of the Ordinance Code are hereby  
16amended as follows: wherever protected categories are listed, that  
17sexual orientation and gender identity, as defined in Section 3  
18below, 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  
22amended as follows:

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

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

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

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

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

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

10       Since 1964, civil and human rights statutes at all levels of  
11government have exempted employers with fewer than 15 employees.  
12The same standard applies in the City of Jacksonville with respect  
13to 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  
16public accommodation from providing single-sex restrooms, locker  
17rooms, shower facilities, bath houses, health spas, dormitory  
18lodging facilities and similar facilities that are by their nature  
19distinctly private.

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

23       **Section 7.       Interpretation.**

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

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

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

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

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15Form Approved:

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17 /s/ Margaret M. Sidman

18Office of General Counsel

19Legislation Prepared by: Wendy E. Byndloss

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