



1 (3) The term "Board," unless a different meaning clearly appears from the context, means  
2 the Chapter 57 Review Board created by this Chapter.

3 (4) "Employee" means any individual employed by the employer except that neither the  
4 term "employee" nor this title includes any individual employed by his or her own  
5 parents, spouse or child, nor in the domestic service of any person.

6 (5) "Employment agency" means any person regularly undertaking, with or without  
7 compensation, to procure employees for an employer or to procure for employees  
8 opportunities to work.

9 (6) "Employer" means any person who has more than five (5) full-time employees working  
10 more than thirty (30) hours per week, or who has more than ten (10) employees  
11 irrespective of the number of hours per week, in each of thirteen (13) or more calendar  
12 weeks in the current or preceding calendar year, and any agent of such a person.

13 (7) The term "family" includes the grandparents, parents, children, brothers, and sisters,  
14 whether by marriage or blood, and their spouses and children of either the property  
15 owner or spouse of the property owner.

16 (8) "Gender Identity" includes actual or perceived sex, and shall also include a person's  
17 gender identity, self-image, appearance, expression or behavior, whether or not that  
18 gender identity, self-image, appearance, expression or behavior is different from that  
19 traditionally associated with the sex assigned to that person at birth.

20 (98)——"Handicapped persons" or "persons with a disability" mean persons who:

- 21 a. Have a physical or mental impairment which substantially limits one or more of  
22 such persons' major life activities;
- 23 b. Have a record of such impairment; or
- 24 c. Are regarded as having such an impairment. A handicapped person does not  
25 include any individual who is an alcoholic or drug abuser whose current use of  
26 alcohol or drugs prevents such individual from performing the duties of  
27 employment, or whose employment, by reason of such current alcohol or drug  
28 abuse, would constitute a direct threat to property or the safety of others.

29 (109) "Human Relations Official" means the Human Relations Official of the Human  
30 Relations Office.——

31 (11) "Labor organization" means any organization which exists and is constituted for the  
32 purpose, in whole or in part, of collective bargaining or of dealing with employers  
33 concerning grievances, terms or conditions of employment, or of other mutual aid or  
34 protection in connection with employment.

35 (120)——The term "person" includes one or more individuals, partnerships, associations,  
36 corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

37 (134) The term "public accommodation, resort or amusement" shall be as defined in  
38 Section 57.08.

39 (142)——The term "religion" includes all aspects of religious observance and practice, as  
40 well as belief, unless an employer demonstrates that it is unable to reasonably

1 accommodate to an employee's or prospective employee's religious observance or  
2 practice without undue hardship on the conduct of the employer's business.

3 (153)——The term "sexual orientation" means the condition of being heterosexual,  
4 homosexual or bisexual. This definition is not intended to permit any practice  
5 prohibited by federal, state or local law and it is not intended to require or create any  
6 special preferences in employment or contracting. Moreover, none of the subcategories  
7 within the definition of "sexual orientation" shall be deemed as a minority entitled to  
8 any rights or privileges as set forth in Article II or III of this Chapter regarding  
9 MBE/WBE.

10 (164)——The term "unlawful discriminatory practice" includes only those practices  
11 specified in Section(s) 57.08 through 57.12 and 57.14.  
12

13 SECTION TWO: Section 57.05 of Article I of Chapter 57 of the Code of the City of  
14 Orlando be, and the same is hereby, amended to read as follows:

15 Sec. 57.05. Filing of Complaints.

16 Any person alleging subjection to an unlawful discriminatory practice may file with the  
17 Board or Human Relations Official a complaint in writing, sworn to or affirmed, which shall  
18 state the name and address of the complainant and the person or persons against whom complaint  
19 is made. It also shall state the alleged facts surrounding the alleged unlawful discriminatory  
20 practice and such other information as the Board may require. A complaint shall be filed within  
21 one hundred eighty (180) days after the date of the alleged unlawful discriminatory practice in  
22 order to be processed under this Chapter. The Human Relations Official, on the Official's own  
23 initiative, may also file such a complaint and may also investigate housing practices to determine  
24 whether a complaint should be brought under this Chapter.  
25

26 SECTION THREE: Section 57.06 of Article I of Chapter 57 of the Code of the City of  
27 Orlando be, and the same is hereby, amended to read as follows:

28 Sec. 57.06. Processing Complaints.

29 (1) Upon the filing of a complaint as set forth in Section 57.05, the Human Relations Official  
30 shall offer in writing the parties the opportunity to voluntarily mediate the complaint. If both  
31 parties agree, mediation shall be scheduled and held within thirty (30) days. Mediations may  
32 be conducted by one or more members of the Chapter 57 Review Board or by a Human  
33 Relations staff member who will not be assigned to the investigation in the event mediation  
34 fails.

35 (2) Upon the filing of a complaint as set forth in Section 57.05, the Human Relations Official,  
36 within one hundred fifty (150) days, shall make such investigation as the Human Relations  
37 Official deems appropriate to ascertain facts and issues. If, within the one hundred fifty  
38 (150) days, the complaint is not resolved and if the Human Relations Official shall  
39 determine that there are reasonable grounds to believe an unlawful discriminatory practice

1 has occurred and is susceptible of conciliation, then the Human Relations Official shall  
2 attempt to conciliate the matter by methods of initial conference and persuasion with all  
3 interested parties and such representatives as the parties may choose to assist them.  
4 Conciliation conferences shall be informal, and all reasonable efforts shall be made by the  
5 parties thereto to reach a settlement. Where the Human Relations Official deems it necessary  
6 for the effective implementation of this Chapter, the Human Relations Official may  
7 designate or appoint agents or investigators to investigate or otherwise process alleged  
8 violations of the Chapter and to assist in attempted conciliation of apparent violations.

9 (3) The terms of conciliation agreed to by the parties may be reduced to writing and  
10 incorporated into a consent agreement to be signed by the parties, which agreement is for  
11 conciliation purposes only and does not constitute an admission by any party that the law  
12 has been violated. Agreements shall be signed by the Human Relations Official or on behalf  
13 of the Board by the Chairman or the Acting Chairman.

14 (4) If the Human Relations Official determines that the complaint lacks reasonable grounds  
15 upon which to base a violation of this Chapter, the Human Relations Official shall report his  
16 findings and determination to the Board. The Board in its discretion may 1) accept the  
17 findings and determination and order that the matter be closed, ~~or~~ 2) order such further  
18 investigation as may be deemed necessary, or 3) order that a public hearing of the complaint  
19 as outlined in subsection 6(b) below be conducted by the Board. If further investigation is  
20 ordered the results thereof shall be presented to the Board within thirty (30) days and shall  
21 be acted upon by the Board within twenty (20) days. Nothing in this section shall prohibit a  
22 complainant from requesting direct action or an order of investigation from the Board should  
23 the Human Relations Official fail to act on the filed complaint as required by this section.

24 (5) If the Human Relations Official, with respect to a matter which involves an alleged  
25 contravention of this Chapter, fails to conciliate a complaint, after the parties, in good faith,  
26 have attempted such conciliation, as provided in Subsection (1) of this section, the Human  
27 Relations Official may present the complaint to the Board, which shall then have thirty (30)  
28 days within which to attempt to conciliate the matter by methods of initial conference and  
29 persuasion with all interested parties and such representatives as the parties may choose to  
30 assist them. Conciliation conferences shall be informal, and all reasonable efforts shall be  
31 made by the parties thereto to reach a settlement amenable to all concerned. The Human  
32 Relations Official shall assist the Board in these conciliation attempts. The terms of  
33 conciliation agreed to by the parties may be reduced to writing and incorporated into a  
34 consent agreement as provided in Subsection (2).

35 (6) If the Board, with respect to a matter which involves an alleged contravention of this  
36 Chapter:

37 (a) Fails to conciliate a complaint, after the parties, in good faith, have attempted such  
38 conciliation, or

39 (b) Determines that a complaint is not susceptible of conciliation, the Board thereafter shall  
40 schedule a public hearing. The Board shall, within ten (10) days after failing to  
41 conciliate a complaint or determining that a complaint is not susceptible of conciliation,  
42 serve upon all interested parties a statement of charges, and a notice of the time and  
43 place of the hearing. The respondent or respondent's authorized counsel may file such  
44 statements with the Board prior to the hearing date as that party deems necessary in

1 support of respondent's position. The hearing shall be open to the public. The hearing  
2 shall be held not less than fifteen (15) days nor more than forty-five (45) days after  
3 service of the statement of charges and notice to the respondent signed by two (2)  
4 members of the Board. The interested parties may present testimony and evidence and  
5 shall have the right to cross-examine witnesses. All testimony and evidence shall be  
6 given under oath or by affirmation. The Board shall not be bound by strict rules of  
7 evidence prevailing in courts of law or equity. The Board shall keep a full record of the  
8 hearing, which records shall be public and open to inspection by any person, and upon  
9 request by any principal party to the proceedings, the Board shall furnish such party a  
10 copy of the hearing record, at such cost as is necessary for the preparation of the copy.

11 (7) The Board shall make such findings of fact as are supported by the evidence and testimony  
12 presented at the hearing. Should the Board determine that an unlawful discriminatory  
13 practice has occurred or is occurring, the Board shall issue such remedial orders as are  
14 necessary to correct the unlawful discriminatory practice and to require cessation of such  
15 practice.

16 (8) Should the discriminatory practice as determined by the Board fail to be resolved by  
17 remedial order, the Board shall refer the matter to the City Prosecutor for investigation and  
18 either prosecution of the offending party in a court of competent jurisdiction alleging such  
19 discriminatory acts as may constitute a violation of Sections 57.08 through 57.14 of this  
20 Chapter with penalties as set forth in Chapter 1.08 of the City Code, or in addition or in the  
21 alternative to apply to the Circuit Court for an order enjoining such discriminatory act or  
22 practice or requiring the offending party to refrain from such prospective discriminatory acts  
23 and for such other remedies as may be deemed necessary and proper.

24 (9) When any act is required or allowed to be done at or within a specified time by this section,  
25 for cause shown the Board at any time in its discretion may order the period enlarged or may  
26 permit the act to be done when failure to act was the result of excusable neglect.

27 SECTION FOUR: Section 57.08 of Article I of Chapter 57 of the Code of the City of  
28 Orlando be, and the same is hereby, amended to read as follows:

29 Sec. 57.08. Unlawful Discriminatory Practices in Public Accommodations.

30 (1) *Prohibition.* It shall be an unlawful discriminatory practice to discriminate or separate on the  
31 basis of race, color, religion, national origin, marital status, age, sex, sexual orientation,  
32 gender identity or handicap, any place of public accommodation in the City.

33 (2) *Establishments Covered.* A place of public accommodation within the meaning of this  
34 Section shall include, but not be limited to, the following establishments which serve the  
35 public:

36 a. Any inn, hotel, motel or other establishment which provides lodging to transient guests,  
37 other than an establishment located within a building which contains not more than two  
38 units for rent or hire and which is actually occupied by the owner of such establishment  
39 as the owner's residence.

40 b. Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain or other facility  
41 principally engaged in selling food for consumption on the premises, including but not  
42 limited to, any such facility located on the premises of any retail establishment, or any  
43 gasoline station.

- 1 c. Any bar, lounge, nightclub or other facility principally engaged in selling alcoholic  
2 beverages for consumption on the premises, or any facility principally engaged in  
3 selling both food and alcoholic beverages for consumption on the premises.
- 4 d. Any motion picture house, theater, concert hall, sports arena, stadium, convention hall  
5 or other place of exhibition or entertainment.
- 6 e. Any library or educational facility supported in part or whole by public funds, public  
7 conveyance (to include taxis, limousines, and buses), barber and beauty shop, hospital,  
8 laundry, swimming pool, nursery, kindergarten or day care center.
- 9 f. Any establishment which is physically located within the premises of any establishment  
10 otherwise covered by this Section.
- 11 g. Any establishment within the premises of which is physically located any covered  
12 establishment, and which holds itself out as serving patrons of the covered  
13 establishment.

14 (3) *Limitations and Exemptions.*

- 15 a. The provision of this Section shall not apply to a private club or other establishment not  
16 in fact open to the public, except to the extent that the facilities of such establishment  
17 are made available to the customers or patrons of such an establishment within the  
18 scope of subsection (2) above.
- 19 b. Nothing in this Section shall prohibit a religious organization, association or society, or  
20 any non-profit institution or organization, operating, supervised or controlled by or in  
21 conjunction with a religious organization, association or society, from limiting facilities  
22 and accommodations which it owns or operates for other than a commercial purpose to  
23 persons of the same religion, or from giving preference to such persons.
- 24 c. Nothing in this Section shall prohibit the limiting of the use of kindergartens, nurseries,  
25 day care centers, theaters and motion picture houses to persons of a particular age  
26 group.

27 SECTION FIVE: Section 57.09 of Article I of Chapter 57 of the Code of the City of  
28 Orlando be, and the same is hereby, amended to read as follows:

29 Sec. 57.09. Unlawful Discriminatory Practices by Financial Institutions.

30 It shall be an unlawful discriminatory practice for any person, bank, trust company, private  
31 banker, savings bank, industrial bank, savings and loan association, credit union, investment  
32 company, mortgage company, insurance company or other financial institution or lender, doing  
33 business in the City and if incorporated, regardless of whether incorporated under the laws of the  
34 State of Florida, the United States or any other jurisdiction, to whom application is made for  
35 financial assistance for the purchase, acquisition, construction, rehabilitation, repair or  
36 maintenance of any housing accommodation, or any officer, agent, or employee thereof:

- 37 (1) To discriminate against any such applicant or applicants because of the race, religion,  
38 color, national origin, sex, sexual orientation, gender identity or marital status, of such  
39 applicant or applicants or of any member, stockholder, director, officer, or employee of  
40 such applicant or applicants, or of the prospective occupants or tenants of such housing

1 accommodation, in the granting, withholding, extending or renewing, or in the fixing of  
2 the rates, terms or conditions of any such financial assistance.

- 3 (2) To use any form of application for such financial assistance or to make any record or  
4 inquiry in connection with applications for such financial assistance which expresses,  
5 directly or indirectly, any limitation, specification or discrimination as to race, religion,  
6 color, national origin, sex, sexual orientation, gender identity or marital status.

7 SECTION SIX: Section 57.14 of Article I of Chapter 57 of the Code of the City of Orlando  
8 be, and the same is hereby, amended to read as follows:

9 Sec. 57.14. Unlawful Discriminatory Practices in Employment.

10 It shall be an unlawful discriminatory practice:

11 (1) For an employer, because of the race, religion, color, national origin, sex, sexual  
12 orientation, gender identity, age, handicap or marital status of any individual, to refuse  
13 to hire or employ or to bar or to discharge from employment such individual or to  
14 discriminate against such individual in compensation or in terms, conditions or  
15 privileges of employment. The addition of "sexual orientation" shall not be deemed to  
16 require the extension of any employee benefits to persons who are not married as that  
17 term is defined by Florida law.

18 (2) For an employment agency to discriminate against any individual because of an  
19 individual's race, religion, color, national origin, sex, sexual orientation, gender identity,  
20 age, handicap or marital status in receiving, classifying, disposing or otherwise acting  
21 upon applications for its services or in referring an applicant or applicants to an  
22 employer or employers.

23 (3) For a labor organization, because of the race, religion, color, national origin, sex, sexual  
24 orientation, gender identity, age, handicap or marital status of any individual, to exclude  
25 or to expel from its membership such individual or to discriminate in any way against  
26 any of its members or against any employer or any individual employed by any  
27 employer.

28 (4) For any employer or employment agency to print or circulate or cause to be printed or  
29 circulated any statement, advertisement or publication, or to use any form of application  
30 for employment or to make any inquiry in connection with perspective employment,  
31 which expresses, directly or indirectly, any limitation, specifications or discrimination  
32 as to race, religion, color, national origin, sex, sexual orientation, gender identity, age,  
33 handicap or marital status or any intent to make any such limitation, specification or  
34 discrimination, unless based upon a bona fide occupational qualification.

35 But nothing contained in this section shall be construed to prohibit discrimination where said  
36 discrimination is based on a bona fide occupational qualification reasonably necessary to the  
37 normal operation of a particular business or enterprise; nor shall anything in this section be  
38 construed to affect the retirement policy or system of any employer where such policy or system  
39 is not merely a subterfuge to evade the purposes of this section; nor shall anything in this section  
40 be deemed to preclude the varying of insurance coverages according to an employee's age. The  
41 bona fide occupational exemption shall be interpreted narrowly.

1 SECTION SEVEN: Section 57.36 of Article V of Chapter 57 of the Code of the City of  
2 Orlando be, and the same is hereby, amended to read as follows:

3 Sec. 57.36. Purposes and Intent.

4 (1) The general purposes of this Article are:

5  
6 (a) To provide for execution within the City of Orlando the policies embodied in  
7 Title VIII of the Federal Civil Rights Act of 1968, as amended to January 15,  
8 1991.

9  
10 (b) To secure for all individuals within the City of Orlando the freedom from  
11 discrimination because of race, color, religion, national origin, sex, sexual  
12 orientation, gender identity, familial status, or handicap in connection with  
13 housing and public accommodations, and thereby to promote the interests,  
14 rights and privileges of individuals within the city.

15  
16 (2) This Article shall be liberally construed to preserve the public safety, health and  
17 general welfare and to further the general purposes stated herein.

18  
19 (3) The enforcement of this Article may be delegated by the City Council of the City of  
20 Orlando to the Human Relations Official and at his direction, the Chapter 57 Review  
21 Board, as provided in Section 57.44 of this Article.

22  
23 SECTION EIGHT: Section 57.37 of Article V of Chapter 57 of the Code of the City of  
24 Orlando be, and the same is hereby, amended to read as follows:

25 Sec. 57.37. Definitions.

26 (1) *Aggrieved person* includes any person who:

27 (a) claims to have been injured by a discriminatory housing practice; or

28 (b) believes that he will be injured by a discriminatory housing practice that is  
29 about to occur.

30 (2) *City* means the City of Orlando, a Florida municipal corporation.

31 (3) *Complainant* means a person, including the City of Orlando Human Relations  
32 Official, who files a complaint under this Article.

33 (4) *Human Relations Official* means the person given authority by the City Council of  
34 the City of Orlando to administer this Article.

35 (5) *Conciliation* means the attempted resolution of issues raised by a complaint or by the  
36 investigation of the complaint, through informal negotiations involving the aggrieved  
37 person, the respondent, and the Human Relations Official.

38 (6) *Conciliation Agreement* means a written agreement setting forth the resolution of the  
39 issues in conciliation.



1 (7) *Discriminatory Housing Practice* means an act prohibited by Sections 57.48 through  
2 57.55, inclusive of this Article.

3 (8) *Dwelling* means:

4 (a) any building, structure, or part of a building or structure that is occupied as, or  
5 designed or intended for occupancy as, a residency by one or more families; or

6 (b) any vacant land that is offered for sale or lease for the construction or location  
7 of a building, structure, or part of a building or structure described by paragraph (a)  
8 above.

9 (9) *Family* includes one or more individuals related by blood or marriage, and includes a  
10 single individual.

11 (10) *Gender identity* shall have the definition provided in Section 57.01 of this Chapter.

12 (11) *Handicap* or *Disability* means a mental or physical impairment that substantially  
13 limits at least one major life activity, a record of such an impairment, or being regarded  
14 as having such an impairment. The term does not include current, illegal use of or  
15 addiction to a controlled substance as defined by 21 U.S.C. § 802. In this Article, a  
16 reference to "an individual with a handicap" or to "handicap" does not apply to an  
17 individual because of that individual's sexual orientation or because that individual is a  
18 transvestite.

19 (142) *Person* includes one or more individuals, corporations, partnerships, associations,  
20 labor organizations, legal representatives, mutual companies, joint-stock companies,  
21 trusts, unincorporated organizations, trustees, trustees in cases under 11 U.S.C. § 101 et  
22 seq. (Bankruptcy Code), receivers, and fiduciaries.

23 (123) *Respondent* means:

24 (a) the person accused of a violation of this Article; or

25 (b) any person identified as an additional or substitute respondent under this Article  
26 or an agent of an additional or substitute respondent.

27 (134) *To rent* includes to lease, to sublease, to let, or to otherwise grant for a  
28 consideration the right to occupy premises not owned by the occupant.

29 (145) The term *sexual orientation* means the condition of being heterosexual,  
30 homosexual or bisexual. This definition is not intended to permit any practice prohibited  
31 by federal, state or local law and it is not intended to require or create any special  
32 preferences in employment or contracting.

33  
34 SECTION 9. SEVERABILITY. If any provision of this ordinance or its application to any  
35 person or circumstance is held invalid, the invalidity does not affect other provisions or  
36 applications of this ordinance which can be given effect without the invalid provision or  
37 application, and to this end the provisions of this ordinance are severable.

38  
39 SECTION 10. REPEAL. All ordinances or parts of ordinances previously adopted and in  
40 conflict with this ordinance are hereby repealed.

1 SECTION 11. CODIFICATION. The City Clerk and the City Attorney shall cause the Code  
2 of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber,  
3 re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of  
4 the law.

5  
6 SECTION 12. SCRIVENER'S ERROR. The City Attorney may correct scrivener's errors  
7 found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.

8  
9 SECTION 13. EFFECTIVE DATE. This ordinance takes effect September 1, 2014.

10  
11 DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a  
12 regular meeting, this \_\_\_\_\_ day of July, 2014.

13  
14 DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of  
15 Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this \_\_\_\_\_ day of  
16 August, 2014.

17  
18 DONE, THE SECOND READING AND HEARING, AND ENACTED ON FINAL  
19 PASSAGE, by an affirmative vote of a majority of the members of the City Council of the City  
20 of Orlando, Florida, at a regular meeting, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

21  
22 BY THE MAYOR/MAYOR PRO TEMPORE  
23 OF THE CITY OF ORLANDO, FLORIDA:

24  
25 \_\_\_\_\_  
26 Mayor / Mayor Pro Tempore

27  
28 ATTEST, BY THE CLERK OF THE  
29 CITY COUNCIL OF THE CITY OF  
30 ORLANDO, FLORIDA:

31 \_\_\_\_\_  
32 City Clerk

33  
34 APPROVED AS TO FORM AND LEGALITY  
35 FOR THE USE AND RELIANCE OF THE CITY OF ORLANDO,  
36 FLORIDA, ONLY

37  
38 \_\_\_\_\_  
39 CITY ATTORNEY

40 DATE: \_\_\_\_\_