

Chapter 30 - HUMAN RIGHTS

ARTICLE I. - IN GENERAL

Secs. 30-1—30-18. - Reserved.

ARTICLE II. - CIVIL RIGHTS

Sec. 30-19. - Title, purpose, and intent of article.

- (a) This article may be referred to as the "Hillsborough County Human Rights Ordinance."
- (b) The general purposes of this article are:
 - (1) To provide for the execution within Hillsborough County of the policies embodied in Title VII of the Federal Civil Rights Act of 1964, as amended; the Age Discrimination in Employment Act of 1967, as amended; Title VIII of the Federal Civil Rights Act of 1968, as amended; the Fair Housing Amendments Act of 1988, as amended; the Americans with Disabilities Act of 1990, as amended; the Civil Rights Act of 1991, as amended; and the Florida Civil Rights Act of 1992, as amended.
 - (2) To secure for all individuals within Hillsborough County the freedom from discrimination because of or based on the perception of race, color, sex, age, national origin, religion, disability, marital status, sexual orientation, or gender identity or expression in connection with employment, public accommodations, real estate transactions, Hillsborough County contracting and procurement activities, and credit extension practices or discrimination on the grounds of familial status in real estate transactions; and thereby to promote the interests, rights, and privileges within the County.
- (c) This article shall be liberally construed to preserve the public safety, health, and general welfare and to further the general purposes stated herein.
- (d) This article is not intended to permit any practice prohibited by the United States Constitution, the Florida Constitution, or by any federal, state, or local law.

(Ord. No. 00-37, § 1, 11-8-2000; Ord. No. [14-30](#), § 1, 10-1-2014)

Sec. 30-20. - Definitions.

The following words and phrases, when used in this article, shall have the following meanings, except where the context requires otherwise:

Administrator means the Equal Opportunity Administrator for Hillsborough County, his or her successor, or a representative designated by the Administrator. The terms "Administrator" and "Director" may be used interchangeably.

Aggrieved person means any person who:

- (1) Claims to have been injured by a discriminatory practice; or
- (2) Believes that he or she will be injured by a discriminatory housing practice that is about to occur.

Applicant or *credit applicant* means any person who applies to a creditor directly for an extension, renewal, or continuation of credit, or applies to a creditor indirectly by use of an existing credit plan for an amount exceeding a previously established credit limit.

Board means the Hillsborough County Human Relations Board as created by this article.

Conciliation agreement means a written agreement entered into between the complainant and respondent and approved by the Board resolving the alleged discriminatory practice and which may provide for the payment of damages and which may require respondent to refrain from committing a discriminatory practice or to take affirmative action.

Credit means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefor.

Creditor means any person who regularly extends, renews or continues credit; any person who regularly arranges for the extension, renewal or continuation of credit; or any assignees of an original creditor who participates in the decision to extend, renew or continue credit.

Discriminatory practice means a practice, designated as illegal or unlawful under the terms of this article, 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, sex, age, national origin, religion, disability, marital status, familial status, sexual orientation, or gender identity or expression.

Dwelling means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for residential sale or lease for the construction or location thereon of any such building, structure, or portion thereof. The terms "housing," "housing accommodation," and "dwelling" may be used interchangeably.

Employ means to engage or hire for work.

Employee means any individual employed by, or seeking employment from, an employer. The term "employee" shall not include any person employed by his or her parent(s), spouse, or child.

Employer means any person employing five or more full time employees working 30 or more hours per week, or who has more than 15 or more employees irrespective of the number of hours worked per week in each of 13 or more calendar weeks in the current or preceding calendar years and any agent of such person. The term "employer" does not include:

- (1) The United States or a corporation wholly owned by the government of the United States;
- (2) An Indian Tribe;
- (3) A bona fide private membership club; or
- (4) The State of Florida.

Employment agency means any person, or his or her agent, regularly undertaking, with or without compensation, to procure employees for an employer or to procure for employees opportunities to work for an employer.

Familial status means one or more individuals, who have not attained the age of 18 years, being domiciled with:

- (1) A parent or another person having legal custody of such individual or individuals; or
- (2) The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

Family means one or more individuals living as a single housekeeping unit.

Gender identity or expression means the inner sense of being a specific gender, gender-related identity, appearance, expression and behavior of an individual, regardless of the individual's assigned sex at birth.

Hearing officer means an employee of the Division of Administrative Hearings within the State of Florida, Department of Administration, employed to conduct hearings under this article pursuant to F.S. Ch. 120, or other person selected to administer the conduct of a hearing pursuant to this article.

Hillsborough County contracting and procurement activities means all contracting or purchasing activities under the control of the Hillsborough County Board of County Commissioners, including but not limited to construction contracts, including subcontracting and pre-bid activities, the purchase or lease of goods and services, consulting services, rents and leases, and professional services.

Labor organization means:

- (1) Any organization of any kind which exists, in whole or in part, for the purpose of collective bargaining or to deal with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment;
- (2) Any conference, general committee, joint or system board, or joint council which is subordinate to a national or international labor organization; or
- (3) Any agent of a labor organization.

Lending institution means any bank, insurance company, savings and loan association, or any other person or organization regularly engaged in the business of lending money or guaranteeing loans.

Marital status means the state of being unmarried, married, or separated, as defined by State law. The term "unmarried" includes persons who are single, divorced, or widowed.

National origin means the origin of an ancestor or the country of origin of a person's forbearers, by birth, marriage, or adoption.

Owner means any person, including but not limited to a lessor, sub-lessor, assignor, manager, or agent, and also including Hillsborough County and its departments or other sub-units, having the right of ownership or possession or the authority to sell or lease any real property.

Person means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, the State, any governmental entity or agency, or any other legal or commercial entity.

Person with disability means any person who:

- (1) Has a physical or mental impairment which substantially limits one or more of such person's major life activities;
- (2) Has a record of such impairment; or
- (3) Is regarded as having such an impairment.

The term "major life activities" includes functions associated with the normal activities of independent daily living such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. The term "substantially limits" means likely to experience difficulty in performing major life activities because of a disability. The terms "person with disability" and "handicapped person" may be used interchangeably.

Place of public accommodation means all places which serve the public including, but not limited to the meaning of such terms as: any place of amusement, inn, hotel, motel, restaurant, buffet, retail store, theater, motion picture house, skating rink, amusement park, stadium, sports arena, concert hall, amusement park, bowling alley, golf course, library, educational facility supported in part or whole by public funds, public conveyance (including any taxi, limousine, or bus), barbershop or beauty shop, hospital, laundry, swimming pool, nursery, kindergarten, day-care center, any facility holding a license for the sale of alcoholic beverages issued by the Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation of the State of Florida, and any facility licensed for operation by or in Hillsborough County, Florida. Such term shall not include any institution, club, place of accommodation, or other establishment not, in fact, open to the public, which is, by its nature, distinctly private.

Qualified person with disability means any person with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

Readily achievable means easily accomplishable and able to be carried out without much difficulty or expense.

Real estate broker means any person duly licensed as a real estate broker in accordance with the laws of the State of Florida.

Real estate salesperson means any person duly licensed as a real estate salesperson in accordance with the laws of the State of Florida.

Real estate transaction means the sale, purchase, exchange, rental, or lease of real property for any purpose, offer to do such, or contract pertaining thereto.

Real property means land, buildings, fixtures, and all other improvements to land. The terms "land," "real estate," "realty," and "real property" may be used interchangeably.

Religion means any belief protected by the free exercise clause of the First Amendment to the United States Constitution.

Rent means to lease, sublease, let, or otherwise grant for a consideration the right to occupy premises not owned by the occupant.

Respondent means any person against whom a complaint is filed pursuant to this article or any person identified as an additional or substitute respondent including principals and agents of the originally-identified respondent.

Sex means the state of being male or female. The terms "because of sex" or "on the basis of sex" include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work.

Sexual orientation means the condition of being heterosexual, homosexual, or bi-sexual.

Training program means any plan containing terms and conditions for qualification, recruitment, selection, employment, or training of employees to:

- (1) Enter a specific position, trade, or occupation after completion of a specified training program; or
- (2) Offer a person already either partially or wholly trained in a specified position, trade, or occupation an opportunity to advance after completion of a specified training program.

(Ord. No. 00-37, § 2, 11-8-2000; Ord. No. [14-30](#), § 2, 10-1-2014)

Sec. 30-21. - Human Relations Board.

The Human Relations Board of Hillsborough County shall be composed of 13 persons appointed by the Board of County Commissioners to serve for terms of three years. Terms shall be established on a staggered basis, and members may not be appointed to serve more than two consecutive terms. Vacancies on the Human Relations Board shall be filled by appointment by the Board of County Commissioners for the remainder of the vacant term. Each member shall serve without compensation and may be removed without cause at any time by the Board of County Commissioners. Members of the Human Relations Board shall appoint from among its membership a Chairperson and Vice-Chairperson and the Board may promulgate rules and regulations for the conduct of its meetings and affairs.

- (1) *Human Relations Board membership.* In appointing members to the Human Relations Board, the Board of County Commissioners shall seek representation by persons of all ages, races, religious beliefs, ethnic backgrounds, conditions of employment and both genders. A person with disability or a person representing persons with disabilities shall be on the Human Relations Board at all times. Consideration for membership shall be given to representatives from the following fields: retail merchandising management, industrial management, real estate sales, property leasing, mortgage financing, law enforcement, and labor council. Property leasing shall include managing rental apartments, mobile home parks, lot leasing, and motel management.

- (2) *Human Relations Board meetings.* The Human Relations Board shall hold at least nine meetings each year, but may meet more frequently. Notice of the time and place of the meetings shall be given to all Board members and all parties to be heard, and shall be made public. Unscheduled meetings may be called by the Chairperson or by written notice signed by three members of the Human Relations Board. All meetings shall be public. The County Administrator shall provide such staff as may be reasonably required in his or her discretion to assist the Human Relations Board in the performance of its duties and a regular meeting place for the Human Relations Board.
- (3) *Powers and duties of the Human Relations Board.* The powers and duties of the Human Relations Board shall be:
 - a. To receive, initiate, and refer to the Equal Opportunity Administrator for investigation complaints filed pursuant to this article;
 - b. To subpoena and compel the production of evidence necessary for investigation of complaints filed pursuant to this article;
 - c. To apply to the circuit court for enforcement of any subpoena upon the refusal to answer or produce requested document or information, wherein the circuit court shall determine whether the requested documents or information should be produced;
 - d. To propose reasonable rules and regulations as are necessary to effectuate the policies of this article; and
 - e. To act, as necessary, pursuant to any section of this article.

(Ord. No. 00-37, § 3, 11-8-2000)

Sec. 30-22. - Discrimination in employment.

(a) *Unlawful discriminatory employment practices.*

- (1) *Employers.* It is a discriminatory practice for an employer to:
 - a. Fail or refuse to hire, discharge, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of race, color, religion, national origin, sex, age, marital status, disability, sexual orientation, or gender identity expression; or
 - b. Limit, segregate, or classify an employee or applicant for employment in a way which would deprive or tend to deprive, limit, or adversely affect an individual's employment opportunities or status as an employee on the basis of race, color, religion, national origin, sex, age, marital status, disability, sexual orientation, or gender identity or expression.
- (2) *Employment agencies.* It is a discriminatory practice for an employment agency to:
 - a. Fail or refuse to refer for employment or otherwise discriminate against an individual on the basis of race, color, religion, national origin, sex, age, marital status, disability, sexual orientation, or gender identity or expression; or
 - b. Classify or refer for employment an individual on the basis of race, color, religion, national origin, sex, age, marital status, disability, sexual orientation, or gender identity or expression.
- (3) *Labor organizations.* It is a discriminatory practice for any labor organization to:
 - a. Exclude or expel from its membership or otherwise discriminate against any individual on the basis of race, color, religion, national origin, sex, age, marital status, disability, sexual orientation, or gender identity or expression;
 - b. Limit, segregate, or classify membership or applicants for membership, or classify or fail or refuse to refer for employment an individual in a way which would deprive or tend to deprive, limit, or adversely affect an individual's employment opportunities or status as an employee or as an applicant for employment on the basis of race, color, religion, national origin, sex, age, marital status, disability, sexual orientation, or gender identity or expression; or

c. Cause, assist, or attempt to cause or assist an employer to violate this article.

- (4) *Training programs.* It is an unlawful discriminatory practice for an employer, employment agency, labor organization, or training committee to discriminate against an individual on the basis of race, color, religion, national origin, sex, age, marital status, disability, sexual orientation, or gender identity or expression in the admission to, or employment in, a training program providing apprenticeship or other training.
- (5) *Advertising.* It is a discriminatory practice for any employer, employment agency, or labor organization to print or publish or cause to be printed or published, a notice or advertisement relating to employment, membership, classification, referral for employment, apprenticeship, or other training program, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, national origin, sex, age, marital status, disability, sexual orientation, or gender identity or expression.
- (6) *Discriminatory information gathering.* Except as permitted or required by regulations of the County, applicable federal or State law, or bona fide occupational qualifications, it is an unlawful discriminatory practice for any employer, employment agency, or labor organization to elicit information about any employee's race, color, religion, national origin, sex, age, marital status, disability, sexual orientation, or gender identity or expression or to keep or disclose a record of said information for the purpose of effecting discrimination.
- (7) *Reasonable accommodations.* It is an unlawful discriminatory practice for any employer, employment agency, or labor organization to:
 - a. Fail to make reasonable accommodations to the known physical or mental limitations of an otherwise qualified person with disability who is an applicant or employee, unless such employer, employment agency, or labor organization can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such employer, employment agency, or labor organization; or
 - b. Deny employment opportunities to an applicant or employee who is an otherwise qualified person with disability, if such denial is based on the need of such employer, employment agency, or labor organization to make reasonable accommodation to the physical or mental impairments of the applicant or employee. Reasonable accommodation may include making existing facilities used by employees readily accessible to and usable by persons with disabilities; job restructuring including part-time or modified work schedules; reassignment to a vacant position; acquisition or modification of equipment or devices; appropriate adjustment or modifications of examinations, training materials or policies; the provision of qualified readers or interpreters; and other similar accommodations for persons with disabilities.
- (8) *Prohibited pre-employment examination or inquiry.* It is an unlawful discriminatory practice for any employer, employment agency, or labor organization to conduct a medical examination or make inquiries of an applicant as to whether such applicant is a person with disability or as to the nature or severity of such disability. Notwithstanding this subsection, an employer, employment agency, or labor organization may make pre-employment inquiries into the ability of an applicant to perform job-related functions, and may require a medical examination after an offer of employment has been made to an applicant and prior to the commencement of the employment duties of such applicant, and may condition an offer of employment on the results of such examination, if:
 - a. All entering employees are subjected to such an examination, regardless of disability; and
 - b. Information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record.
- (9) *Prohibited post-employment examination or inquiry.* It is an unlawful discriminatory practice for any employer, employment agency, or labor organization to require a medical examination or make inquiries of an employee as to whether such employee is a person with disability or as to

the nature or severity of the disability, unless such examination or inquiry is shown to be job-related and consistent with business necessity. Notwithstanding this subsection, an employer, employment agency, or labor organization may conduct voluntary medical examinations which are part of an employee health program available to employees at that work site and may make inquiries into the ability of an employee to perform job-related functions.

(10) *Sexual harassment.* It is an unlawful discriminatory practice for any employer, employment agency, or labor organization to harass any employee on the basis of sex. Harassment on the basis of sex includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Where employment opportunities or benefits are granted because of an individual's submission to the employer's sexual advances or requests for sexual favors, the employer may be held liable for unlawful sex discrimination against other persons who were qualified for but denied that employment opportunity or benefit.

(b) *Exemptions.*

(1) Notwithstanding any other provision of this article, it is not a discriminatory practice for an employer, employment agency, or labor organization to:

- a. Take or fail to take any action on the basis of religion, national origin, sex, age, marital status, disability, sexual orientation, or gender identity or expression in those certain instances in which religion, national origin, sex, age, marital status, disability, sexual orientation, or gender identity or expression is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise in the performance of the employment to which such action or inaction is related;
- b. Fail, refuse to hire and employ, or refuse to refer any individual for employment in any position, if the occupancy of such position, or access to the premises in or upon which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of national security of the United States under any security program in effect pursuant to or administered under any statute of the United States or any executive order of the President, and if such individual has not fulfilled or has ceased to fulfill that requirement; or
- c. Observe the terms of a bona fide seniority system, a bona fide employee benefit plan such as a retirement, pension, or insurance plan, or a system which measures earnings by quantity or quality of production, which is not designated, intended, or used to evade the purposes of the article. However, no such employee benefit plan or system which measures earnings shall excuse the failure to hire, and no such seniority system, employee benefit plan, or system which measures earnings shall excuse the involuntary retirement of any individual on the basis of any factor not related to the ability of such individual to perform the particular employment for which such individual has applied or in which such individual is engaged. This subsection shall not be construed to make unlawful the rejection or termination of employment when the individual applicant or employee has failed to meet bona fide requirements for the job or position sought or held or to require any changes in any bona fide retirement or pension programs or existing collective bargaining agreements during the life of the contract, nor shall this subsection preclude such physical and medical examinations of applicants and employees as an employer may require of applicants and employees to determine fitness for the job or position sought or held.

(2) Notwithstanding any other provisions of this article, it is not a discriminatory practice for a religious corporation, association, educational institution, or society to:

- a. Employ individuals of a particular religion to perform work connected with the beliefs, tenets, and doctrines of the corporation, association, Educational institution, or society of its religion; or
 - b. Limit or give preference in employment to members of the same religion.
- (3) Notwithstanding any other provisions of this article, it is not a discriminatory practice for any employer, employment agency, or labor organization to take or fail to take any action on the basis of age, pursuant to any law or regulation governing any employment or training program designed to benefit persons of a particular age group.
 - (4) Notwithstanding any other provision of this article, it is not a discriminatory practice for any employer to take or fail to take action on the basis of marital status if that status is prohibited under its anti-nepotism policy.
 - (5) Nothing in this section shall prohibit any religious organization, association, society, or any nonprofit charitable or educational institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting its employment practices to persons of the same religion or giving preference to such persons.
- (c) *Remedies.* If a hearing officer, after a hearing pursuant to Section 30-28, finds that a violation of this section has occurred, the hearing officer shall issue an appropriate recommended order in accordance with Section 30-28 prohibiting the practice and providing affirmative relief from the effects of the practice, including back pay, and may further allow the prevailing party a reasonable attorney's fee as part of the costs.

(Ord. No. 00-37, § 4, 11-8-2000; Ord. No. [14-30](#), § 3, 10-1-2014)

Sec. 30-23. - Discrimination in public accommodations.

- (a) *Unlawful discrimination or segregation in places of public accommodation.* It is an unlawful discriminatory practice for a person to:
- (1) Deny, withhold, or refuse an individual full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation because of their race, color, religion, national origin, sex, age, marital status, disability, sexual orientation, or gender identity or expression;
 - (2) Interfere with the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation for the reason that an individual's presence at a place of accommodation is objectionable, unwelcome, unacceptable, or undesirable because of race, color, religion, national origin, sex, age, marital status, disability, sexual orientation, or gender identity or expression;
 - (3) Publish, circulate, issue, display, post, or mail any communication, notice, or advertisement to the effect that goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation shall be refused, withheld, or denied to a person or that the patronage of such person is unwelcome, objectionable, or unacceptable on the basis of the race, color, religion, national origin, sex, age, marital status, disability, sexual orientation, or gender identity or expression of any individual or group of individuals;
 - (4) Fail to make reasonable accommodation for persons with disabilities which includes:
 - a. The imposition or application of eligibility criteria that screen out or tend to screen out persons with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages, or accommodations;
 - b. The failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to any place of public accommodation by persons with

- disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such goods, services, facilities, privileges, advantages, or accommodations;
- c. The failure to take such steps as may be necessary to ensure that no person with disability is excluded, denied services, segregated, or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations being offered or would result in an undue burden;
 - d. The failure to remove architectural barriers, and communication barriers that are structural in nature, in existing facilities, and transportation barriers in existing vehicles used by an establishment for transporting individuals (not including barriers that can only be removed through the retrofitting of vehicles by the installation of a hydraulic or other lift), where removal is readily achievable;
 - e. Where an entity can demonstrate that the removal of a barrier is not readily achievable, the failure to make such goods, services, facilities, privileges, advantages, or accommodations available through alternative methods if such methods are readily achievable; and
 - f. The failure to modify policies, practices, or procedures to permit the use of a service animal by a person with disability;
- (5) Segregate any person at a place of public accommodation, or to segregate any person in regards to the goods, services, facilities, privileges, advantages, or accommodations, on the basis of disability except where such segregation is caused by barriers to accessibility which are not required to be removed through reasonable accommodation.
- (b) *Unlawful discrimination in the construction or alteration of places of public accommodation.* It is an unlawful discriminatory practice for any person to:
- (1) Fail to design and construct facilities for first occupancy later than 30 months after July 26, 1990, that are readily accessible to and usable by persons with disabilities, except where an entity can demonstrate that it is structurally impracticable; or
 - (2) With respect to a facility or part thereof that is altered by, on behalf of, or for the use of any place of public accommodation in a manner that affects or could affect the usability of the facility or part thereof, a failure to make alterations in such a manner that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by persons with disabilities, including persons who use wheelchairs.
- (c) *Exemptions.*
- (1) Nothing in this section shall apply to any institution, club, place of accommodation, or other establishment not in fact open to the public which is by its nature distinctly private. An establishment shall not be considered in its nature distinctly private if it has more than 400 members, provides regular meal service, and regularly receives payment for dues, fees, use of space, facilities, services, meals, or beverages directly or indirectly from or on behalf of non-members for the furtherance of trade or business.
 - (2) The provisions of this section relating to public accommodations do not prohibit discrimination on the basis of sex in restrooms, shower rooms, bath houses, health spas, or similar facilities which are by their nature distinctly private, or dormitory-lodging facilities.
 - (3) Nothing in this section shall apply to any religious organization, association, educational institution, or society from limiting its goods, services, facilities, privileges, advantages, or accommodations to persons of the same religion or from giving preference to any such person, however, no religious organization, association, educational institution, or society shall restrict membership based on a discriminatory practice.

- (4) Nothing in this section shall apply to any fraternal or benevolent organization or ethnic club where business activity is not prevalent.
 - (5) Nothing in this section shall prohibit any religious organization, association, society, or any nonprofit charitable or educational institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting places of public accommodations to persons of the same religion or giving preference to such persons.
- (d) *Remedies.* If a hearing officer, after a hearing pursuant to Section 30-28, finds that a violation of this section has occurred, the hearing officer shall issue an appropriate recommended order in accordance with Section 30-28 prohibiting the practice.
- (Ord. No. 00-37, § 5, 11-8-2000; Ord. No. [14-30](#), § 4, 10-1-2014)

Sec. 30-24. - Discrimination in real estate transactions and practices.

- (a) *Unlawful discriminatory real estate practices.* It shall be an unlawful and discriminatory practice for any person, including but not limited to, any owner or any other person engaging in a real estate transaction, or for a real estate broker or salesperson, because of race, color, religion, sex, familial status, national origin, age, handicap, marital status, sexual orientation, or gender identity or expression:
- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling or real estate transaction to any person.
 - (2) To discriminate against any person in the terms, conditions, or privileges of the sale or rental of a dwelling or a real estate transaction or in the furnishing of facilities or services in connection therewith.
 - (3) To represent to a person that any dwelling or other real estate is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to the person's attention, or to refuse to permit said person to inspect the real estate or to refuse to transmit a bona fide offer.
 - (4) To make, print, publish, circulate, post, or mail, or cause to be made, printed, published, or circulated any notice, statement, advertisement, or sign, or to use a form of application or photograph for a real estate transaction, which indicates any preference, limitation, or discrimination or an intention to make such preference, limitation, or discrimination.
 - (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling or other real estate by representations regarding the entry or prospective entry into the neighborhood of a person or persons.
- (b) *Unlawful disability discriminatory real estate practices.*
- (1) It shall be an unlawful and discriminatory practice for any owner or any person engaging in a real estate transaction, or for a real estate broker or salesperson to discriminate in the sale or rental, or otherwise to make unavailable or deny a dwelling or other real estate to a buyer or renter or to discriminate in the terms, conditions, or privileges of a sale or rental or the provision of services or facilities in connection with a real estate transaction because of the handicap of:
 - a. The buyer or renter;
 - b. A person residing or intending to reside in a dwelling after it is sold, rented, or made available; or
 - c. Any person associated with that buyer or renter.
 - (2) For the purpose of Subsection (b) of this section only, discrimination includes:
 - a. A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be

necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

- b. A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling or other real estate; or
 - c. In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct in such a manner that:
 - 1. The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 - 2. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
 - 3. All premises within such dwellings contain the following features of adaptive design:
 - (i) An accessible route into and through the dwelling;
 - (ii) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - (iii) Reinforcements in bathroom walls to allow later installation of grab bars; and
 - (iv) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space;
 - d. Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities providing accessibility and usability for physically handicapped people ("commonly cited as ANSI A117.1") suffices to satisfy the requirements of Subsection (b)(2)c of this section;
 - e. As used in this subsection, the term "covered multifamily dwellings" means:
 - 1. Buildings consisting of four or more units if the buildings have one or more elevators; and
 - 2. Ground-floor units in other buildings consisting of four or more units;
 - f. Nothing in this subsection requires that a dwelling or other real estate be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others;
 - g. Nothing in this section prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in Section 102 of the Federal Controlled Substances Act (21 USC 802) or any State law.
- (c) *Interference, coercion, or intimidation.* It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of their having exercised or enjoyed, or on account of their having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section.
- (d) *Residential real estate-related transactions.* It shall be unlawful and discriminatory practice for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, age, religion, sex, handicap, familial status, marital status, national origin, sexual orientation, or gender identity or expression.

- (1) In this subsection, "residential real estate-related transaction" means the making or purchasing of loans or providing other financial or professional services:
 - a. For purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - b. The selling, brokering, or appraising of real property.
 - (2) Nothing in this subsection prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, age, sex, handicap, marital status, familial status, sexual orientation, or gender identity or expression.
- (e) *Brokerage services.* It shall be unlawful and a discriminatory practice to deny a person access to, or membership or participation in, any multiple listing services, real estate brokers' organization, or other services, organization, or facility related to the business of selling or renting real property, or to discriminate against such person in the terms or conditions of such access, membership, or participation because of race, color, religion, sex, familial status, national origin, age, handicap, marital status, sexual orientation, or gender identity or expression.
- (f) *Exemption and exceptions.*
- (1) *Religious, charitable, and like institutions.* This article shall not prohibit a religious organization, association, or society or any nonprofit charitable or educational institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of housing which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons unless membership in such religion is restricted on account of a discriminatory practice. Nor shall anything in this article prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members, provided that public funds have not been used for the purpose of construction, maintenance, or for other purposes directly related to the up keeping of said property.
 - (2) Nothing in this section shall prohibit any religious organization, association, society, or any nonprofit charitable or educational institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting its real estate practices to persons of the same religion or giving preference to such persons.
 - (3) *Certain single-family houses.* Housing with less than four units. Nothing in this section other than Subsection (a)(4) of this section shall apply to:
 - a. Any single-family house sold or rented by an owner provided that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24-month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his/her behalf, under any express or voluntary agreement, title to or any rights to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time; provided further, that the owner sells or rents such housing:
 1. Without the use in any manner of the sales or rental facilities or the sales or rental services of any person in the business of selling or renting housing or of any employees or agency of any such broker, agent, salesperson, or person; and
 2. Without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of Subsection (a)(4) of this section, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other such professional assistance as necessary to perfect or transfer the title; or

- b. Rooms or units in housing containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his/her residence, provided that the owner sells or rents such rooms or units:
 - 1. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agency or salesperson, or of such facilities or services of any person in the business of selling or renting housing, or of any employee or agency of any broker, agent, salesperson or person; and
 - 2. Without the publication, posting or mailing, after notice, of any advertisement or written notice of any advertisement in violation of this section, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other such professional assistance as necessary to perfect or transfer the title.
- (4) *Selling and renting defined.* For the purpose of this section, a person shall be deemed to be in the business of selling or renting real estate if:
- a. Said person has, within the preceding 12 months, participated as principal in providing sales or rental facilities or sales or rental service in three or more transactions involving the sale or rental of any real estate or any interest therein; or
 - b. Said person has, within the preceding 12 months, participated as an agent, other than in the sale of the person's own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any real estate or any interest therein; or
 - c. Said person is the owner of any housing designed or intended for occupancy by, or occupied by, five or more families.
- (5) *General.* Nothing in this section shall be construed to:
- a. Limit the applicability of any reasonable local, State, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.
 - b. Bar any religious organization, association, society or any nonprofit charitable or educational institution or organization from operating housing which is segregated by sex for compelling reasons of personal privacy and modesty.
 - c. Bar any person from refusing a lease, sales contract, loan, or other financial assistance to any person under the legal age required to enter into a contract.
- (6) *[Housing for older persons.]* Nothing in this section regarding familial status or age applies with respect to housing for older persons. As used in this section, "housing for older persons" means housing:
- a. Provided under any State or federal program that is specifically designed and operated to assist elderly persons as defined in the State or federal program consistent with determinations by the Secretary of Housing and Urban Development; or
 - b. Intended for, and solely occupied by, persons 62 years of age or older; or
 - c. Intended and operated for occupancy by at least one person 55 years of age or older per unit provided:
 - 1. There exists significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and
 - 2. That at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and

3. The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.
- (7) *[Failure to meet housing requirements for older persons.]* Housing shall not fail to meet the requirements of housing for older persons by reason of:
- a. Persons residing in such housing as of September 12, 1988, who do not meet the age requirements of the subsection; or
 - b. Unoccupied units: provided, that such units are reserved for occupancy by persons who meet the age requirements of Subsections (f)(6)b. and c. of this section.
- (8) *Reasonable rules for sale or lease.* Nothing contained in this article shall preclude the seller, lessor, property owner, or that person's authorized agent from setting forth reasonable rules, regulations, terms, and conditions pertaining to the sale or lease or disposal of said person's real property; provided such rules, regulations, terms, and conditions are not based on race, color, religion, sex, familial status, national origin, age, handicap, marital status, sexual orientation, or gender identity or expression and provided there is no conflict with the affirmative provisions set forth in this article. Furthermore, nothing in this article shall preclude reasonable rules, regulations, or terms and conditions pertaining to the safe and prudent use by minors of facilities and amenities provided in conjunction with housing, so long as such rules are not applied in a way that would otherwise constitute unlawful discrimination.
- (g) *Administrative enforcement of complaints under this section.*
- (1) *Complaint.*
- a. The Director or a designee shall investigate alleged discriminatory housing practices.
 - b. A complaint must be:
 1. In writing;
 2. Under oath; and
 3. In the form prescribed by the Board.
 - c. An aggrieved person may, not later than one year after an alleged discriminatory housing practice has occurred or terminated, whichever is later, file a complaint with the Board alleging the discriminatory housing practice.
 - d. No later than one year after an alleged discriminatory housing practice has occurred or terminated, whichever is later, the Board or its designee may file its own complaint.
 - e. A complaint may be amended at any time.
 - f. Allegations of discriminatory practice which allege both a violation of this section and federal fair housing legislation shall be jointly filed with the United States Department of Housing and Urban Development.
 - g. On the filing of a complaint, the Director shall:
 1. Give the aggrieved person notice that the complaint has been received;
 2. Advise the aggrieved person of the time limits, procedures, and choice of forums under this section; and
 3. Not later than the 20th day after the filing of the complaint or the identification of an additional respondent under this section, serve on each respondent:
 - (i) A notice identifying the alleged discriminatory housing practice and advising the respondent of the procedural rights and obligations of a respondent under this article; and
 - (ii) A copy of the original complaint.

- (2) *Answer.* Not later than the tenth day after receipt of the notice and copy under Subsection (g)(1) of this section, a respondent may file an answer to the complaint.
 - a. An answer must be:
 1. In writing;
 2. Under oath; and
 3. In the form prescribed by the Board.
 - b. An answer may be amended at any time.
 - c. An answer does not inhibit the investigation of a complaint.
- (3) *Investigation.*
 - a. For complaints filed with the Board on the basis of age, marital status, and for all other complaints that the federal government has referred to the Board or has deferred jurisdiction over the subject matter of the complaint to the Board, the Director, or a designee, shall promptly investigate the allegations set forth in the complaint.
 - b. The Director or a designee shall investigate all complaints, and except as provided by Subsection (g)(3)c of this section, shall complete an investigation not later than the 100th day after the date the complaint was filed and shall dispose of all administrative proceedings related to the investigation not later than one year after the date the complaint is filed.
 - c. If the Director or a designee is unable to complete an investigation within 100 days or dispose of all administrative proceedings within one year in accordance with Subsection (g)(3)b of this section, because of impracticality, the Director shall notify the complainant and the respondent in writing of the reasons for the delay.
- (4) *Additional or substitute respondent.*
 - a. The Director or a designee may join a person not named in the complaint as an additional or substitute respondent if in the course of the investigation it determines that the person should be accused of a discriminatory housing practice.
 - b. In addition to the information required in the notice under this section, the Director or a designee shall include in a notice to a respondent joined under this section an explanation of the basis for the determination that the person is properly joined as a respondent.
- (5) *Conciliation.*
 - a. The Director or a designee shall, during the period beginning with the filing of a complaint and ending with the filing of a charge or a dismissal by the Board, to the extent feasible, engage in conciliation with respect to the complaint.
 - b. A conciliation agreement is a written agreement between a respondent and the complainant and is subject to the Board's approval.
 - c. A conciliation agreement may provide for binding arbitration or any other method of dispute resolution. Dispute resolution that results from a conciliation agreement may authorize appropriate relief, including monetary relief.
 - d. A conciliation agreement shall be made public unless the complainant and respondent agree otherwise, and the Board or its designee determines that disclosure is not necessary to further the purposes of this article.
 - e. Nothing said or done in the course of conciliation may be made public or used as evidence in a subsequent proceeding without the written consent of the persons concerned.
 - f. After completion of the investigation, the Board or its designee shall make available to the aggrieved person and the respondent, at any time, information derived from the investigation and the final investigative report relating to that investigation.

(6) *Temporary or preliminary relief.*

- a. If the Board concludes, at any time following the filing of a complaint, that prompt judicial action is necessary to carry out the purposes of this section, it may authorize a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint, in accordance with F.S. § 760.34(8).
- b. On receipt of the Board's authorization, the County Attorney shall promptly file the action.
- c. A temporary restraining order or other order granting preliminary or temporary relief under this section is governed by the applicable Florida Rules of Civil Procedure.
- d. The filing of a civil action for temporary relief does not affect the initiation or continuation of administrative proceedings under this section.

(7) *Investigative report.*

- a. The Director or a designee shall prepare a final investigative report showing:
 1. The names and dates of contacts with witnesses;
 2. A summary of correspondence and other contacts with the aggrieved person and the respondent showing the dates of the correspondence and contacts;
 3. A summary description of other pertinent records;
 4. A summary of witness statements; and
 5. Answers to interrogatories.
- b. A final report under this section may be amended if additional evidence is discovered.

(h) *Determination.*

(1) *Cause determination.*

- a. The Board shall determine, based on the facts, whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur. For the purposes of this determination, "reasonable cause" shall be based upon sufficiently trustworthy information which would lead an impartial observer to a belief that a discriminatory housing practice has occurred or is likely to occur.
- b. The Board shall make the determination under Subsection (h)(1)a of this section not later than the 100th day after the date a complaint is filed unless:
 1. It is impracticable to make the determination; or
 2. The Board or its designee has approved a conciliation agreement relating to the complaint.
 3. If it is impracticable to make the determination within the time period provided by Subsection (h)(1)b of this section, the Board or its designee shall notify the complainant and respondent in writing of the reasons for the delay.
 4. If the Board determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, it shall immediately issue a reasonable cause finding on behalf of the aggrieved person.

(2) *Reasonable cause determination.*

- a. A reasonable cause finding issued under Subsection (h)(1) of this section:
 1. Must consist of a short and plain statement of the facts on which the Board has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur;
 2. Must be based on the final investigative report; and

3. Need not be limited to the facts or grounds alleged in the complaint.
 - b. Not later than the 20th day after the Board issues a reasonable cause finding, the Board shall send a copy with information concerning the election under Subsection (i) of this section to:
 1. Each respondent, together with a notice of the opportunity for a hearing provided by Subsection (j) of this section; and
 2. Each aggrieved person on whose behalf the complaint was filed.
- (3) *No cause determination.*
- a. If the Board determines that no reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, it shall promptly dismiss the complaint.
 - b. The Board shall make public disclosure of each dismissal under this section.
- (4) *Pending civil trial.* The Board may not issue a reasonable cause determination under this subsection regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under federal or State law seeking relief with respect to that discriminatory housing practice.
- (i) *Judicial enforcement.*
- (1) *Election of judicial determination.*
- a. A complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed may elect to have the claims asserted in that charge decided in a civil action as provided by this subsection.
 - b. The election must be made not later than the 20th day after the date of receipt by the electing person of service under Subsection (h)(2) of this section, or in the case of the Board, not later than the 20th day after the date the charge was issued.
 - c. The person making the election shall give notice to the Board and to all other complainants and respondents to whom the charge relates.
- (2) *County Attorney action for enforcement.*
- a. If a timely election is made under Subsection (i)(1) of this section, the Board shall authorize, and not later than the 30th day after the election is made the County Attorney shall file, a civil action on behalf of the aggrieved person for whom the Board has entered a cause determination in a court of competent jurisdiction seeking relief under this section, pursuant to F.S. § 760.34.
 - b. An aggrieved person may intervene in the action.
- (j) *Administrative hearing if no judicial election.*
- (1) *Administrative hearing.*
- a. If a timely election is not made under Subsection (i) of this section, the Board shall provide for an administrative hearing on the charge.
 - b. The Florida Administrative Procedures Act (F.S. Ch. 120) governs hearings under this section.
 - c. When the Board determines that a hearing is necessary, it shall arrange for a hearing officer from the State Division of Administrative Hearings. The Board shall then review and adopt the hearing officer's recommended order which may include the remedies in Subsection (j)(2)a of this section and record and issue its final order within 30 calendar days of the date it receives the recommended order.
 - d. In interpreting the provisions of this section, the hearing officer may consider administrative and judicial interpretations of substantially equivalent provisions of State or federal laws.

- e. An administrative hearing under this section may not continue regarding any alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved person seeking relief with respect to that discriminatory housing practice.

(2) *Administrative penalties.*

- a. If the hearing officer determines at a hearing under Subsection (j)(1) of this section that a respondent has engaged in or is about to engage in a discriminatory housing practice, the recommended order may include appropriate relief, including actual damages, reasonable attorney's fees, costs, and other injunctive or equitable relief.
- b. To vindicate the public interest, the Board may apply to the appropriate court, including the circuit court to assess a civil penalty against the respondent, pursuant to F.S. § 760.34 in an amount that does not exceed:
 - 1. \$10,000.00, if the respondent has not been adjudged by order of the Board or a court to have committed a prior discriminatory housing practice;
 - 2. Except as provided in Subsection (j)(2)c of this section, \$25,000.00 if the respondent has been adjudged by order of the Board or a court to have committed one other discriminatory housing practice during the five-year period ending on the date of the filing of the charge; and
 - 3. Except as provided by Subsection (j)(2)c of this section, \$50,000.00 if the respondent has been adjudged by order of the Board or a court to have committed two or more discriminatory housing practices during the seven-year period ending on the date of the filing of the charge.
- c. If the acts constituting the discriminatory housing practice that is the object of the charge are committed by the same individual who has been previously adjudged to have committed acts constituting a discriminatory housing practice, the civil penalties in Subsection (j)(2)b.2 and 3 of this section may be imposed without regard to the period of time within which any other discriminatory housing practice occurred. Funds collected under this section shall be paid to the Board of County Commissioners and shall be used to offset expenses incurred by the Board or County Attorney in enforcing this section, and in carrying out other efforts to further fair housing within Hillsborough County.

(3) *Effect of Board order.* A Board order under this section does not affect a contract, sale, encumbrance, or lease that:

- a. Was consummated before the Board issued the order; and
- b. Involved a bona fide purchaser, encumbrancer, or tenant who did not have actual notice of the charge filed under this article.

(4) *Licensed or regulated business.* If the Board issues an order or obtains a court order with respect to a discriminatory housing practice that occurred in the course of a business subject to licensing or regulation by a governmental agency, the Board shall, not later than the 30th day after the date of the issuance of the order:

- a. Send copies of the findings and the order to the governmental agency; and
- b. Recommend to the governmental agency appropriate disciplinary action.

(k) *Private enforcement.*

(1) *Civil action.*

- a. Under the provisions of F.S. § 760.35, an aggrieved person may file a civil action in a court of competent jurisdiction no later than two years after an alleged discriminatory housing practice has occurred.
- b. An aggrieved person may file an action regardless of whether they have filed a complaint under this article, and regardless of the status of any complaint filed under this article.

(2) *Intervention by County Attorney.* Upon the request of the Board, the County Attorney may intervene in an action brought under the provisions of Subsection (k)(1) of this section, if the Board certifies that the case is of significant public importance to the citizens of Hillsborough County.

(l) *Enforcement by County Attorney.*

(1) *Pattern or practice cases.*

a. On request of the Board, the County Attorney may file a civil action in a court of competent jurisdiction for appropriate relief if the Board has reasonable cause to believe that:

1. A person is engaged in a pattern or practice of resistance to the full enjoyment of any right granted by this section; or
2. A person has been denied any right granted by this section and that denial raises an issue of general public importance.

b. In an action under this section, the court may make such awards and order such relief as is provided for under F.S. § 760.35.

(2) *Subpoena enforcement.* The County Attorney, on behalf of the Board or its designee, may enforce a subpoena issued under this section in appropriate proceedings pursuant to law.

(3) *Contract for enforcement.* The County Attorney may contract with private legal firms and/or individual attorneys for the bringing of actions as provided for in this section in any court of competent jurisdiction. Such contracts shall be subject to the review and approval of the Board and the Board of County Commissioners.

(Ord. No. 00-37, § 6, 11-8-2000; Ord. No. [14-30](#), § 5, 10-1-2014)

Sec. 30-25. - Discrimination in Hillsborough County contracting and procurement activities.

(a) *Unlawful discriminatory practices in Hillsborough County contracting and procurement.* It is an unlawful discriminatory practice for any person involved in Hillsborough County contracting and procurement activities, or any other person, on the basis of race, color, religion, national origin, sex, age, marital status, disability, sexual orientation, or gender identity or expression:

- (1) To refuse to contract with a bona fide subcontractor on a Hillsborough County construction contract;
- (2) To discriminate against a person in the terms, conditions, or privileges of Hillsborough County contracting and procurement activities;
- (3) To cause to be made any untrue or intentionally misleading statements or advertisements regarding availability of Hillsborough County contracting and procurement activities; or
- (4) To aid, abet, incite, compel, or coerce any person to engage in any of the practices prohibited by the provisions of this article, or to obstruct or prevent any person from complying with the provisions of this section or any conciliation agreement entered into there under.

(b) *Exemption.* Nothing contained in this article shall prohibit Hillsborough County from adopting, implementing, or enforcing a Minority/Women Business Contracting Program to encourage the involvement of minority and women-owned businesses in Hillsborough County contracting and procurement activities to the extent that such Minority/Women Business Contracting Program is otherwise permissible under applicable State and federal law.

(c) *Remedies.* If a hearing officer, after a hearing pursuant to Section 30-28, finds that a violation of this section has occurred, the hearing officer shall issue an appropriate recommended order in accordance with Section 30-28 prohibiting the practice.

(Ord. No. 00-37, § 7, 11-8-2000; Ord. No. [14-30](#), § 6, 10-1-2014)

Sec. 30-25.5. - Discrimination in credit extension practices.

- (a) *Prohibition of discrimination in credit extension practices.* It shall be unlawful for any creditor to discriminate against any applicant on the basis of race, color, sex, age, national origin, religion, disability, marital status, sexual orientation, or gender identity or expression with respect to any aspect of a credit transaction.
- (b) *Exceptions.* The provision above shall not apply to:
- (1) Any inquiry of marital status if the inquiry is for the purpose of ascertaining the creditor's rights and remedies applicable to the particular extension of credit, and not to discriminate in a determination of credit worthiness.
 - (2) A request for the signature of both parties to a marriage for the purpose of creating a valid lien, passing clear title, waiving inchoate rights to property, or assigning earnings; provided, however, this subsection shall not be construed to permit a creditor to take sex or marital status into account in connection with the evaluation of the credit worthiness of any applicant.
 - (3) Consideration or application of state property laws which directly or indirectly affect credit worthiness of the applicant.
 - (4) Nothing in this section shall prohibit any religious organization, association, society, or any nonprofit charitable or educational institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting its credit extension practices to persons of the same religion or giving preference to such persons.

(Ord. No. 14-30 , § 8, 10-1-2014)

Sec. 30-26. - Equal Opportunity Administrator.

- (a) *Authority and responsibility.* The authority and responsibility for administering this article shall be vested in the Equal Opportunity Administrator for Hillsborough County, Florida, or a designated representative.
- (b) *Powers and duties.* The Administrator shall administer the provisions of this article as set forth above, and shall have the power and duty to:
- (1) Receive, initiate, and investigate written complaints as provided by this article relative to alleged unlawful acts as prohibited under this article;
 - (2) Upon receiving a written complaint, make such investigations as the Administrator deems appropriate to ascertain facts and issues;
 - (3) Utilize methods of persuasion, conciliation, and mediation for informal adjustments of grievances;
 - (4) Establish, administer, or review programs at the request of the Board of County Commissioners or the County Administrator and make reports on such programs to the Board of County Commissioners or the County Administrator;
 - (5) Bring to the attention of the Board of County Commissioners, through the County Administrator, items that may require notice to the Board of County Commissioners;
 - (6) Render to the Board of County Commissioners, through the County Administrator, annual written reports of activities under the provisions of this article along with such comments and recommendations as deemed appropriate;
 - (7) Conduct educational and public information activities that are designed to promote the policy of this article; and
 - (8) Cooperate with and render technical assistance to federal, State, local, and other public and private agencies or organizations and institutions which are formulating or carrying on programs to prevent or eliminate the unlawful discriminatory practices covered by the provisions of this article.

(Ord. No. 00-37, § 8, 11-8-2000)

Sec. 30-27. - Filing of complaints.

(a) *Filing time limits.*

- (1) *Employment, public accommodations, and county contracting and procurement discrimination.* Any person claiming to be aggrieved by an unlawful discriminatory employment, public accommodations, or County contracting and procurement practice as prohibited by Section 30-22, 30-23, or 30-25 may report the alleged offense to the Administrator by filing a written complaint within 180 days after the date of the alleged discriminatory practice.
- (2) *Real estate transaction discrimination.* Any person claiming to be aggrieved by an unlawful discriminatory real estate transaction practice as prohibited by Section 30-24 may report the alleged offense to the Administrator by filing a written complaint within one year of the alleged discriminatory practice as further provided in Section 30-24

(b) *Referral.* The Administrator shall treat the following as a complaint filed under this article:

- (1) A complaint referred by the Secretary of Housing and Urban Development or the Attorney General of the United States under the Fair Housing Act of 1968, Public Law 90-284;
- (2) A complaint referred by the United States Equal Employment Opportunity Commissioner under the Civil Rights Act of 1964, as amended; or
- (3) A complaint referred by the Florida Commission on Human Relations under the Florida Civil Rights Act of 1992, as amended.

(c) *Information for complaint form.* A complaint must be in writing, verified or affirmed, on a form supplied by the Administrator, and shall contain the following:

- (1) Identity of the respondent;
- (2) Date of the alleged offense and date of the filing of the complaint;
- (3) General statement of facts of the alleged offense including the basis of the alleged discriminatory practice such as race, color, sex, age, national origin, religion, disability, marital status, sexual orientation, or gender identity or expression; and
- (4) Name and signature of the complainant.

(d) *Notification of respondent.* Within 15 days after the filing of a complaint, the Administrator shall transmit a copy of the same to each respondent named therein by certified mail, return receipt requested. Thereupon, the respondent may file a written, verified answer to the complaint within 20 days of the date of receipt of the complaint from the Administrator.

(e) *Amendment of complaints and answers.* A complaint or answer may be amended at any time when such an amendment would be fair and reasonable. The Administrator shall furnish a copy of each amended complaint or answer to the respondent or complainant, respectively, as promptly as practicable.

(f) *Assistance to complainants and respondents.* The Administrator shall assist complainants and respondents when necessary in the preparation and filing of complaints or answers or any amendments thereto.

(Ord. No. 00-37, § 9, 11-8-2000; Ord. No. [14-30](#), § 7, 10-1-2014)

Sec. 30-28. - Processing complaints.

(a) *Investigation; attempt to conciliate.* Within 30 days after the filing of a complaint, the Administrator shall commence such investigation as the Administrator deems appropriate to ascertain the facts and issues of the complaint. If the Administrator shall deem that there are reasonable grounds to believe that a violation of this article has occurred and can be resolved by conciliation, the Administrator shall attempt to conciliate the matter by methods of initial conference and persuasion with all interested parties and such representatives as the parties may choose to assist them. If the Administrator deems it advisable

and of benefit to the concerned parties, the services of a disinterested source may be obtained for the purpose of conciliation. Nothing said or done in the course of conciliation or other such informal endeavors may be made public or used as evidence in any subsequent proceeding without the written consent of the persons concerned.

(b) *Conciliation agreement.*

- (1) If the parties desire to conciliate, the terms of the conciliation agreement shall be reduced to writing in a form approved by the Administrator, signed and verified by the complainant and respondent, and approved by the Administrator. A conciliation agreement is for conciliation purposes only and, unless provided otherwise therein, does not constitute an admission by any party that any law has been violated.
 - (2) A conciliation agreement negotiated under this article to resolve a discriminatory employment practice may include, but is not limited to:
 - a. Hiring, reinstatement, or upgrading of employees with or without back pay; or
 - b. Admission or restoration of individuals to union membership, admission to or participation in a guidance program, apprenticeship training program, on-the-job training program, or other occupational training or retraining program with the utilization of objective criteria in the admission of individuals to such programs.
 - (3) A conciliation agreement negotiated under this article to resolve a discriminatory practice in a public accommodation may include, but is not limited to, admission of individuals to the public accommodation.
 - (4) A conciliation agreement negotiated under this article to resolve a discriminatory real estate transaction may include, but is not limited to:
 - a. Sale, exchange, lease, rental, assignment, or sublease of real property to the individual;
 - b. Extension to all persons the full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent;
 - c. Reporting as to the manner of compliance;
 - d. Posting of notice in conspicuous places in the respondent's place of business indicating compliance with equal housing opportunity and inclusion of such notices in advertising material; or
 - e. Payment to the complainant of damages for injury, expenses incurred by the complainant in securing alternate housing or facilities, and other costs actually incurred by the complainant as a direct result of such discriminatory practice.
- (c) *Investigative report-dismissal.* After completion of an investigation of a complaint, the Administrator or his or her designee shall make available to the Human Relations Board a final investigative report with a finding as to whether reasonable cause exists to believe that a violation of this article has occurred. If the complaint lacks reasonable cause, the complaint shall be dismissed.
- (d) *Request for administrative hearing.* If reasonable cause exists to believe that a violation of this article has occurred and the parties have failed to conciliate the matter, the Administrator shall notify the Human Relations Board, and the Human Relations Board shall request a hearing officer from the State of Florida, Division of Administrative Hearings, to conduct a hearing with respect to such complaint.
- (e) *Administrative hearing.* An administrative hearing shall be conducted according to the procedures provided in F.S. § 120.57(1). Any conciliation agreement reached prior to a scheduled hearing may result in such hearing being canceled. In conducting any hearing to determine whether or not there has occurred a violation of this article, the hearing officer shall have the power to administer oaths, issue subpoenas, compel the production, and receive evidence. In construing this article, the hearing officer may consider judicial interpretations of substantially similar State and federal laws.
- (f) *Recommended order.* After the conclusion of the hearing, the hearing officer shall transmit a recommended order conforming to the requirements of F.S. § 120.57 to the Human Relations Board.

The Human Relations Board shall review and adopt the recommended order without considering additional evidence and without rejecting or modifying the findings of fact made by the hearing officer.

- (g) *Final order.* The adopted order shall be the final order and shall be served upon the complainant and respondent within ten days of adoption of the order. Either party may appeal the order by filing a notice of appeal with the appropriate court within 30 days of adoption of the order. The Board of County Commissioners shall have authority to bring an action in equity to enforce the final order pursuant to F.S. § 120.69. Any conciliation agreement reached and executed in writing prior to the Human Relations Board's adopting the final order shall suspend adoption of the order.
- (h) *Enlargement of time.* When any act is required or allowed to be completed at or within a specified time by this section, for cause shown, the Human Relations Board at any time in its discretion may order the period enlarged or may permit the act to be completed when failure to act was the result of excusable neglect.

(Ord. No. 00-37, § 10, 11-8-2000)

Sec. 30-29. - Retaliation, coercion, interference, obstruction, or prevention of compliance with this article.

It is an unlawful discriminatory practice for a person to conspire to:

- (1) Retaliate or discriminate against a person because the person has opposed a discriminatory practice, or because the person has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under this article;
- (2) Aid, abet, incite, or coerce a person to engage in an unlawful discriminatory practice;
- (3) Willfully interfere with the performance of a duty or the exercise of a power by the Human Relations Board or one of its staff members or representatives; or
- (4) Willfully obstruct or prevent a person from complying with the provisions of this article or an order issued thereunder.

(Ord. No. 00-37, § 11, 11-8-2000)

Sec. 30-30. - Additional remedies.

The procedures prescribed by this article do not constitute an administrative prerequisite to another action or remedy available under other law. Further, nothing in this article shall be deemed to modify, impair, or otherwise affect any right or remedy conferred by the Constitution or laws of the United States or the State of Florida, and the provisions of this article shall be supplemental to those provided by such other laws.

(Ord. No. 00-37, § 12, 11-8-2000)

Sec. 30-31. - Penalties.

Any person who violates any provision of this article shall be subject, upon conviction, to a fine up to but not exceeding the sum of \$500.00, or imprisonment for a term not exceeding 60 days, or both such fine and imprisonment.

(Ord. No. 00-37, § 13, 11-8-2000)

Sec. 30-32. - Severability.

If any section, paragraph, subdivision, clause, sentence, or provision of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this article, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which judgment or decree shall be rendered.

(Ord. No. 00-37, § 14, 11-8-2000)

Sec. 30-33. - Territory embraced.

All territory within legal boundaries of Hillsborough County, Florida, including all unincorporated and incorporated areas, shall be embraced by the provisions of this article. In the event of a conflict between this article and a municipal ordinance, the municipal ordinance shall prevail within the municipality regardless of whether the municipal ordinance was adopted or enacted before or after this article.

(Ord. No. 00-37, § 15, 11-8-2000)

Secs. 30-34—30-60. - Reserved.

ARTICLE III. - H.E.L.P. ORDINANCE AND ADVANCED DIRECTIVES AND DOMESTIC PARTNERSHIP REGISTRY

Sec. 30-61. - Short title.

This article shall be known and may be cited as the "Hillsborough Health, Education, and Life Planning ("H.E.L.P.") Ordinance and Advanced Directives and Domestic Partnership Registry."

(Ord. No. [14-32](#) , § 1, 10-15-2014)

Sec. 30-62. - Definitions.

For purposes of this article, the terms below shall have the following meaning:

City of Tampa Domestic Partnership Registry Ordinance shall mean and refer to Chapter 12, Article V, Sections 12-120 through 12-127 inclusive, originally enacted by the Tampa City Council in 2012.

Clerk shall mean the Hillsborough County Clerk of the Circuit Court.

Correctional facility means holding cells and jails of any kind, located within or under the jurisdiction of Hillsborough County, Florida.

Designating person means an adult person who has chosen to designate another person to make healthcare decisions, funeral/burial decisions, and/or educational decisions, and/or to have visitation rights in healthcare and/or correctional facilities, and to be notified in case of emergency, or any combination thereof, concerning the designating person and/or the designating person's legal dependents.

Domestic partnership registry shall refer to the domestic partnership registry established by the City of Tampa in facilitation of the City of Tampa Domestic Partnership Registry Ordinance.

Health care facility includes, but is not limited to, hospitals, nursing homes, hospice care facilities, convalescent facilities, walk-in clinics, doctors' offices, mental health care facilities and any other short-term or long-term health care facilities located within Hillsborough County, Florida.

Registered domestic partners shall refer to each and both applicants who register effectively with the domestic partnership registry.

Registered domestic partnership shall refer to the relationship created by compliance with the City of Tampa Domestic Partnership Registry Ordinance, except that registration may be accomplished directly through the Hillsborough County Clerk of the Circuit Court.

Support person means the adult person designated by the designating person to make healthcare decisions, funeral/burial decisions, and/or educational decisions, and/or to have visitation rights in healthcare and/or correctional facilities, and to be notified in case of emergency, or any combination thereof, concerning the designating person and/or the designating person's dependents. Only one person can be designated as a support person.

(Ord. No. [14-32](#) , § 2, 10-15-2014)