

Introduced by Council Members X, X, X, X, X, and X & Co-sponsored by Council Members X, X, X, and X:

ORDINANCE 2017-XXXX

AN ORDINANCE CONCERNING EQUAL OPPORTUNITY AND EXPANDING THE CITY'S EQUAL RIGHTS LAWS TO PROHIBIT DISCRIMINATION BASED UPON SEXUAL ORIENTATION AND GENDER IDENTITY, AMENDING SECTION 60.105 (FUNCTIONS, POWERS AND DUTIES), ORDINANCE CODE; AMENDING SECTION 400.101 (STATEMENT OF POLICY), ORDINANCE CODE; AMENDING CHAPTER 402 (EQUAL EMPLOYMENT OPPORTUNITY), ORDINANCE CODE; AMENDING CHAPTER 406 (PUBLIC ACCOMMODATIONS), ORDINANCE CODE; AMENDING CHAPTER 408 (FAIR HOUSING), ORDINANCE CODE; PROVIDING LEGISLATIVE INTENT; PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, the City of Jacksonville seeks to be competitive in attracting new industries, corporate relocations and expansions, medical facilities, educational opportunities, conventions, sporting, entertainment and cultural events, tourism, employee recruitment and retention, and in other important categories;

WHEREAS, the City of Jacksonville has great respect for the many diverse religious communities represented by local houses

of worship and faith leaders, each of which and all of whom have been carefully considered and provided for herein with appropriate exemptions;

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

WHEREAS, The City of Jacksonville recognizes and appreciates the contributions of the members of its lesbian, gay, bisexual and transgender ("LGBT") community, and finds that a strong LGBT community is a vital thread in the diverse tapestry of this City; **therefore**

BE IT ORDAINED by the Council of the City of Jacksonville:

Sec. XXX. _____ - Legislative findings.

It is hereby ascertained, represented, determined and declared that:

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

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

(c) Following Mayor Lenny Curry's lead, Sheriff Mike Williams extended human rights protections to all employees of the Jacksonville Sheriff's Office. In addition, several key independent authorities, namely JEA, the Jacksonville

Transportation Authority, the Jacksonville Port Authority, and the Jacksonville Aviation Authority have done the same.

(d) The Department of Defense, including the United States Navy, Marines, Coast Guard, Army, and Air Force, adopted policies and procedures that protect LGBT service-members, and their families, from discrimination.

Sec. XXX.____. - Amending Sections 60.105, 400.101, 400.301, 402.102, 402.107(g)1, 402.107(g)3, 402.201, 402.202, 402.203, 402.204, 402.206, 402.209, 402.210, 402.211, 406.102, 406.104(g)1, 406.104(g)3, 406.201, 408.102, 408.204, 408.401, 408.402, 408.403, 408.404, 408.406, and 408.407, *Ordinance Code*.

The foregoing sections of the Ordinance Code are hereby amended as follows: wherever protected categories are listed, that sexual orientation and gender identity, as defined in Section XXX.____ below, shall be added to the list.

Sec. XXX.____. - Amending Sections 402.107, 406.104, and 408.105, *Ordinance Code*.

The foregoing sections of the Ordinance Code are hereby amended as follows:

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

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

Sec. XXX. _____. - Exemption for Religious Institutions.

Sec. XXX.____. - Exemption for Small Employers.

Sec. XXX.____. - Single-Sex Facilities and Dress Codes.

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

Sec. XXX. _____. - Interpretation.

Any ordinance or Charter provision or part of any ordinance or Charter provision in conflict with the provisions hereof is repealed to the extent of the conflict. Should any part of this Ordinance 2016-XXX be held invalid by a court of competent jurisdiction, the remainder of this Ordinance 2016-XXX shall continue in full force and effect and it shall be presumed that this Ordinance 2016-XXX was adopted without the invalid provision.

Sec. XXX. _____. - Codification Instructions.

The Codifier is authorized to make all chapter and division "tables of contents" consistent with the changes set forth herein. Furthermore, the Office of General Counsel, working together with and through the contracted codifier of the City Ordinance Code, is hereby authorized and directed to make such editorial changes throughout the Ordinance Code as set forth herein. Such editorial changes, and any others necessary to make the Ordinance Code consistent with these amendments are approved and directed herein, and changes to the Ordinance Code shall be made forthwith and when inconsistencies are discovered.

Sec. XXX. _____. - Effective Date.

This ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

Form Approved:

/s/

Office of General Counsel

Legislation Prepared by: