

**TEMPLE TERRACE CODE
CHAPTER 26 - HUMAN RIGHTS**

SECTION 26.600 **TITLE.**

This Chapter shall be known as and may be referred to as the "Temple Terrace Human Rights Ordinance."

SECTION 26.605 **DEFINITIONS.**

- (a) **"Administrator"** means the City Manager, or such other person authorized by the City Manager.
- (b) **"Board"** means the Human Rights Board of the City of Temple Terrace.
- (c) **"Discriminatory Practice"** means a practice designated as illegal or unlawful under the terms of this Chapter.
- (d) **"Dwelling"** means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residency by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
- (e) **"Employer"** means any person employing 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person.
- (f) **"Employment Agency"** means any person regularly undertaking, with or without compensation, to procure employees for an employer or to procure for employees opportunities to work for an employer, and includes an agent of such a person.
- (g) **"Familial status"** means:
 - (1) A pregnant individual, or
 - (2) One or more individuals who have not attained the age of 18 years being domiciled with:
 - a. A parent or another person having legal custody of such individual or individuals; or
 - b. A designee of such parent or other person having legal custody with the written permission of such parent or other person.
 - (3) An individual who is in the process of obtaining legal custody of an individual who has not attained the age of 18 years.
- (h) **"Family"** includes a single individual.
- (i) **"Handicap"** means, with respect to a person:
 - (1) A physical or mental impairment which substantially limits one or more of such person's major life activities,
 - (2) A record of having such impairment, or
 - (3) Being regarded as having such impairment; or
 - (4) Having a developmental disability as defined by Section 393.063, Florida Statutes.

HUMAN RIGHTS

(j) **"Labor Organization"** means any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or other mutual aid or protection in connection with employment.

(k) **"Owner"** means any person, including but not limited to a lessee, assignee, manager or agent, and also including the City of Temple Terrace and its departments or other subunits, having the right of ownership or possession or the authority to sell or lease any real property.

(l) **"Person"** means one or more individuals over the age of 18 years, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, any other legal or commercial entity, including any city, county, state, federal government or other government entity or agency.

(m) **"Real Estate Broker"** means any person duly licensed as a real estate broker in accordance with the laws of the State of Florida.

(n) **"Real Estate Salesperson"** means any person duly licensed as a real estate salesperson in accordance with the laws of the State of Florida.

(o) **"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.

(p) **"Residential Real Estate Transaction"** means the making or purchasing of loans or providing other financial or professional services for:

- (1) Purchasing, constructing, improving, repairing, or maintaining a dwelling; or
- (2) The selling, brokering, or appraising of residential real property.

(q) **"Respondent"** means any person against whom a complaint is filed pursuant to this Chapter or any person identified as an additional or substitute respondent to include principals and agents of the originally identified respondent.

(r) **"To Rent"** includes to lease, to sublease, to let, and otherwise to grant for a consideration for the right to occupy premises not owned by the occupant.

(s) **"Sex"** means the state of being male or female.

SECTION 26.610

DISCRIMINATION IN EMPLOYMENT.

(a) It is an unlawful employment practice for an employer:

- (1) To discharge or to fail or refuse to hire any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges or employment, because of such individual's race, color, religion, sex, national origin, age, handicap, or marital status; or
- (2) To limit, segregate, or classify employees or applicants for employment in a way which would deprive or tend to deprive any individual of employment opportunities or adversely affect any individual's status as an employee, because of such individual's race, color, religion, sex, national origin, age, handicap, or marital status.

HUMAN RIGHTS

(b) It is an unlawful employment practice for an employment agency to fail or refuse to refer for employment or otherwise discriminate against, any individual because of race, color, religion, sex, national origin, age, handicap, or marital status or to classify or refer for employment any individual on the basis of race, color, religion, sex, national origin, age, handicap, or marital status.

(c) It is an unlawful discriminatory practice for a labor organization to:

- (1) Exclude or to expel from its membership, or otherwise discriminate against any individual because of race, color, religion, sex, national origin, age, handicap, or marital status; or
- (2) Limit, segregate, or classify its membership or applicants for membership, or to classify or to fail to refer for employment any individual, in any way which deprives or tends to deprive any individual of employment opportunities, or adversely affects any individual's status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, national origin, age, handicap, or marital status; or
- (3) Cause or attempt to cause an employer to discriminate against an individual in violation of this Chapter.

(d) It is an unlawful employment practice for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual because of race, color, religion, sex, national origin, age, handicap, or marital status in admission to, or employment in, any program established to provide apprenticeship or other training.

(e) It is an unlawful employment practice for an employer or labor organization to print, or cause to be printed or published, any notice or advertisement relating to employment, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, sex, national origin, age, absence of handicap or marital status.

Section 26.615

EXEMPTIONS TO EMPLOYMENT DISCRIMINATORY PRACTICES.

Notwithstanding any other provision in Section 26.610 herein, it is not an unlawful employment practice under said section for an employer, employment agency, labor organization, or joint labor management committee to:

(a) Take or fail to take any action on the basis of religion, sex, national origin, age, handicap, or marital status in those certain instances in which religion, sex, national origin, age, absence of a particular handicap, or marital status is a bona fide occupational qualification reasonably necessary for the performance of the particular employment to which such action or inaction is related.

(b) 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 designed, intended, or used to evade the purposes of this Chapter. 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 Section 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 program or existing collective bargaining agreements during the life of the contract, nor shall this Chapter preclude such physical and medical examinations of applicants and employees as an employer may require of applicants and employees to determine fitness for this job or position sought or held.

Section 26.620

DISCRIMINATION IN REAL ESTATE TRANSACTIONS AND PRACTICES.

(a) ***Unlawful Discriminatory Real Estate Practices.*** It shall be an unlawful and discriminatory practice for 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, origin, age, handicap or marital status:

- (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 services or facilities in connection therewith.
- (3) 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 any such preference, limitation, or discrimination.
- (4) To represent to any person that any dwelling or other real estate is not available for inspection, sale, or rental when in fact it is so available, or to fail to bring a property listing to a person's attention, or to refuse to permit such person to inspect the real estate or to refuse to transmit a bona fide offer.
- (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 of a particular race, color, national origin, or religion.

(b) ***Unlawful Handicap 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 the buyer or renter.

- (2) For purposes of Section 26.620(b) 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 modification 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 multi-family dwellings for first occupancy after November 3, 1992, 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 are designed to allow passage into and within all premises within such dwellings and 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:
 - an accessible route into and through the dwelling;
 - light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - reinforcements in bathroom walls to allow later installation of grab bars; and
 - 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 Section 26.620(b) above;
- e. As used in this subsection, the term "covered multi-family 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 26.620(b) prohibits conduct against a person because such person has been convicted by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in Sections 102 of the Federal Controlled Substances Act (21 U.S.C. 802) or any state law.

(c) **Brokerage Services.** It shall be an unlawful and discriminatory practice, to deny a person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization or facilities relating to the business of selling or renting dwellings, or to discriminate against such person in the terms or conditions of such access, membership or participation, on account of race, color, age, national origin, sex, handicap, familial status, marital status, or religion.

(d) **Residential Real Estate - Related Transactions.** It shall be an unlawful and discriminatory practice for any person or other entity whose business includes, in whole or in part, engaging in residential real estate transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, age, marital status, national origin, sex, handicap, familial status, or religion of such person or of any person associated with such person, or because of the race, color, national origin, sex, handicap, familial status, or religion of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings which are the subject of the real estate transactions.

(e) **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 aided or encouraged any other person in the exercise of enjoyment of, any right granted or protected by Section 26.620 of this Chapter.

(f) **Exemption and Exceptions.**

- (1) Religious, charitable and like institutions. This Chapter shall not:

- a. Prohibit a religious organization, association or society or any non-profit charitable or educational institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting or from advertising the sale, rental or occupancy of a dwelling 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 race; color or national origin.
- b. Prohibit a private club not in fact open to the public which, as an incident to its primary purpose or purposes, provides lodgings 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 upkeep of such property.

-578-

**TEMPLE TERRACE CODE
HUMAN RIGHTS**

- (2) Certain single-family houses; housing with less than four units. Nothing in Section 26.620 of this Chapter, other than Section 26.620(a)(3) 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 (3) single-family houses at any one

time; provided further, that in the case of the sale of a single-family house by a private individual owner who does not reside in such house at the time of the sale or who was not the most recent resident of such house prior to the sale, the exemption granted by this Subsection shall apply only with respect to one sale within any twenty-four month period; provided further, that such bona fide private individual owner shall not own any interest in, nor shall there be owned or owned or reserved on such owner's 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 (3) single-family houses at any one time; provided further that the owner sells or rents such housing (a) 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 dwellings, or of any employee or agent of any such broker, agent, salesperson, or person; and (b) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of Section 26.620(a)(3); but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; or

b. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) 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 (a) 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 or any person in the business of selling or renting housing, or of any employee or agency of any broker, agent, salesperson or person; and (b) without the publication, posting or mailing, after notice of any advertisement or written notice of any advertisement in violation of Section 26.620 of this Chapter, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.

(3) Selling and Renting Defined. For the purpose of Section 26.620 of this Chapter, a person shall be deemed to be in the business of selling and renting real estate if:

- a. Said person has, within the preceding twelve (12) months, participated as a principal in three or more transactions involving the sale or rental of any dwelling or interest therein;
- b. Said person has, within the preceding twelve (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 dwelling designed or intended for occupancy by, or occupied by five or more families.

-579-

**TEMPLE TERRACE CODE
HUMAN RIGHTS**

(4) General. Nothing in Section 26.620 of this Chapter 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 non-profit charitable or educational institution or organization from operating housing which is segregated by sex.
 - c. Bar any person from refusing a lease, sales contract, a loan or other financial assistance to any person under the legal age required to enter into a contract.
- (5) Housing for Older Persons.
- a. Nothing in Section 26.620 of this Chapter regarding age or familial status applies to housing for older persons. As used in this Section, "housing for older persons" means housing: (1) 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; (2) intended for, and solely occupied by, persons sixty-two (62) years of age or older; or (3) intended and operated for occupancy by at least one person fifty-five (55) years of age or older per unit, provided:
 - 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
 - that at least eighty percent (80%) of the units are occupied by at least one person fifty-five (55) years of age or older per unit; and
 - the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five (55) years of age or older.
 - b. Housing shall not fail to meet the requirements of housing for older persons by reason of: (1) persons residing in such housing as of September 12, 1988, who do not meet the age requirements of this Subsection, or (2) unoccupied units; provided that such units are reserved for occupancy by persons who meet the age fifty-five (55) requirements.
- (6) Appraisals. Nothing in Section 26.620 of this Chapter shall prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, national origin, sex, handicap, familial status or religion.
- (7) Reasonable Rules for Sale or Lease. Nothing contained in this Chapter 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 such 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, or marital status, and provided there is no conflict with the affirmative provisions set forth in this Chapter.

-580-

**TEMPLE TERRACE CODE
HUMAN RIGHTS**

Furthermore, nothing in this Chapter 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.

- (8) Threat to Health and Safety. Nothing in this Chapter shall require that a dwelling 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) ***Human Rights Board.*** There is hereby created the Human Rights Board of the City of Temple Terrace, comprised of five (5) members appointed by the City Council. All members shall be residents of the City and shall serve at the pleasure of the City Council without compensation.

Within the limitations provided by law, the Board shall have the following powers:

- (1) To meet and exercise its powers in the City of Temple Terrace.
- (2) To hold hearings on complaints alleging any discriminatory practice.
- (3) To administer oaths, subpoena witnesses, and compel production of evidence pertaining to any hearing.

When any act is required or allowed to be done at or within a specified time by Section 26.620 for cause shown, the Board may, at any time in its discretion, order the period enlarged or may permit the act to be done when failure to act was the result of excusable neglect.

(h) ***Administrative Enforcement of Complaints Under Section 26.620.***

- (1) The authority and responsibility for administering this Chapter shall be vested in the Administrator who shall:
 - a. Receive, initiate and investigate written complaints as provided by this Chapter relative to alleged unlawful acts as prohibited under this Chapter.
 - b. Utilize methods of persuasion, conciliation and mediation for informal adjustments of grievances.
 - c. 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 housing practices covered by the provisions of this Chapter.
- (2) Complaint. A complaint must be in writing; under oath, and in the form prescribed by the Board.
- (3) 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.

-581-

**TEMPLE TERRACE CODE
HUMAN RIGHTS**

- (4) No later than one year after an alleged discriminatory housing practice has occurred or terminated, whichever is later, the Board or the Administrator may file its own complaint.
- (5) A complaint may be amended at any time.
- (6) 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.

- (7) On the filing of a complaint, the Administrator shall:
- a. Give the aggrieved person notice that the complaint has been received;
 - b. Advise the aggrieved person of the time limits, procedures and choice of forums under this Section; and
 - c. Not later than the 20th day after the filing of the complaint or the identification of an additional respondent under this Section, [the Administrator] shall serve on each respondent: (1) a notice identifying the alleged discriminatory housing practice and advising the respondent of the procedural rights and obligations of a respondent under this Chapter; and (2) a copy of the original complaint.
- (8) Answer. Not later than the 10th day after receipt of the notice and copy under Subsection 26.620(h)(2)c. above, a respondent may file an answer to the complaint. An answer must be: in writing; under oath, and in the form prescribed by the Board. An answer may be amended at any time, and an answer does not inhibit the investigation of a complaint.
- (9) Investigation.
- a. For complaints filed with the Board on the basis of age and 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 Administration shall promptly investigate the allegations set forth in the complaint.
 - b. The Administrator shall investigate all complaints and, except as provided in this Subsection, shall complete an investigation not later than the 100th day after the date the complaint is filed, or if it is unable to complete the investigation within the 100-day period, 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 Administrator is unable to complete an investigation within the time periods prescribed herein, the Administrator shall notify the complainant and the respondent in writing of the reasons for the delay.
- (10) Additional or Substitute Respondent. The Administrator may join a person not named in the complaint as an additional or substitute respondent if in the course of the investigation it is determined that the person should be accused of a discriminatory housing practice.

-582-

**TEMPLE TERRACE CODE
HUMAN RIGHTS**

In addition to the information required in the notice under this Section, the Administrator 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.

- (11) Conciliation.
- a. The Administrator 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 Chapter.
- 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 investigation report relating to that investigation.

(12) 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 Section 760.34(8), Fla. Stat.
- b. On receipt of the Board's authorization, the City 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.

-583-

**TEMPLE TERRACE CODE
HUMAN RIGHTS**

(13) Investigative Report.

- a. The Administrator 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.

(14) Determination.

- a. Cause of Determination. 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 purpose 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 Section 26.620(h)(14) of this Chapter 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 the Administration has approved a conciliation agreement relating to the complaint.

- c. If it is impracticable to make the determination within the time period provided Section 26.620(h)(13) of this Chapter, the Board or its designee shall notify the complainant and respondent in writing of the reasons for the delay.

- d. 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.

(15) Reasonable Cause Determination.

- a. A reasonable cause finding issued under Section 26.620(h)(13) of this Chapter:

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;

-584-

**TEMPLE TERRACE CODE
HUMAN RIGHTS**

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 Section 26.620(i)(1) of this Chapter to each respondent, together with a notice of the opportunity for a hearing provided by Section 26.620(j) of this Chapter and to each aggrieved person on whose behalf the complaint was filed.

- (16) No Cause Determination. 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. The Board shall make public disclosure of each dismissal under this Section.

- (17) 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 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.

The election must be made not later than the 20th day after the date of receipt of the electing person of service under Subsection 26.620(h)(7) of this Chapter, or in the case of the Board, not later than the 20th day after the date the charge was issued.

The person making the election shall give notice to the Board and to all other complainants and respondents to whom the charge relates.

- (2) City Attorney Action for Enforcement. If a timely election is made under Subsection 26.620(i)(1) of this Chapter, the Board shall authorize, and not later than the 30th day after the election is made, the City 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 Subsection pursuant to Section 760.34, Fla. Stat.

An aggrieved person may intervene in the action.

(j) ***Administrative Hearing if No Judicial Election.***

- (1) Administrative Hearing. If a timely election is not made under Subsection 26.620(i)(1) of this Chapter, the Board shall provide for an administrative hearing on the charge.

The Florida Administrative Procedures Act (located at Chapter 120, Fla. Stat.) governs hearings under this Subsection.

-585-

**TEMPLE TERRACE CODE
HUMAN RIGHTS**

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 26.620(j)(2) below, and the record, and issue its final order within 30 calendar days of the date it receives the recommended order.

In interpreting the provisions of this Subsection, the Hearing Officer may consider administrative and judicial interpretations of substantially equivalent provisions of State or Federal laws.

An administrative hearing under this Subsection 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. If the Hearing Officer determines at a hearing under Subsection

26.620(j) of this Chapter, 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 attorneys' fees, costs, and other injunctive or equitable relief.

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 Section 760.34, Fla. Stat. in an amount that does not exceed:

- a. \$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;
- b. Except as provided herein, \$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
- c. Except as provided below, \$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.

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 above may be imposed without regard to the period of time within which any other discriminatory housing practice occurred. Funds collected under this Subsection shall be paid to the City Council and shall be used to offset expenses incurred by the Board or City Attorney in enforcing this Chapter and in carrying out other efforts to further fair housing within Temple Terrace.

-586-

**TEMPLE TERRACE CODE
HUMAN RIGHTS**

- (3) Effect of Board Order. A Board Order under this Subsection does not affect a contract, sale, encumbrance, or lease that was consummated before the Board issued the order; and involved a bona fide purchaser, encumbrancer, or tenant who did not have actual notice of the charge filed under this Chapter.
- (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, send copies of the findings and the order to the governmental agency; and recommend to the governmental agency appropriate disciplinary action.

(k) ***Private Enforcement.***

- (1) Civil Action. Under the provisions of Section 760.35, Fla. Stat., 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.

An aggrieved person may file an action regardless of whether they have filed a complaint under this Chapter, and regardless of the status of any complaint filed under this Chapter.

- (2) Intervention by City Attorney. Upon the request of the Board, the City Attorney may intervene in an action brought under the provisions of Subsection 26.620(i)(1) above, if the Board certifies that the case is of significant public importance to the citizens of the City of Temple Terrace.

(1) ***Enforcement by City Attorney.***

- (1) Pattern or Practice Cases. On request of the Board, the City Attorney may file a civil action in a court of competent jurisdiction for appropriate relief if the Board has reasonable cause to believe that a person is engaged in a pattern or practice of resistance to the full enjoyment of any right granted by this Section; or a person has been denied any right granted by this Section and that denial raises an issue of general public importance.

In an action under this Section, the court may make such awards and order such relief as is provided for under Section 760.35, Fla. Stat.

- (2) Subpoena Enforcement. The City 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 City 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 City Council.

Section 26.625

PREEMPTION OF COUNTY ORDINANCE.

This Chapter [Ordinance No. 813] preempts Hillsborough County Ordinance No. 88-9, as amended, which was adopted by the Board of County Commissioners of Hillsborough County, Florida. Hillsborough County Ordinance No. 88-9, as amended, shall not be effective within the City of Temple Terrace.
(Ord. No. 813, 6-2-92)

THIS PAGE LEFT BLANK INTENTIONALLY

-588-

**TEMPLE TERRACE CODE
HUMAN RIGHTS**

THIS PAGE LEFT BLANK INTENTIONALLY

-589-

**TEMPLE TERRACE CODE
HUMAN RIGHTS**

THIS PAGE LEFT BLANK INTENTIONALLY