

Memorandum



Date: March 4, 2008

Agenda Item No. 1(D)2

To: Honorable Chairman Bruno A. Barriero and
Members, Board of County Commissioners

From: George W. Burgess
County Manager

A handwritten signature in black ink, appearing to read "G. Burgess", written over the printed name of George W. Burgess.

Subject: Sunset Review of County Boards for 2008 – Equal Opportunity Board

In accordance with the provisions of Section 2-11.40 of the Code of Miami-Dade County, I am transmitting the 2008 Sunset Review of County Boards Report for the Equal Opportunity Board. The Board approved the attached report at its meeting on December 20, 2007 and has recommended the continuation of its board.

A handwritten signature in black ink, appearing to read "Susanne M. Torriente", written over a horizontal line.

Susanne M. Torriente
Chief Assistant County Manager

cmo08408

Date: December 20, 2007

To: George M. Burgess
County Manager

From: Erigene Belony
Chairperson, Equal Opportunity Board

Subject: Sunset Review of County Boards for 2008 – Equal Opportunity Board

Pursuant to Section 2-11.40 of the Code of Miami-Dade County, I am submitting the 2008 Sunset Review of County Boards Report for the Equal Opportunity Board for transmittal to the Board of County Commissioners (BCC). The Board approved the attached report at its meeting of December 20, 2007.

BACKGROUND

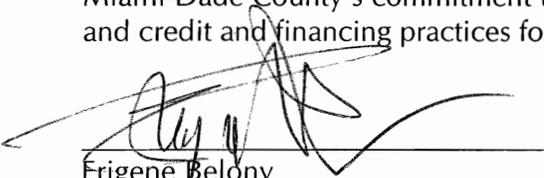
The Equal Opportunity Board was originally established as the Fair Housing Commission by Ordinance 69-25 passed June 18, 1969, later renamed the Fair Housing and Employment Appeals Board. Subsequent amendments added more protections from discrimination for residents of Miami-Dade and defined case processing and enforcement authority. In April 1990 the Fair Housing and Employment Appeals Board was reestablished as the Equal Opportunity Board (EOB).

The purpose of the EOB is to enforce Miami-Dade County's anti-discrimination ordinance, also known as the Human Rights Ordinance. It is a quasi-judicial board charged with receiving, mediating, investigating and adjudicating on cases of discrimination in employment, housing, public accommodations, family leave and domestic violence leave on the basis of a person's race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status or sexual orientation.

RECOMMENDATION

The EOB should continue to function because it provides a vital direct service to the public. Besides providing relief for victims of discrimination, the EOB works with local employers and housing providers to help create harmonious and productive work environments and equal housing opportunities.

The attached report explains in more detail the work of the staff and board members in implementing Miami-Dade County's commitment to equal opportunity in housing, employment, public accommodations and credit and financing practices for all residents in our community.



Erigene Belony
Board Chairperson

Miami-Dade County
Equal Opportunity Board

Office of Community Advocacy



2008 Annual Sunset Report

2008 Annual Sunset Report

*Submitted by Erigene Belony, Esq., Chairperson
Miami-Dade County Equal Opportunity Board*

I. General Information

1. Board Reporting

The **Miami-Dade County Equal Opportunity Board (EOB)** is a quasi-judicial as well as an advisory board charged with the enforcement of Miami-Dade County's Human Rights Ordinance, codified as Chapter 11A of the Miami-Dade County Code, as amended, Articles I, II, III and IV. The Human Rights Ordinance makes it unlawful to discriminate against any person in Miami-Dade County in employment, public accommodations, credit and financing practices and housing accommodations on the basis of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status and sexual orientation. The EOB also enforces the Miami-Dade County Family Leave Ordinance (Article V of Chapter 11A) and the Domestic Violence Leave Ordinance (Article VIII of Chapter 11A).

2. Board members, terms of office, and number of vacancies

The EOB is comprised of twenty-six (26) board members. Each County Commissioner appoints two members to the board. The role of the board members is to hold public hearings on appeals requested by the parties involved in a charge of discrimination, after a determination by staff. The board members, who may meet in hearing panels of three or more, may uphold, modify or overturn the determination issued by the EOB director. After a finding of discrimination, the chairperson, or his or her designee, issues an adjudicative final order which may include, but is not limited to: 1) hiring, reinstatement or promotion; 2) taking affirmative action and making corrections; 3) requiring reasonable accommodations; 4) awarding costs and attorney's fees to a prevailing party; and 5) awarding any other quantifiable relief for costs to a prevailing complainant incurred as a result of an act prohibited by the Human Rights Ordinance¹. If no discrimination is found, a final order is issued dismissing the case. The board's final order may be appealed by the parties in circuit court.

The board members may also recommend civil fines in housing and impose civil fines in public accommodations. At the conclusion of a hearing and upon a finding of housing discrimination, the Board may recommend that the County Attorney commence a civil action petitioning the court to impose fines ranging from \$10,000 to \$50,000 against the respondent.² At the conclusion of a hearing and upon a finding of public

¹ Section 11A-5, Code of Miami-Dade County.

² Section 11A-17, *Ibid.*

accommodations discrimination, the Board may consider imposing fines against the respondent ranging from \$10,000 to \$50,000.³

In its advisory capacity, the EOB members periodically hold public community forums throughout Miami-Dade County to solicit public input on issues pertaining to discrimination in housing, employment, credit and financing practices and public accommodations.

Terms of Office

Section 2-11.38.2 of the Code of Miami-Dade County governs the term of office of the members of the board.

Following are the current board members in alphabetical order, appointing commissioner, commencement of term and term of office.

Board Member	Commissioner	Term Commenced	Term Expires
Alexandra Bassil	Hon. Katy Sorenson	May 30, 2007	November 30, 2010
Erigene Belony (Chairperson)	Hon. Dennis C. Moss	April 27, 2004	October 31, 2008
Emily Crawford	Hon. Barbara J. Jordan	May 10, 2007	November 30, 2008
Karina Duenas-Aragon	Hon. Joe A. Martinez	April 24, 2007	November 30, 2008
Patricia A.J. Ford	Hon. Audrey Edmonson	June 19, 2007	November 30, 2008
Rosemary W. Fuller	Hon. Dennis C. Moss	April 24, 2007	November 30, 2008
Eduardo Hernandez (2 nd Vice Chair)	Hon. Javier D. Souto	May 22, 2007	November 30, 2010
Joel Jacobi	Hon. Sally A. Heyman	April 24, 2007	November 30, 2010
James Jean-Francois	Hon. Dorrin D. Rolle	March 16, 2004	November 21, 2006 ⁴
Kenneth M. Kilpatrick	Hon. Dorrin D. Rolle	April 24, 2007	November 30, 2010
Lizette Marti	Hon. Katy Sorenson	April 26, 2007	November 30, 2010
Marta Navarro	Hon. Rebeca Sosa	April 4, 2007	November 30, 2010
Damian Pardo	Hon. Bruno A. Barreiro	July 7, 2005	November 30, 2008
John B. Riley (1 st Vice Chair)	Hon. Barbara J. Jordan	April 13, 2005	November 30, 2008
Yvonne Welcker. Sepulveda	Hon. Bruno A. Barreiro	June 26, 2007	November 30, 2008
Denise Sharpton	Hon. Carlos A. Gimenez	June 9, 2005	November 30, 2008
Dionne P. Stephens	Hon. Jose "Pepe" Diaz	June 11, 2007	November 30, 2010

Vacancies

The EOB currently has nine (9) vacancies. These vacancies represent 35% of the total number of board members.

3. Meetings, Hearings and Attendance

³ Section 11A-24.1, *Ibid.*

⁴ Reappointment pending

Because of its quasi-judicial and enforcement mission, the EOB does not meet as would a typical advisory board. Section 11A-4(6) of the Human Rights Ordinance requires in part that meetings "... be held monthly or as needed to hear and dispose of the pending cases." Currently the EOB schedules public hearings on a weekly basis to hear and dispose of pending appeals. A hearing panel may consist of three (3) or more members. Five (5) or more members are required to constitute a quorum to hold a meeting for any other purpose.⁴

Meetings/Hearings in 2006 and 2007

Scheduled hearings may be cancelled or continued for the following:

1. The respondent or charging party requests a continuance which is approved by the Chair or Vice Chair; or
2. Case settled prior to hearing; or
3. A hearing panel could not be secured.

In calendar year 2006, forty nine (49) appeal hearings and or meetings were scheduled. Twenty (20) hearings were cancelled and rescheduled because a hearing panel could not be convened.⁵ Ten (10) hearings were continued at the request of one of the parties, and one (1) was cancelled because the parties settled prior to hearing.

From January 1, 2007 through November 30, 2007 fifty-two (52) hearings and/or meetings were scheduled. Fifteen (15) were cancelled and rescheduled at the request of the parties; two (2) were cancelled because the parties settled; and twelve (12) were cancelled and rescheduled because a hearing panel was not available.⁶ **(Refer to Attachment "A", Board Member Attendance Sheet for 2006 and 2007).**

As of December 12, 2007, forty-eight (48) appeals were pending before the EOB.

4. Source of Funding

The EOB is funded by general fund and federal sources. The EOB is a designated deferral agency to the United States Equal Employment Opportunity Commission (EEOC). This means that the EEOC contracts with the EOB to investigate employment cases under Title VII of the Civil Rights Act of 1964, as amended, ("Title VII"), The Age Discrimination in Employment Act of 1967, as amended, ("ADEA"), and Title I of the Americans with Disabilities Act of 1990, as amended, ("ADA"). The EEOC provides payment to Miami-Dade County for cases investigated and completed by the EOB. Cases are filed directly with the EOB under the Human Rights Ordinance and dual-filed with the US EEOC. A substantial amount of cases are filed with the EOB each year because the Human Rights Ordinance provides broader coverage than the federal

⁴ Section 11A-4(4), *Ibid.*

⁵ In 2006 the EOB consisted of thirteen (13) members, and had a high vacancy rate.

⁶ Most of the cancellations were in the first quarter of calendar year 2007 because new board member appointments took place in April, May and June 2007.

statutes. Under the Ordinance any employer who employs five (5) or more persons in Miami-Dade County is subject to the EOB's jurisdiction. Federal statutes cover employers with fifteen (15) or more employees for Title VII and ADA, and twenty (20) employees for ADEA. In addition marital status and sexual orientation protection are not covered by federal statutes. The ordinance's age discrimination protection also provides broader coverage than the ADEA.⁷

The following is a breakdown of the funding for Fiscal-Years 2006-2007 and 2007-2008:

FY 2006-2007	
General Fund	\$575,000
US EEOC (Federal)	\$102,000
OCED	\$097,000
FY 2007-2008	
General Fund	\$445,000
US EEOC (Federal)	\$102,200
OCED	\$108,000

5. Date of Board Creation

June 17, 1968. Resolution No. R-719-68 established the Equal Employment Opportunity Board.

June 18, 1969. Ordinance No. 69-35 reestablished the Equal Employment Opportunity Board as the Fair Housing and Employment Commission.

Amendments

- Ordinance No. 69-41, adopted June 25, 1969 amended Section 9 of Ordinance No. 69-35.
- Ordinance No. 70-22, adopted March 11, 1970, added prohibition against public accommodation discrimination;
- Ordinance No. 72-96, adopted December 19, 1972, prescribed the powers of the Fair Housing and Employment Commission and procedures for the processing of complaints, among other things;
- Ordinance No. 73-97, adopted December 4, 1973, added marital status as a protected category;
- Ordinance No. 74-59, adopted July 30, 1974 established further procedures for complaint filing and processing;
- Ordinance No. 75-46, adopted June 18, 1975 reestablished the Fair Housing and Employment Commission as the Fair Housing and Employment Appeals Board, and added additional protected categories, among other things;

⁷ The Human Rights Ordinance provides protection to anyone eighteen (18) years or older, whereas the ADEA covers persons who are forty (40) years old or older.

- Ordinance No. 76-23, adopted February 3, 1976 provided for the transition and transfer of cases from the Fair Housing and Employment Commission to the Fair Housing and Employment Appeals Board;
- Ordinance No. 76-29, adopted March 16, 1976 provided for requests for hearings;
- Ordinance No. 77-4, adopted January 18, 1977 added protection from discrimination based on affectional or sexual preference;⁸
- Ordinance 78-29, adopted April 18, 1978 created three member hearing panels;
- Ordinance No. 80-82, adopted July 15, 1980 provided additional powers to the Fair Housing and Employment Appeals Board in housing matters;
- Ordinance No. 82-25, adopted April 6, 1982 gave agency authority to award damages, including costs and attorney's fees, and to issue and apply for injunctive relief;
- Ordinance No. 86-28, adopted April 1, 1986 allowed for bona fide discount programs based on age;
- Ordinance No. 90-32, adopted April 3, 1990 re-established the Fair Housing and Employment Appeals Board as the Equal Opportunity Board, added familial status and disability to existing protected categories, among other things;
- Ordinance 95-67, adopted April 18, 1995 repealed Chapter 11A and enacted new Chapter 11A;
- Ordinance 98-170, adopted December 1, 1998, added sexual orientation as a protected category to Articles I, II, III, and IV of Chapter 11A.
- Ordinance No. 06-179, adopted December 5, 2006 increased board membership from 13 to 26, and added the volunteer position of hearing officer, among other things.

6. *Attach a copy of the ordinance creating the board. (include all subsequent amendments)*

(Refer to Attachment B)

7. *Mission Statement*

Reduce discrimination in Miami-Dade County and promote equal treatment of all persons in the work place, in housing accommodations and in public accommodations.

8. *Attach the Board's standard operating procedures.*

(Refer to Attachment C for EOB Hearing Procedures)

9. *Attach a copy of the Board's By-Laws.*

⁸ This Ordinance was later repealed by referendum.

(Refer to Attachment D for EOB By-Laws)

a. Approval of 2008 Sunset Review Questionnaire

(Refer to Attachment E for Minutes of Meeting)

II. Evaluation Criteria

1. *Is the board serving the purpose for which it was created?*

The EOB is meeting its stated goals and purpose. It is serving the community needs by providing an avenue of relief for persons who believe that their livelihood is threatened by the loss of a job due to discriminatory employment practices, believe their freedom of movement to be restricted as a result of discriminatory housing practices, or by biased credit and financing practices. The EOB serves all residents of unincorporated as well as incorporated Miami-Dade County. No municipality, with the exception of the City of Miami Beach, currently has a fair employment or fair housing ordinance.

Investigations Processed

For the last seven years alone, the EOB has processed and completed 2,564 investigations of discrimination cases. Monetary benefits to discrimination victims reached a total of \$4,806,537. (Refer to Attachment F, Resolutions Report from 01/01/2000 – 12/12/2007)

2. *Is the board serving current community needs?*

The exercise of the EOB's regulatory authority, through the enforcement of the Human Rights Ordinance (Chapter 11A) has improved the quality of life for the protected groups, who continue to struggle with discrimination. From January 1, 2006 through December 12, 2007 six hundred fifty one (651) new investigations were opened. During the last seven calendar years (01/01/2002-12/12/2007), the EOB opened 1,927 investigations (Refer to Attachment F 1 Charge Receipts from 01/01/2002 – 12/12/2007).

Provision of Direct Services

Any individual can file a discrimination complaint with the EOB if the claim is based upon one or more of the protected categories under the Human Rights Ordinance. The EOB staff provides a direct service to the public through the following activities:

- Intake;
- Mediation;
- Investigation;

- Administrative hearings;
- Technical assistance; and
- Education and outreach.

In addition to providing direct relief to discrimination victims, the EOB through its technical assistance service works with local employers and housing providers to help create harmonious and productive work environments and equal housing opportunities. The staff provides training workshops to employers with respect to policies and procedures. The agency has conducted over 200 workshops between January 1, 2002 and December 12, 2007, and trained approximately 500 supervisors and managers on fair employment laws and best practices. This service is offered mainly to small businesses that for the most part, do not have the resources to maintain an in-house human resources program.

Technical assistance to small employers is important because the Miami-Dade County economy is supported to a significant degree by small business entrepreneurs. In a national comparison, Miami-Dade business establishments are small in size as measured by the number of employees per firm. In Miami-Dade, 64.7 percent of establishments had between 1 and 4 employees, whereas the national figure was 54.4 percent. The national average for firms with 50 or more employees is 5.4 percent, whereas in Miami-Dade the average is reduced to 3.8 percent.⁹

Additionally, approximately 600 housing providers have received technical assistance from the EOB on fair housing issues.

3(a). Board's major accomplishments for last 12 months

- Completed 242 investigations between 01/01/2007 and 12/12/2007.
- Obtained \$372,028 in back wages and other benefits for discrimination victims.
- 57% of resolutions were written determinations on the merits of the case.
- 24% of resolutions were settlements agreements.
- Average case processing time reduced to 191 days.
- Alternative Dispute Resolution Program (ADR) maintained a 72% settlement rate.
- Agency provided direct services to 3,225 persons as a result of investigations, mediation, pre and post charge counseling, technical assistance and training workshops.
- Cosponsored several activities in April 2007 in recognition of the 39th anniversary of the enactment of the Federal Fair Housing Act.
- Received proclamations in support of Fair Housing Month in April 2007 from Miami-Dade County, City of Miami, City of Miami Beach, Village of El Portal,

⁹ An Overview of the Socio-Economic Condition of Miami-Dade County, Department of Planning and Zoning, Planning Research Division, May 2007.

Town of Golden Beach, Village of Key Biscayne, Village of Pinecrest, City of North Miami Beach, City of Surfside, City of Miami Springs, City of Aventura and Town of Bay Harbor Islands.

- Conducted 5 seminars and training workshops with housing providers and with local employers concerning issues of housing discrimination and best employment practices in the workplace.

3(b). Board's major accomplishments since its establishment

- Ordinance No. 69-35, adopted June 18, 1969 re-established the Dade County Equal Employment Opportunity Board as the Dade County Fair Employment and Housing Commission. Ordinance created the first Fair Housing Law in the State of Florida.
- June 1974. The U.S. Equal Employment Opportunity Commission grants "706 deferral status" to the Fair Housing and Employment Appeals Board.
- October 1987. Resolution No. 5 (e) (10) authorizes an on-going Memorandum of Agreement with the U.S. Department of Justice (DOJ), which provides for a referral mechanism for pattern and practice housing discrimination charges for possible litigation in Federal District Court by the DOJ.
- Since its establishment, the EOB has investigated and adjudicated approximately 27,000 formal cases of discrimination.
- Over \$5,000,000 has been received in federal contracts to address employment and housing discrimination in Miami-Dade County.
- Approximately 300,000 persons have benefited from direct services provided by the EOB.
- Developed guidelines for employers in Miami-Dade County as to rules and regulations concerning the requirement and the speaking of other languages in the workplace.
- In 1987, the EOB received a \$100,000 grant from the U.S. Department of HUD to conduct community outreach and establish a non-profit fair housing center. In August 1988, the EOB established H.O.P.E., Inc. This organization is currently an independent, non-profit fair housing center.
- More than \$10,000,000 has been obtained in back pay and other benefits for victims of discrimination in Miami-Dade County.
- In 1999 the EOB was recognized by the U.S. Equal Employment Opportunity Commission (EEOC) as one of the most effective civil rights enforcement agencies in the State of Florida.
- The EOB has hosted and cosponsored five (5) major national civil rights conferences in South Florida. Among them, the International Association of Official Human Rights Agencies (IAOHRA), National Association of Human Rights Workers (NAHRW), Florida Association of Community Relations Professionals (FACRP), and State of Florida Annual Civil Rights Conference.
- In 2003 the Dispute Resolution/Mediation Program expanded to include pro-bono mediators from Florida International University's Center for Labor and Research.

- The EOB received a 2002 NACo Achievement Award for the Dispute Resolution/Mediation Program.

4. *Is there any other board, either public or private, which would better serve the function of this board?*

There is no other board, either public or private, in Miami-Dade County with the authority, scope and mission of the EOB.

3. *Should the ordinance creating the board be amended to better enable the board to serve the purpose for which it was created?*

Miami-Dade County's anti-discrimination ordinance is subject to periodic reviews by the EOB staff and the County Attorney's Office. These reviews are necessary in order to maintain the funding relationships with the federal agencies, and to keep current with new developments in the areas of employment and housing discrimination.

The Board is proposing several amendments to Article II of the Human Rights Ordinance. One of the amendments would add "source of income" as a protected category for housing discrimination. This amendment arose out of one of the recommendations from the Community Affordable Housing Strategies Alliance (CAHSA). Recommended action number 9 by CAHSA's Rental, Homeownership and Rehabilitation Committee states "Revise County ordinance prohibiting discrimination based on "source of income".¹⁰

Other proposed amendments are for the purpose of obtaining substantial equivalency status from the U.S. Department of Housing and Urban Development (HUD). Certification of substantial equivalency will allow the Board to contract and receive HUD funding for fair housing enforcement activities.

(Refer to Attachment G for proposed amendments to Chapter 11A).

4. *Should the board's membership be modified?*

The board's membership was increased from 13 to 26 in December 2006 to help expedite the backlog of appeal hearings. No modification is necessary.

5. *What is the operating cost of the board, both direct and indirect (last County fiscal year and current fiscal year)*

The EOB staff provides daily direct services to the public. The board's main function is to conduct public hearings on appeals made pursuant to staff determinations. Approximately 12% of staff determinations are appealed to the Board. In Fiscal Year

¹⁰ CAHSA Final Report, submitted to the Board of County Commissioners.

2006-2007 approximately \$50,000 of the agency' budget was spent on board support; mainly, on the preparation of hearings and other board activities (this amount is based on administrative costs, such as the time spent by investigators and director preparing for and attending hearings, copying and delivering files to board members, and providing interpreters for a complainant, when appropriate). For Fiscal Year 2007-2008, the projected amount for these activities is \$65,000 because it is expected that more hearings will be held in 2007.

6. Describe the board's performance measures developed to determine its own effectiveness in achieving its stated goals.

The staff of the EOB works under specific performance standards each fiscal year, which relate to quantity and quality of investigations. These standards are developed to help each individual staff member achieve his or her highest potential, to provide an effective level of service to clients, and to help the agency in meeting its contractual obligations with the federal funding sources. Individual staff productivity is monitored on a monthly basis and in-house evaluations done on a quarterly basis.

The number of EOB staff positions was reduced by fifty percent (50%) as a result of the FY 07-08 budget process.¹¹

The following performance measures for FY 07-08 were developed in consideration of the reduced resource allocations:

Formal Investigations Completed	325
Administrative Hearings	040
Reduction of average case processing time	200 days as of 09/30/2008
Schedule and hold mediations within 60 days	40 Mediations
Community forums, outreach/education activities, and technical assistance	20

¹¹ In FY 06-07, the Table of Organization for the EOB showed 10 positions; 9 filled and 1 vacancy. For FY 07-08, five (5) positions are budgeted.

Attachment A

**Miami-Dade Equal Opportunity Board
Attendance Record for January 16, 2006 – July 28, 2006**

	2/16	2/22	3/1	3/2	3/10	3/16	3/24	3/30	4/5	4/10	4/13	4/19	5/3	5/5	5/11	5/19	5/25	6/8	6/16	6/30	7/6	7/10	7/14	7/28		
Belony	E		E		No Panel			CONTINUANCE BY R			No Panel			P		No Panel			No Panel							
Geer	E		E		No Panel			A		No Panel			E		No Panel			E		No Panel						
Jean-Francois	E		P		No Panel			A		No Panel			E		No Panel			P		No Panel						
Logan	E		E		No Panel			E		No Panel			E		No Panel			E		No Panel						
Lurie	P		P		No Panel			E		No Panel			E		No Panel			E		No Panel						
Martinez	E		E		No Panel			RS		No Panel			E		No Panel			E		No Panel						
Pardo	E		E		No Panel			P		No Panel			E		No Panel			E		No Panel						
Riley	P		P		No Panel			P		No Panel			P		No Panel			P		No Panel						
Sharpton	P		E		No Panel			P		No Panel			E		No Panel			P		No Panel						

Attendance Record for August 3, 2006 – December 20, 2006

	8/3	8/8	8/11	8/17	8/21	8/23	8/28	8/31	9/6	9/14	9/22	9/28	10/3	10/6	10/6	10/12	10/20	10/26	11/3	11/9	11/17	11/30	12/8	12/14	12		
Belony	P	P	CONTINUANCE BY R			No Panel			CONTINUANCE BY CP			No Panel			CONTINUANCE BY R			CONTINUANCE BY R			CONTINUANCE BY CP			CONTINUANCE BY CP			No Panel
Geer	E	E			P						No Panel			E		No Panel			E		No Panel						
Jean-Francois	A	E			E						No Panel			E		No Panel			E		No Panel						
Lurie	E	E			E						No Panel			E		No Panel			E		No Panel						
Pardo	E	E			E						No Panel			E		No Panel			E		No Panel						
Riley	P	P			P						No Panel			E		No Panel			E		No Panel						
Sharpton	P	P			E						No Panel			E		No Panel			E		No Panel						

P= present A= absent CP= Charging Party R= Respondent RS= Resigned RM= Removed

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Attachment B

ARTICLE I. GENERAL PROVISIONS

Sec. 11A-1. Declaration of policy and scope.

(1) *Policy.* It is hereby declared to be the policy of Miami-Dade County, in the exercise of its police power for the public safety, health and general welfare, to eliminate and prevent discrimination in employment, family leave, public accommodations, credit and financing practices, and housing accommodations because of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status or sexual orientation.

(2) *Jurisdiction and area of application.*

(a) The provisions of this chapter shall not apply to any complaint naming Miami-Dade County, the State of Florida, the federal government, or any of their agencies or employees as a respondent.

(b) This chapter is applicable in both the incorporated and unincorporated areas of Miami-Dade County, Florida.

(c) All violations shall be prosecuted in the court of appropriate jurisdiction of Miami-Dade County, Florida.

(d) The provisions of this chapter shall be cumulative and in addition to and not in derogation of any and all other provisions or laws prohibiting discrimination in employment, family leave, public accommodations, credit and financing practices and housing.

(3) *Preservation of substantive rights.* Any substantive rights created by Chapter 11A as it existed prior to the enactment of Ordinance Number 90-32 are preserved as to any cases pending on the effective date of the creation of the Equal Opportunity Board.

(4) *Deferment by other enforcement agencies.* The Director of the Equal Opportunity Board, subject to approval by the County Commission, and upon written agreement with the United States Department of Housing and Urban Development, the United States Equal Employment Opportunity Commission or any other federal, state or local agencies may accept written, sworn and signed complaints of violations of this chapter deferred to the Equal Opportunity Board by such agency for investigation and resolution; however, the Director of the Equal Opportunity Board may waive such deferment.

(5) *Ex parte communications.* Except for ex parte applications for subpoenas pursuant to this chapter, no person shall make any ex parte communication, relative to any pending case before the Equal Opportunity Board, to any Board member, or at any stage of a proceeding after the filing of a charge or complaint, by any party to the proceeding, or by any person who has a direct or indirect interest in the proceeding, or by any authorized representative or counsel. Any violation of this section shall be reported, in writing, by the Boardmember affected; and the report, which shall include a description of the substance of the communication, any response, and a copy of any written communication, shall be part of the record.

(Ord. No. 97-17, § 1, 2-25-97; Ord. No. 98-170, § 1, 12-1-98; Ord. No. 06-179, § 1, 12-5-06)

Sec. 11A-2. Definitions.

The definitions set out herein shall apply to articles II, III, IV and V:

(1) *Age* shall mean the chronological age of any individual who is eighteen (18) years or older.

(2) *Board* shall mean the Miami-Dade County Equal Opportunity Board or its successor.

(3) *Complaint* shall mean any written allegation of a discriminatory act or practice prohibited by this chapter.

(4) *Complainant* shall mean any person or persons alleging a discriminatory act or practice prohibited by this chapter that has occurred or is about to occur and who has filed a written complaint.

(5) *Conciliation Agreement* shall mean a written agreement resolving or otherwise disposing of a complaint and which is entered into by the parties and the Director prior to a hearing in front of the board.

(6) *County* shall mean Miami-Dade County.

(7) *Director* shall mean the Director of the Miami-Dade County Equal Opportunity Board or his or her

designee.

(8) *Discrimination* shall mean any difference, distinction or preference in treatment, access or impact because of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, or sexual orientation which is prohibited by this chapter.

(9) *Familial status* is established when:

(a) An individual who has not attained the age of eighteen (18) years is domiciled with a parent or other person having legal custody of such individual; or

(b) An individual who has not attained the age of eighteen (18) years is domiciled with a designee of a parent or other person having legal custody of such individual with the written permission of such parent or other person; or

(c) An individual becomes pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

(10) *Family* shall include a single individual.

(11) *Finding related to probable cause* shall mean the conclusion reached by the Director after completion of an investigation as to whether or not the discriminatory act or practice alleged in the complaint occurred and shall consist of the final investigative report and recommended order.

(12) *Marital status* shall mean the state of being married, unmarried, single, divorced, separated or widowed, and the conditions that may be associated therewith, including pregnancy or parenthood.

(13) *National origin* shall include citizenship status, ancestry, place of birth, and language characteristics thereof.

(14) *Person* shall mean one (1) or more natural persons, individuals, employees, employers, employment agencies, owners, businesses, government, government agencies, government departments, unions, joint apprenticeship committees, firms, associations, joint ventures, partnerships, estates, trusts, trustees, trustees in bankruptcy, legal representative, mutual companies, joint-stock companies, receivers, syndicates, fiduciaries, corporations, unincorporated organizations, and all other groups or combinations.

(15) *Person with a disability*

(a) "Person with a disability" shall mean:

(i) An individual with a physical or mental impairment which substantially limits one (1) or more of that individual's major life activities;

(ii) An individual who has a record of such impairment; or

(iii) An individual who is perceived or regarded as having such an impairment.

(b) "Physical or mental impairment" shall include:

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one (1) or more of the following body systems: neurological, musculo-skeletal, special sense organs, cardiovascular, reproductive, digestive, genitourinary, hemic or lymphatic, skin, and endocrine;

(ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities; or

(iii) Any degree of paralysis, epilepsy, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, muteness, speech impediment or persons who rely upon a seeing eye dog, wheelchair or other remedial method, appliance or device.

(c) "Major life activities" shall include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, learning and working.

(d) *A record of such impairment* shall include having a history of, or having been misclassified as having a history of, physical or mental impairment which substantially limits one (1) or more major life activities.

(e) "Individual who is perceived as or regarded as having a disability" shall mean any individual who:

(i) Has a physical or mental impairment that does not substantially limit one (1) or more major life activities but such impairment is treated by others as constituting such a limitation;

(ii) Has a physical or mental disability that substantially limits one (1) or more major life activities only as a result of the attitude of others toward such impairment; or

- (iii) Has no impairment defined in this subsection but is treated by another as having such an impairment.
- (f) *Disability* does not include current, illegal use of or addiction to a controlled substance as defined in Chapter 893, Florida Statutes, as amended.
- (16) *Religion* shall mean any belief protected by the free exercise clause of the First Amendment of the United States Constitution.
- (17) *Respondent* shall mean person or persons alleged to have engaged in a discriminatory act or practice prohibited by this chapter.
- (18) *Sexual orientation* shall mean heterosexuality, homosexuality or bisexuality whether such orientation is real or perceived.
- (19) *Mediation* shall mean an informal conference held with a neutral third party to help the parties resolve their disputes prior to the investigation of the complaint, or at any time during the investigation of the complaint.
- (20) *Hearing officer* shall mean an employee of the Division of Administrative Hearings within the State of Florida, Department of Administration, employed to conduct hearings pursuant to F.S. chapter 120, or other person selected by the Chairperson of the Equal Opportunity Board, or his or her designee, to conduct a hearing pursuant to this chapter from a pool of hearing officers, who are members of the Florida Bar in good standing. The hearing officers shall serve for a term not to exceed two (2) years and shall not be entitled to compensation; however, they shall receive reimbursement for parking in county garages and for mileage for any hearing-related business. Such reimbursement shall be consistent with County policy.
- (21) *Prevailing party* shall have the same meaning as such term has in section 722 of the Revised Statutes of the United States (42 U.S.C. 1988).
- (Ord. No. 97-17, § 1, 2-25-97; Ord. No. 98-170, § 1, 12-1-98; Ord. No. 06-179, § 2, 12-5-06)

Sec. 11A-3. Office of Director established.

- (1) The position of Equal Opportunity Director is hereby created and established. The Director shall be appointed by and serve at the will of the County Manager. The position shall be exempt from the classified service of the County.
- (2) The duties, functions, powers and responsibilities of the Director include but are not limited to, the following:
- (a) Enforcing the provisions of this chapter and any rules and regulations promulgated thereunder;
 - (b) Receiving, initiating, investigating, mediating, dismissing, waiving, and determining complaints received under this chapter;
 - (c) Facilitating settlement or conciliation of a complaint alleging a discriminatory act or practice prohibited by this chapter;
 - (d) Completing investigative reports on complaints filed under this chapter.
 - (e) Issuing a finding related to probable cause which may include findings, conclusions and recommendations addressing liability, reasonable accommodation, affirmative action, quantifiable relief, costs, attorney's fees, interest and such other appropriate remedies as in the judgment of the Director shall carry out the purposes of this chapter. The remedies may include the remedies enumerated in Section 11A-5(6)--(11);
 - (f) Providing assistance and direction in all matters relating to discrimination in housing, credit and finance, public accommodations, employment, family leave and domestic violence leave;
 - (g) Publishing and disseminating information and educational materials relating to discrimination in housing, credit and finance, public accommodations, employment, family leave and domestic violence leave;
 - (h) Issuing notice of a complainant's private right to sue under Article II, III, IV, V and VIII of this chapter upon a written request from complainant received not sooner than one hundred eighty (180) days after the filing of a charge or amended charge of a violation of this chapter;
 - (i) Performing such other administrative duties as may be assigned by the County Manager.

(3) When necessary to vindicate the public interest, the Director may, with the approval of the County Attorney, have the County designated as a party in any proceeding under this chapter, and in connection therewith, shall be governed by the same procedures applicable to any other party to a charge of violation of this chapter. In any proceeding in which the County participates as a party, the Director, with the approval of the County Attorney, may hire special counsel.

(Ord. No. 97-17, § 1, 2-25-97; Ord. No. 06-179, § 3, 12-5-06)

Sec. 11A-4. Equal Opportunity Board established.

(1) *Creation of Board.* The Miami-Dade County Equal Opportunity Board is hereby created and established. The Board shall consist of twenty-six (26) members appointed by the Board of County Commissioners. Each member of the Board of County Commissioners may appoint two persons to the Equal Opportunity Board.

(2) *Qualifications of members.* Members of the Board shall be permanent residents and electors of Miami-Dade County, Florida. Of at least one of the two appointments by each County Commissioner, consideration for membership may be given to representatives from the following fields:

- (a) an attorney who is a member in good standing of the Florida Bar;
- (b) a member of the business community;
- (c) a representative of the real estate industry;
- (d) a member of a non-profit civil rights organization;
- (e) a small business owner;
- (f) a representative of municipal government;
- (g) a representative of an employee organization;
- (i) a representative of persons with disabilities; and (j) a representative of the banking industry.

Membership shall be made on the basis of civic pride, integrity, experience and interest in the area of equal opportunity, and be representative of the County's population and reflective of the racial and ethnic make-up of Miami-Dade County, in addition to geographic, economic and gender considerations.

(3) *Term of office.* The term of office of members of the Board shall be as specified in Section 2-11.38.2 of the Code of Miami-Dade County.

(4) *Organization of the Board.* The members of the Board shall elect the Chairperson, and such other Officers as may be deemed necessary, who shall serve a term of two (2) years with the possibility of reelection. At least three (3) members of the Board shall constitute a hearing panel for the purposes of conducting a hearing and approving final orders on complaints. At least five (5) members of the Board shall constitute a quorum to hold a meeting for any other purposes. A majority vote of those present at a duly constituted meeting shall be sufficient for all actions.

(5) *Compensation.* Members shall serve without compensation but shall be entitled to reimbursement for necessary expenses including but not limited to, training and travel, subject to approval by the County Commission. Training in equal opportunity shall be provided to all Board Members at least once each year.

(6) *Meetings.* Meetings of the Board shall be held monthly or as needed to hear and dispose of the pending cases. Notice of the time and place of meetings shall be given to all members of the board and to all parties scheduled to be heard. The Chairperson may call an emergency meeting of the Board. Three (3) members may also call an emergency meeting upon written request to the Director.

(7) *Minutes.* Minutes shall be kept of all meetings of the Board. All meetings shall be public and all minutes shall be subject to public inspection except where prohibited by law.

(8) *County Manager.* The County Manager shall provide such adequate and competent administrative, technical and clerical personnel as may be reasonably required by the Board for the proper performance of its duties. The County Manager shall provide a regular meeting place for the Board.

(9) *County Attorney.* The County Attorney shall provide counsel to the Board.

(Ord. No. 97-17, § 1, 2-25-97; Ord. No. 06-179, § 4, 12-5-06)

Sec. 11A-5. Duties and powers of the Board.

The Equal Opportunity Board shall have the following duties, functions, powers and responsibilities:

- (1) To apply to the appropriate court on behalf of the County for such temporary or permanent injunctive relief as the Board, or a Hearing Panel thereof, believe is necessary to preserve the status quo or to prevent irreparable harm and to carry out the purposes of this chapter;
 - (2) To adopt, promulgate, amend and rescind rules and regulations necessary to effectuate the purposes and provisions of this chapter following a public hearing and subject to approval by the County Commission;
 - (3) To issue an adjudicative final order upon the authority of the Chairperson following approval by the appropriate Hearing Panel. Such an adjudicative final order may review and uphold, modify or reverse recommended final orders issued by the Director or his or her designated representative in accordance with the provisions of this chapter;
 - (4) To administer oaths;
 - (5) To compel, by subpoena issued by the Chairperson of the Board, the attendance of witnesses and the production of evidence for discovery, investigation, hearing or deposition for the preservation of testimony;
 - (6) To issue remedial orders requiring cessation of violations of this chapter;
 - (7) To issue such other final orders as, in the judgment of the Hearing Panel, will carry out the purposes of this chapter, including but not limited to:
 - (a) Hiring, reinstatement or promotion of employees with accrued seniority, with accrued benefits and with back pay;
 - (b) Taking affirmative action and making corrections; and
 - (c) Requiring reasonable accommodation;
 - (d) Awarding of front pay, to the extent that the calculation of any such front pay is quantifiable and reasonably definite.
 - (8) To issue final orders dismissing the complaint;
 - (9) To award quantifiable relief to a prevailing complainant for injuries incurred as a proximate result of an act prohibited by this chapter or to apply to the appropriate court for such an award, provided that such damages are not prohibited by state or federal law;
 - (10) To award costs and Attorney's fees to a prevailing party or to apply to the appropriate court for such an award; provided, however, that such an award is not contrary to the purposes of this chapter.
 - (11) To award prejudgment interest to a prevailing party upon a finding of employment discrimination and post judgment interest to a prevailing party upon a finding of any type of discrimination, or to apply to the appropriate court for such an award;
 - (12) At the conclusion of a hearing and upon a finding of housing discrimination in violation of Article II of this chapter, to recommend that the County Attorney commence a civil action on behalf of the County for fines pursuant to Section 11A-17.
- (Ord. No. 97-17, § 1, 2-25-97; Ord. No. 06-179, § 5, 12-5-06)

Sec. 11A-6. Discretionary review; request for rehearing.

- (1) Within fifteen (15) days following the issuance of the final adjudicative order, a party may file a written request for rehearing of a case or amendment of a final order by the Equal Opportunity Board. A request for rehearing shall state with particularity the factors overlooked or misapprehended by the original hearing panel, and shall not reargue the merits of the case. The nonmoving party may file a written response within ten (10) days of receipt of the written request for rehearing.
- (2) At the first regularly scheduled meeting following the receipt of such a request, the members of the original Hearing Panel shall vote on whether to grant the request for rehearing.
- (3) If the request for rehearing is granted, the Board shall expeditiously schedule a hearing. At least five (5) members shall constitute a Hearing Panel for the purpose of such rehearing.
- (4) Upon the conclusion of rehearing, the rehearing panel shall issue a new adjudicative final order which may affirm, modify, rescind or reverse the final adjudicative order issued by the original Hearing Panel.

(5) The filing of a request for rehearing shall toll the time for commencing an appeal pursuant to Section 11A-8.

(6) No appeal to the Board shall be had from a denial of a request for rehearing.
(Ord. No. 97-17, § 1, 2-25-97; Ord. No. 06-179, § 6, 12-5-06)

Sec. 11A-7. Enforcement of final order.

If the Board determines that any respondent has committed an unlawful act prohibited by this chapter, and said respondent refuses to comply with or obey the final order of the Board or Director, the Board on behalf of the County or the complainant may petition the court of competent jurisdiction for enforcement of the final order.

(Ord. No. 97-17, § 1, 2-25-97; Ord. No. 06-179, § 7, 12-5-06)

Sec. 11A-8. Appeals.

(1) The Board's final order shall be subject to review in accordance with the Florida Rules of Appellate Procedure. For purposes of such review, any original jurisdictional notices required to be filed under the Florida Rules of Appellate Procedure shall be filed with the Director. The Board shall provide the index and record on appeal when required by, and in accordance with, the Florida Rules of Appellate Procedure. A fee may be charged by the Board for the preparation and transmission of the record on appeal to the court of appropriate jurisdiction. Such fee may be waived by the Director if the party requesting the record is indigent.

(2) Costs or fees may not be assessed against the Board in any appeal from a final order issued by the Board pursuant to this chapter.

(3) Miami-Dade County shall be named a party to any judicial proceeding involving a challenge to the validity of this chapter. Services of process upon Miami-Dade County shall be accomplished as provided by Section 48.111, Florida Statutes.

(4) Unless specifically ordered by the Board or by a court of competent jurisdiction, the commencement of an appeal does not suspend or stay a final order of the Board.

(Ord. No. 97-17, § 1, 2-25-97)

Sec. 11A-9. Remedial action.

If at any time after a complaint has been filed, the Director or the Board upon conferring with the County Attorney, has reasonable cause to believe that appropriate civil action to preserve the status quo or to prevent irreparable harm appears advisable, the Director or the Board shall refer the complaint to the County Attorney, who may, at his or her discretion and a determination that the complaint raises a matter of great public importance, commence a civil action to preserve the status quo or to prevent irreparable harm. Any temporary restraining order or other order granting preliminary or temporary relief shall be issued in accordance with the Florida Rules of Civil Procedure. The commencement of a civil action under this chapter shall be in addition to all remedies otherwise available under federal and state law, municipal ordinances and this chapter.

(Ord. No. 97-17, § 1, 2-25-97; Ord. No. 06-179, § 8, 12-5-06)

Sec. 11A-10. General unlawful practices.

It shall be an unlawful practice to:

(1) Retaliate or discriminate in any manner against a person because he or she has opposed a practice declared unlawful by this chapter, or because he or she has supported a person or persons protected by this chapter or because he or she has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing, or conference conducted under the authority of this chapter; or

(2) Aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this chapter or obstruct or prevent any person from complying with the provisions of this chapter.

(Ord. No. 97-17, § 1, 2-25-97)

Attachment C

**EQUAL OPPORTUNITY BOARD
HEARING PROCEDURES**

I. REQUEST FOR HEARING

A charging party or respondent aggrieved by the director's recommended final order may request a hearing before a panel of the Equal Opportunity Board by writing to the director of the Equal Opportunity Board at 2525 N.W. 62nd Street, 4th Floor, Miami, Florida 33147, and received by the Equal Opportunity Board not later than fifteen (15) days after service of the director's findings.¹ In a housing discrimination case the request for hearing must be received not later than twenty (20) days. Service of the request for a hearing shall be made in person or by certified mail.

II. GOVERNMENT IN THE SUNSHINE

All hearings, deliberations and decisions of the Equal Opportunity Board shall be open to the public in accordance with Section 186.011 et seq., Fla. Stat., as amended.

III. NOTICE OF HEARING

A. The hearings of the board shall be held at such time and at such place as shall be designated by the director of the Equal Opportunity Board.

B. At least twenty (20) days prior to the hearing, the director of the Equal Opportunity Board shall deliver a notice of hearing to the respondent and the charging party by personal service or certified mail. Such notice shall include the time and place at which the hearing is to be held, and shall inform the parties that any appellate review will require a verbatim record of the proceedings.

IV. SUBPOENAS AND DISCOVERY

A. A party may pursue discovery only through the methods set forth in the Florida Rules of Civil Procedure and shall be bound by the limitations set forth in those rules.

B. Any party to a hearing before the board may request a reasonable number of subpoenas to be issued upon the authority of the chairperson of the board to compel the appearance of any person to testify before the board or testify at deposition. Any request for subpoenas shall be in writing and shall be received by the director not less than fifteen (15) days prior to the hearing or deposition. Such a request shall state the time and place at which the witness is to appear, and the name of the party on

¹ Amended by Ordinance 06-179, passed by Board of Miami-Dade County Commissioners on December 5, 2006.

whose behalf the witness is called to testify. Where a subpoena duces tecum is requested, the request shall describe with particularity any material to be produced.

C. The requesting party is responsible for service of any subpoenas issued pursuant to this section. Service shall be accomplished as provided in Chapter 48, Fla. Stat., as amended.

D. Within ten (10) days after service of a subpoena upon any person, but in no event later than the time specified in the subpoena for compliance, such person may petition the board to revoke or modify the subpoena. The board shall grant the petition upon a finding that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which is not relevant to the proceeding before the board, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good cause.

E. All discovery shall cease six months after submission of a request for hearing or 15 days prior to the hearing whichever is earliest. Any party may request an extension of discovery for good cause shown.

F. All procedural issues, including but not limited to issues regarding subpoenas or discovery shall be decided by the chairperson of the board with advice from the county attorney. Any person aggrieved by the chairperson's decision may appeal that decision to a panel of three board members which shall be convened solely to resolve the issue of procedure or discovery. The decision of the panel shall be final as to an issue regarding procedure, discovery or the issuance of subpoenas.

V. EVIDENCE

A. Any party, member of the board or the director may call, examine and cross-examine witnesses, and introduce documentary and other evidence into the record. Upon offering an exhibit into evidence at a hearing, a party shall provide an original and four copies to the board, and simultaneously furnish copies to all other parties.

B. All relevant and material evidence, oral or written, may be received. Hearsay evidence shall be accorded such weight as the circumstances warrant. In its discretion, the board may exclude irrelevant, immaterial or unduly repetitious evidence. A party is entitled to present his or her case by oral and or documentary evidence, to submit rebuttal evidence, and to conduct cross-examination. Both parties may appear in person or through any duly authorized personal representative.

C. The burden or persuasion, or the duty of producing evidence to substantiate an allegation of discrimination, remains with the charging

D. Final orders of the board shall be supported by competent substantial evidence.

VI. ADMINISTRATIVE NOTICE

Upon request the board shall take administrative notice of provisions of federal law, state law, local ordinances, decisions of other administrative agencies and other matters subject to judicial notice; PROVIDED, HOWEVER, that matters so noticed shall be specified on the record. Either party shall be afforded an opportunity, on the record, to rebut such matters.

VII. MOTIONS OR OBJECTIONS

A. Any preliminary motions or objections shall be heard and disposed of by the hearing panel before proceeding to the merits of the case. Upon its own motion the hearing panel may defer ruling on any such motion until the conclusion of the evidentiary portion of the hearing.

B. After the charging party has completed the presentation of his or her evidence, an opposing party may move for dismissal on the grounds that on the facts and the law the charging party has shown no prima facie violation of Chapter 11A, Code of Metropolitan Dade County, without waiving the right to offer evidence if the motion is not granted. The hearing panel may grant the motion and enter a final order against the charging party upon a specific finding that the charging party has failed to establish a prima facie case or may decline to enter its final order until the conclusion of the evidentiary portion of the hearing. A final order granting such a motion to dismiss shall operate as an adjudication on the merits.

C. Upon approval of a proper motion by any member of the hearing panel, the director's recommended final order shall be entered as the final order of the board if the party requesting the hearing fails to appear after proper notice or fails to establish good cause for such failure to appear.

VIII. THE HEARING

A. The chairperson shall open the hearing at the time and place specified in the notice of hearing, or as soon thereafter as a hearing panel of the board can be obtained. After a reasonable time, if the chairperson determines that no hearing panel can be obtained, the hearing shall be continued until such time as a hearing panel can be obtained. At least three members of the Equal Opportunity Board shall be sufficient to constitute a hearing panel.

B. Either the charging party or the respondent may request a continuance to obtain counsel or a duly authorized representative. At the commencement of the hearing, the chairperson shall ask whether both parties are prepared to proceed.

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C. The director's recommended final order and complete investigation file shall be entered into the record as an exhibit of the board.

D. Judicial rules of procedure, including rules of evidence and civil procedure need not be strictly applied to these quasi-judicial administrative hearings.

E. Each party shall have the right to present an opening statement. After opening arguments from each party, the charging party shall have the opportunity to call witnesses and present any evidence. Following the presentation of the charging party's case, the respondent shall have the right and opportunity to present a defense by offering testimony and documentary evidence. The charging party shall then have the right to present any rebuttal testimony or other evidence. The director may then present any additional evidence deemed relevant or material. Upon request from any party, the chairperson may provide a reasonable amount of time for oral argument at the conclusion of the hearing.

IX. RENDERING THE DECISION

A. The final decision of a hearing panel of the Equal Opportunity Board may be reserved or the decision may be rendered immediately. All decisions shall include a statement of (1) findings and conclusions with respect to all material issues of fact or law presented on the record, and (2) the appropriate order for sanction, relief or denial thereof.

B. All decisions shall be deemed final and effective when rendered by the hearing panel. For purposes of this subsection, the term "rendered" shall mean a written final order which addresses the issues of liability, damages and attorney fees which is ratified by the hearing panel and signed by the chairperson.

X. ATTORNEY FEES, EXPERT WITNESS FEES AND COST OF LITIGATION

A. A motion for attorney fees, expert witness fees or costs of litigation in a proceeding before the board may be filed with the board or the director by any party prior to the close of the evidentiary hearing or prior to adoption of a final order by the hearing panel. All evidence supporting or contravening the claim that attorney fees, expert witness fees or costs should be awarded shall be presented at the final evidentiary hearing. The evidence presented should address the threshold question of whether fees should be awarded to any party and need not specify the amount of fees claimed.

B. If the board determines that an award to the prevailing party of attorney fees, expert witness fees or costs of litigation is appropriate, the director shall notify the parties of that determination by certified mail or personal service. Within twenty (20) days of the service of such

notification, the prevailing party shall file with the board, and serve on all opposing parties, a written proposal for the amount of fees to be awarded. The proposal shall be sworn and shall be supported by affidavit on any individual having personal knowledge of the facts contained therein. The proposal shall include:

1. The name and business address of the attorney performing the services for the prevailing party;

2. The experience, reputation and background of each of the attorneys listed, including the number of years of practice, experience in the field of civil rights and discrimination litigation, specialized academic background, professional associations and any other pertinent experience;

3. The number of hours or portions thereof expended by each of the above attorneys in this matter, identifying the date, description of each service performed and time expended on that matter from contemporaneously kept time records which must be produced upon request;

4. The hourly rate for the attorney for whom the fee is claimed, including the hourly rate normally charged by that attorney, as supported by affidavits attesting to the hourly rate prevailing in the community for similar work by attorneys of similar experience and competence;

5. Whether this case was contingent in nature or whether compensation was certain and whether the lodestar fee, which consists of the hourly rate multiplied by hours expended, should be adjusted based on contingency;

6. Whether there has been a delay in the receipt of payment for services rendered, and if so, the nature, length and cause of the delay, and whether the lodestar fee should be adjusted to reflect this factor;

7. Whether the lodestar fee should be adjusted because of the quality of representation and the reason therefore;

8. Whether the prevailing party believes that issues presented in this case were particularly novel or difficult and, if so, the reasons for that belief;

9. Whether the acceptance of employment in the particular case involved the loss of employment with other clients while employed in the particular case, and if so, why;

10. The nature of the attorney-client relationship, stating whether this case was performed for a casual client or an established and constant client;

11. Whether an agreement with respect to fees existed between the attorney and client, and, if so, a copy of that agreement must be attached to the fee proposal, or if the agreement was oral, the terms thereof;

12. The amount actually billed to the client for the case, attaching to the fee request copies of all bills to the client for the case. If the amount billed differs from the amount requested, the prevailing party must explain the reasons therefore;

13. Any other relevant factors to be considered by the board in the determination of an appropriate fee, including the amounts of awards in similar cases;

14. The amount of costs and expert witness fees incurred in this proceeding, itemizing each such cost and attaching documentation to support the request.

C. An opposing party who disagrees with any aspect of the proposal filed by the prevailing party, shall file a counterproposal within fifteen (15) days after the filing of the proposal. The counterproposal shall specify the items with which the opposing party agrees, the items with which the party disagrees and the reasons for the disagreement. All counterproposals shall be supported by affidavit where appropriate, or if the information supporting the claim is exclusively in the possession of the attorney for the prevailing party, the opposing party may move the board for an order seeking discovery of the information. In such a motion, the moving party must state that the information sought could not be obtained elsewhere and that the prevailing party has refused to cooperate voluntarily. If no timely counterproposal is filed, the prevailing party's proposal shall be deemed accepted.

D. An evidentiary hearing shall not be held on the issue of attorney's fees, expert witness fees and costs. A final award of attorney fees, expert witness fees and costs may be issued by either the hearing panel or by the board at any regular business meeting. In issuing its final order the hearing panel or the board shall consider the proposals and counter proposals filed by the parties. A request for attorney's fees, expert fees and costs which is not supported by appropriate documentation shall be denied.

E. In determining an award of attorney fees, the board shall be guided by the considerations set forth by the Florida Supreme Court in Standard Guaranty Insurance Co. v. Quanstrom, 55 So.2d 828 (Fla. 1990).

XI. INTEREST

A. Prejudgment interest shall accrue on back-pay from the date of demand for remedy of discrimination or the date of filing of the complaint whichever occurred first and shall accrue at the rate provided in Section 687.01, Fla. Stat., as amended.

B. Interest shall accrue on awards of the board at the rate provided in Section 55.03, Fla. Stat., as amended.

XII. DISCRETIONARY REVIEW

A. Within fifteen (15) days following the issuance of the written final order by the board, a party or any member of the board may file a written request for rehearing of a case or amendment of a final order by the Equal Opportunity Board. A request for rehearing shall state with particularity the factors overlooked or misapprehended by the original hearing panel and shall not reargue the merits of the case.

B. At the first regularly scheduled meeting following the receipt of such a request, the members of the board shall vote on whether to grant the request for review.

C. If the request for rehearing is granted, the board shall expeditiously schedule a hearing. At least five (5) members shall constitute a hearing panel for the purposes of such review.

D. Upon the conclusion of rehearing, the rehearing panel shall issue a written final order which may modify, rescind or reverse the final order issued by the original hearing panel.

E. No appeal to the board shall be had from a denial of a request for rehearing.

XIII. JUDICIAL REVIEW

A. The board's final order shall be subject to judicial review in accordance with the Florida Rules of Appellate Procedure. For the purposes of such review, any notices required to be filed with the lower tribunal pursuant to the Florida Rules of Appellate Procedure shall be filed with the director. The board shall provide the index and record on appeal when required by, and in accordance with, the Florida Rules of Appellate Procedure. A fee may be charged by the board for the preparation and transmission of the record on appeal to the court of competent jurisdiction.

B. All proceedings before the Equal Opportunity Board shall be recorded through the use of a tape recorder or by live court reporter. Should any party desire to appeal from any final order rendered by the

board, a record of the proceedings is required. For appellate purposes, the party desiring to appeal must personally ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

C. Any party desiring the service of a live court reporter, in lieu of board tape recordings of the proceedings before the board shall provide for the same.

D. Unless specifically ordered by the board or a court of competent jurisdiction, the commencement of an appeal does not operate to suspend or stay a final order of the board or the director.

Attachment D

Miami-Dade County
Equal Opportunity Board

Office of Community Advocacy

By-Laws



BYLAWS
OF THE
MIAMI-DADE COUNTY EQUAL OPPORTUNITY BOARD

ARTICLE I

AUTHORITY AND SCOPE

Section 1. Authority. The Miami-Dade County Equal Opportunity Board (“EOB”) is quasi-judicial board and agency of the government of Miami-Dade County, Florida, having been established by Miami-Dade County Ordinance No. 69-25, adopted by the Board of County Commissioners on June 8, 1969, and codified as Chapter 11A of the Code of Miami-Dade County (“Chapter 11A”).

Chapter 11A established the purposes of the EOB, qualifications for membership, set forth the powers of the EOB and the investigative and appellate process.

These Bylaws are adopted pursuant to the authorization contained in Section 11A-5, Paragraph (2) of Chapter 11A which authorizes the EOB “To adopt, promulgate, amend and rescind rules and regulations necessary to effectuate the purposes and provisions of this chapter”

Section 2. Scope. These Bylaws are intended to supplement the matters covered by Chapter 11A and not to supersede or modify any provision of Chapter 11A. In the event of any conflict between anything contained in the Bylaws and anything contained in Chapter 11A or any other applicable ordinance or law, the latter shall govern.

ARTICLE II

MEETINGS OF THE EOB

Section 1. Public Meetings. All meetings, hearings and business of the EOB shall comply with all of the requirements of Florida Statute §286.011 and any amendments thereto.

Section 2. Regular Meetings and Appeal Hearings. Regular meetings of the EOB may be held at such time, not less frequently than monthly, and at such place within Miami-Dade County as shall be from time to time determined by the EOB. Appeal hearings shall be held as frequently as necessary to effectuate the purposes and provisions of Chapter 11A.

Section 3. Special Meetings. Other meetings of the EOB may be held upon notice by letter, telegram or in person, delivered for mailing transmission or in person as the case may be, not later than during the fifth day immediately preceding such meeting, upon the call of the Chairperson or any five board members.

Section 4. Notices and Waivers and Notice. Notice of any meeting of the EOB may be waived in writing signed by the members entitled to such notice, whether before or after the time of such meeting. Attendance of a member at such meeting shall constitute waiver of notice thereof.

The purpose or purposes of such meeting shall be specified in the notice or waiver of notice of such meeting.

Section 5. Agenda. The Agenda for all regular meetings of the EOB shall be determined by the Chairperson in consultation with the staff and with regard to the

recommendations of the members. The agenda for appeal hearings shall be determined by staff in consultation with the designated Chairperson of the hearing panel.

Section 6. Voting. Each member shall be entitled to one vote, if present, on each matter coming before a meeting of the EOB. No member may vote by proxy.

Section 7. Conduct of Meetings and Hearings. All meetings shall be open to the public but participation in discussion by members of the public shall be at the sole discretion of the Chairperson of the meeting. In the conduct of all meetings, the agenda shall be followed to the extent practicable, but the matters considered and the procedure to be followed shall be within the sole discretion of the Chairperson, subject to any requirements of applicable County ordinance or other laws. The Equal Opportunity Board Hearing Procedures shall govern the conduct of appeal hearings. In the absence of the Chairperson at a regular meeting or an appeal hearing, the 1st Vice Chairperson shall serve as the Chairperson. The 2nd Vice Chairperson shall serve in the absence of the Chairperson and 1st Vice Chairperson. In the absence of the Chairperson and the 1st and 2nd Vice Chairs, the most senior board member shall serve as the Chairperson of the meeting and/or hearing panel.

Section 8. Attendance: EOB members shall participate in at least one hearing panel per month and one regular meeting per month. In the event that an appeal hearing to which a member has committed his or her attendance is cancelled or continued, the member is encourage but not required, to participate in another hearing panel during that same month.

Section 9. Public Requests. Any Miami-Dade County resident or organization concerned with issues of discrimination shall be entitled to request

consideration for a hearing before the EOB. Such request shall be made in writing and shall be delivered to the EOB Director. The Director in consultation with the Chairperson may schedule the request at a regularly scheduled meeting of the EOB, provided that the requesting party is notified in writing at least fifteen (15) days prior to the scheduled meeting. The request shall include all relevant facts concerning the subject of the request, including, if possible, the solution the requesting party believes the EOB should consider. The EOB will not consider a request which deals directly or indirectly with matters pertaining to a case under investigation by staff.

ARTICLE III

VACANCIES

Section 1. Appointment. For the purposes of filling vacancies of those whose terms are expiring, the EOB shall submit not more than three (3) names of candidates per vacancy to the appointing Commissioner.

Section 2. Resignation. Any member may resign at any time by delivering written notice of such resignation to the Chairperson and the Director of the EOB.

ARTICLE IV

OFFICERS

Section 1. Number. The officers of the EOB shall be a Chairperson and first and second Vice-Chairperson, and other such officers as may be determined from time to time by the EOB to be necessary or desirable for the efficient administration of EOB business.

Section 2. Removal. Any officer may be removed from office upon a 2/3 vote of the remaining members of the EOB at a regular meeting or a special meeting

called for that purpose, provided that in the case of the special meeting the notice of the meeting shall specify the purpose thereof.

Section 3. Duties.

- (a) The Chairperson of the EOB shall preside at all full EOB meetings. The Chairperson shall appoint members to serve on standing and special committees of the EOB. The Chairperson shall have the right to vote at all meetings.
- (b) First Vice-Chairperson. The First Vice-Chairperson shall act in the absence of the Chairperson in the conduct of meetings and/or appeal hearings and shall perform such duties as may be delegated to him or her by the Chairperson from time to time.
- (c) Second Vice-Chairperson. The Second Vice-Chairperson shall act in the absence of the Chairperson and First Vice-Chairperson in the conduct of meetings and/or appeal hearings and shall perform such duties as may be delegated to him or her by the Chairperson from time to time.

Section 4. Term of Office. Each Officer shall be elected for a two (2) year term, and may be re-elected for an additional two (2) year term.

ARTICLE V

CONFLICT OF INTEREST

Section 1. Policy. EOB members and employees should not be disqualified from participation in organizations or projects endorsed or supported by the EOB except as otherwise provided herein. Nevertheless, EOB members and

employees should avoid any action that could possibly be interpreted as a use of EOB membership or employment for direct or indirect financial gain through the furthering of the economic interests of an organization or project with which they are affiliated.

EOB members shall publicly disclose any possible conflict of interest regarding a case brought before them prior to the commencement of an appeal hearing.

Attachment E

MIAMI-DADE COUNTY EQUAL OPPORTUNITY BOARD

Minutes

December 20, 2007

Stephen P. Clark Center
111 NW 1 Street
Conference Room 18-3

MEMBERS PRESENT: Erigene Belony, Chairperson, John B. Riley, 1st Vice Chair, Ed Hernandez, 2nd Vice Chair, Alexandra Bassil, Rosemary W. Fuller, Kenneth M. Kilpatrick, Lizette Marti, Denise Sharpton, Dionne Stephens

MEMBERS EXCUSED: Karina Dueñas-Aragon, Emily Crawford, Marta Navarro,

MEMBERS ABSENT: Joel Jacobi, James Jean-Francois, Lyra C. Logan, Damian Pardo

COUNTY ATTORNEY'S OFFICE: Terrence Smith, Assistant County Attorney

STAFF: Marcos Regalado, Director

CALL TO ORDER

The meeting was called to order at 9:45 a.m. by Chairperson Belony, who noted for the record that a quorum was present.

REMARKS

The Chairperson welcomed the members and asked them to introduce themselves for the record.

2008 SUNSET REPORT

The next item on the agenda was the approval of the 2008 Sunset Report Questionnaire. Mr. Regalado explained that all boards created by the Board of County Commissioners (BCC) through ordinance are subject to a sunset review process every two years. The deadline for submission of reports is January 7, 2008. The reports are then presented to the BCC on or about March 15, 2008. The Chairperson may be asked to offer a verbal report before the BCC in April 2008. Mr. Regalado stated each board member had been provided a copy of the report sent by email and a hard copy for today's meeting. The report follows a questionnaire format which includes among other things, board member attendance, vacancies, budget information, activities and accomplishments.

Mr. Kilpatrick offered a motion to accept the report. The motion received a second from Mr. Riley and carried unanimously.

CERTIFICATION OF MATTER OF PUBLIC IMPORTANCE

The matter regarding the Fair Housing Ordinance was the next item on the agenda. Assistant County Attorney Terrence Smith stated that a housing discrimination suit was filed in the Circuit Court for the 11th Judicial Circuit. The Defendant's attorney filed a Motion for Summary Judgment arguing that the Plaintiffs did not exhaust their administrative remedies prior to filing suit in Circuit Court. They further argued that Section 11A-15 of the Code of Miami-Dade County conflicts with the pre-suit administrative process contained in Section 760.34 of the Florida Statutes. Judge David Miller granted the Motion for Summary Judgment and declared Section 11A-15 of the Code unconstitutional because of the conflict with Section 760.34.

Mr. Smith further explained that Section 11A-15 tracks the wording in the Federal Fair Housing Act, which states in part, that a person may file suit in court without a prior filing with an administrative agency. The County Attorney's Office filed a Motion to Intervene and Motion For Relief From Judgment, arguing in part that Miami-Dade County was not noticed on the filing of the Motion for Summary Judgment, in violation of Section 86.091, Florida Statutes, which requires that a county or municipality shall be made a party and is entitled to be heard in any proceeding concerning the validity of an existing ordinance.

On December 13, 2007 a hearing was held on the County's Motion. Judge Miller vacated his Order and set a hearing for January 23, 2008 on this issue. Mr. Smith asked the board to consider a vote to certify that this issue was a matter of great public importance.

Ms. Stephens offered a motion to certify that the issue before Judge Miller with respect to the constitutionality of Section 11A-15 of the County's Fair Housing Ordinance was a matter of great public importance. Mr. Kilpatrick seconded the motion, which carried unanimously.

Mr. Regalado then asked the Board to consider the Order Granting Petitioner's Request For Extension To File Request For Rehearing And To Stay Final Order in the case of *Genoveva Villorin v. The Village of Kings Creek Condominium, EOB Charge No. H060619035*. Mr. Kilpatrick offered a motion to approve the Order. The motion received a second from Ms. Marti and carried unanimously.

HEARING DATES FOR 1ST QUARTER FY 2008

Mr. Regalado brought to the board members' attention the Hearing Docket for the first quarter of 2008. Fourteen (14) hearings are scheduled between January 4, 2008 and March 27, 2008. Board members were asked to review the docket and indicate in which panels they would be able to participate.

NEW BUSINESS

Mr. Kilpatrick discussed his proposal to develop a local E-Race Initiative similar to the one being promoted by the U.S. Equal Employment Opportunity Commission (EEOC), which will include an employment testing component. The E-Race Initiative (Eradicating Racism and Colorism from Employment) proposes to take a closer look at race-based discrimination issues. Recent surveys and statistical data suggest that racial stereotypes and cultural distortions continue to influence some decisions regarding hiring, discipline, evaluations, and advancement in the work place.

Mr. Riley proposed creating an ad hoc committee to develop a proposal to bring back to the full board for consideration and approval. Ms. Marti offered a motion to create the ad hoc committee. The motion received a second from Mr. Kilpatrick and unanimously carried. Mr. Riley appointed Mr. Kilpatrick to chair the committee. Ms. Marti and Ms. Fuller offered to volunteer in the committee.

ADJOURNMENT

There being no further business the meeting was adjourned at 11:00 am.

Marcos Regalado

Miami-Dade County Equal Opportunity Board

AGENDA

December 20, 2007
9:30 am

Stephen P. Clark Center
111 NW 1 Street, Conf. Room 18-3
Miami, FL 33127

- I. Remarks from the Chair and Board Members
- II. Remarks from the Director
- III. Approval of 2008 Annual Sunset Report
- IV. Certification of Matter of Public Importance Regarding Fair Housing Ordinance
- V. Hearing Dates for First Quarter of 2008
- VI. New Business
 - E-Race Initiative
 - Education and Outreach Activities

Attachment F

15C - Miami-Dade County Equal Opportunity Board

REPORT SUMMARY

Total Resolutions : 2564

Resolutions	Title VII	ADEA	VII / ADEA	EPA	VII / EPA	ADA	ADEA / ADA	FEP/ Federal	OTHER	TOTAL
Settlements	140	19	10	0	0	0	5	0	3	309
W/Draw w/ Benefits	120	12	9	0	0	0	1	0	2	245
Suc Conciliation	2	2	0	0	0	0	0	0	0	16
Unsuc Conciliation	7	4	1	0	0	0	0	0	1	20
Case	821	117	64	0	0	0	14	1	45	1518
Resolution	189	21	11	0	0	0	1	2	3	456
TOTAL	1279	175	95	0	0	0	21	3	54	2564

Individual Benefits

	Non-Mon	Monetary	Total	Comp / Pun	Total \$	Comp / Pun \$
Title VII	41	238	280	0	2112314	0
ADEA	8	30	36	0	406784	0
Title VII / ADEA	2	15	17	0	139174	0
EPA	0	0	0	0	0	0
Title VII / EPA	0	0	0	0	0	0
ADA	3	25	28	0	1018554	0
ADEA / ADA	2	5	7	0	30750	0
FEP/ Only	74	177	225	0	998001.2	0
FEP/ Federal	0	0	0	0	0	0
Other	0	5	5	0	100960	0
TOTAL	130	495	598	0	4806537	0

Avg Charge Age : 407
 Avg Office Age : 407
 Avg Proc. Time : 389
 Avg Staff Age : 253

Total Admin. Resolut.	456	Accountable 180 Day	1127	Total Stf in Report	10	Proposed Relief - Cause Cases	57	98.3 %
Admin. Resolut.	17.8	Excludable 180 Day	343	Avg # Cts Per Stf	252	E - Equitable Relief (EQ)	4	6.9 %
Total On-Site Investg	5	% Acct. 180 Day Chgs	44.0	Total Unassigned	49	C - Compensatory Damages (CD)	0	0 %
% On-Site Investg	0.2	Total Cause Finding	58	% Cause Finding	2.3	P - Punitive Damages (PD)	0	0 %
		% Cause Finding	2.3			No Relief Flag	1	

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Attachment F1

Attachment G

Approved _____ Mayor

Agenda Item No.

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING, ARTICLES I AND II, OF CHAPTER 11A OF THE CODE OF MIAMI DADE COUNTY, FLORIDA, RELATING TO DISCRIMINATION IN HOUSING, PROVIDING SAVINGS CLAUSE, SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 11A-2 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:¹

Sec. 11A-2. Definitions.

* * *

(4) *Complainant* shall mean any person or persons, >>including the Director,<< alleging a discriminatory act or practice prohibited by this chapter that has occurred or is about to occur and who has filed a written complaint.

>>(19) Source of Income. Shall mean the lawful, verifiable income paid directly to a tenant or paid to a representative of a tenant.<<

Section 2. Section 11A-11 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

>>(12) Aggrieved person shall mean any person who claims to have been injured by a discriminatory housing practice; or believes that such person will be injured by a discriminatory housing practice that is about to occur.<<

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

>>(13) Finding related to probable cause shall mean the conclusion reached by the Director after completion of an investigation as to whether the discriminatory housing practice alleged in the complaint occurred or was about to occur and shall consist of the final investigative report and recommended order.<<

Section 3. Section 11A-12 of the Code of Miami-Dade County, Florida

is amended to read as follows:

Sec. 11A-12. Unlawful housing practices.

* * *

(1) *Discrimination in sale or rental of housing and other prohibited practices.* It shall be unlawful for any person, owner, financial institution, real estate broker, real estate agent or any representative of the above to engage in any of the following acts because of race, color, religion, ancestry, national origin, age, sex, pregnancy, disability, marital status, familial status>>~~;~~<< ~~[[or]]~~ sexual orientation >>, or source of income<< of >>any person.<< ~~[[a prospective buyer, renter, lessee or any person associated with a prospective buyer, renter or lessee.]]~~

* * *

(g) To make, publish, print, circulate, post, mail, or cause to be made, published, printed, circulated, posted or mailed, any notice, statement or advertisement >>with respect to the sale or rental of a dwelling<< or to announce a policy, or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any dwelling, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation which indicates any >> preference, limitation or<< discrimination, >>on any of the bases described in 11A-12(1), or an intention to make any such preference, limitation or discrimination; or<< ~~[[any — discriminatory preference, any intent to discriminate or any intent to make a discriminatory preference; or]]~~

* * *

(j) To directly or indirectly induce or attempt to induce for profit, the sale, purchase, rental, lease or the listing for any of the above, of any dwelling by representing that the presence or anticipated presence of a person of a particular race, color, religion, national origin, age, sex, disability, familial status, marital status ~~[[or]]~~ sexual orientation ~~>>~~, or source of income << will or may result in blockbusting, such as but not limited to:

* * *

(r) To coerce, intimidate, make threats, ~~[[or]]~~ harass ~~>>~~ or interfere with << ~~[[people who have]]~~ ~~>>~~ any person in the exercise or enjoyment of, or an account of his having << aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by this article.

Section 4. Section 11A-13 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 11A-13. Exceptions to unlawful housing practices.

* * *

(2) The provisions of this article shall not apply to any private individual owner who sells or rents a single-family dwelling when the following conditions exist:

* * *

(ii) 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 sale, ~~>>~~ or who was 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 twenty-four-month period; and

(iii) The ~~>>~~ bona fide << private individual owner does not own any interest in, ~~>>~~ nor is there reserved on his behalf, under any express or voluntary agreement, << title to any right to all or a portion of the proceeds from the sale

or rental of, more than three (3) such single-family houses at any one (1) time; and

* * *

>>(2)(v) For the purposes of subsection (2) of this section, a person shall be deemed to be in the business of selling or renting dwellings if, (1) he has, within the preceding twelve months, participated as a principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; or (2) he has, within the preceding twelve months, participated as agent, other than in the sale of his 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 dwelling or any interest therein; or (3) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.<<

>>(3)<< [[(2)]] *Religious organization.* Nothing in this article shall prohibit a religious organization, association, society or any non-profit 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 dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such person, unless that religious organization, association or society restricts membership based on race, color, national origin, ancestry, [[øf]] disability>>, sex, pregnancy, age, marital status, familial status or source of income<<. Furthermore, nothing in this article relating to unlawful housing practices based on sexual orientation shall pertain to any religious organization, association, society or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society.

* * *

>>(6)<<[[(5)]] *Housing for older persons.* Nothing in this article regarding familial status shall apply to housing for older persons. As used in this article, “housing for older persons” means housing:

(c) Intended and operated for occupancy by persons fifty-five (55) years of age or older; and

(ii) The dwelling facility or community complies with rules issued by the Secretary of Housing and Urban Development or his or her designee for verification of occupancy; >>and<<
>>(iii) The dwelling facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subsection.<<

* * *

Section 5. Section 11A-14 of the Code of Miami-Dade County is hereby amended to read as follows:

Sec. 11A-14. Procedures for housing discrimination complaint.

(1) *Filing a housing discrimination complaint.* Any person aggrieved by an unlawful practice prohibited by this article must file a written, signed complaint with the Director within one (1) year after the alleged unlawful practice has occurred or terminated. The complaint shall set forth the facts upon which it is based with sufficient specificity to identify the respondent. Such complaint may be >>reasonably and fairly amended at any time.<< ~~[[amended; however, the amended complaint must be filed within one (1) year after the alleged unlawful practice occurs.]]~~

* * *

Section 6. Section 11A-16 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

* * *

(1) ~~[[A complainant]]~~ >>An aggrieved person<< may file a civil action in a court of competent jurisdiction no later than two (2) years after the alleged discriminatory housing practice has occurred or terminated or after a breach of a conciliation agreement, >>whichever occurs last.<< A person aggrieved by an alleged housing discrimination practice or breach may file a civil action regardless of whether he or she has filed a complaint under this article and regardless of the status of any complaint filed under this article.

Section 7. The substantive rights that have been created and have accrued in whole or in part under Chapter 11A shall not be extinguished or in any way affected by the repeal and reenactment of Chapter 11A or by the renumbering of Chapter 11A.

Section 8. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 9. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including the sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 10. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency.

Prepared by:

Sponsored by Commissioner