

Please respond to:

400 North Flagler Drive, #1402
West Palm Beach, Florida 33401
(561) 358-0105
rand-hoch@usa.net

MEMORANDUM (via email)

Rand Hoch
President and Founder
WEST PALM BEACH

Meredith Ockman
Vice President
WEST PALM BEACH

Daniel S. Hall
Treasurer
WEST PALM BEACH

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PALM BEACH GARDENS

Chauncey Graham
WEST PALM BEACH


Jasmin Lewis
PALM BEACH GARDENS

J. P. Sasser
PAHOKEE

W. Trent Steele
HOBE SOUND

P.O. Box 267
WEST PALM BEACH
Florida 33402
561.586.0203
pbchrc@aol.com
www.pbchrc.org

To: Mayor Keith James
Commissioner Kelly Shoaf
Commissioner Cory Neering
Commissioner Christy Fox
Commissioner Joseph Peduzzi
Commissioner Christina Lambert

From: Judge Rand Hoch (ret.), President and Founder 

Re: Conforming the definition of "Employer" in the West Palm Beach Equal Opportunity Ordinance with the definitions utilized in Broward, Leon, Miami-Dade, Orange and Pinellas Counties.

Date: June 26, 2020

For many years, the Palm Beach County Human Rights Council (PBCHRC) believed the West Palm Beach Equal Opportunity Ordinance was one of the strongest in the state. However, following the recent U.S. Supreme Court opinion in *Bostock v. Clayton County, Georgia*, __ S.Ct. __ (2020), I took the opportunity to review the equal opportunity ordinances in Florida and discovered that was not the case.

The City's Equal Opportunity Ordinance, provides, in pertinent part,

Employer means any person who employs 15 or more employees for wages, salaries or commission within the city, exclusive of parents, spouse or children, in each of the four or more calendar weeks in the current calendar year. For the purposes of this article, an employer is also any person acting on behalf of an employer, directly or indirectly.

Code of Ordinances, City of West Palm Beach, Florida, Chapter 42 - Human Relations, Article II - Equal Opportunity, Sec. 42-32 - Definitions

(emphasis added)

In contrast to our ordinances, Broward, Leon, Miami-Dade, Orange and Pinellas Counties, among other governmental entities in Florida, define "employer" as any person who has "five or more employees". See, Code of Broward County, Florida, Chapter 16 ½ - Human Rights, Article I - In General, Sec. 16 ½-3 - Definitions; Code of Laws of Leon County, Florida, Article III - Employment Discrimination, Sec. 9-26 - Definitions; Code of Miami-Dade County

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Florida, Chapter 11A - Discrimination, Article VI - Employment, Sec 11A-25 - Definitions; Code of Orange County, Florida, Article III - Employment Discrimination, Sec. 22-27 -Definitions; and Code of Pinellas County, Florida, Article III - Discrimination, Division I -In General, Sec. 70-51 - Definitions.

Therefore, PBCHRC requests the City Commission to amend the definition of "employer" as follows:

Employer means any person who employs ~~45~~ 5 or more employees for wages, salaries or commission within the city, exclusive of parents, spouse or children, in each of the four or more calendar weeks in the current calendar year. For the purposes of this article, an employer is also any person acting on behalf of an employer, directly or indirectly.

Thank you for your consideration. Should you or your staff have any questions, please do not hesitate to contact me directly.

Stay safe and keep healthy.

copies via email to: PBCHRC Board of Directors
City Attorney Kimberly L. Rothenburg

P.S. PBCHRC has asked the Palm Beach County Board of County Commissioners to do the same.