
MEMORANDUM

TO: Mayor Jason Haselkorn
Vice Mayor Jim Lyons
Members of the Town Council

FROM: Leonard G. Rubin, Town Attorney

RE: Ordinance No. 722 – Civil Rights Ordinance

DATE: August 11, 2020

CC: Joseph Lo Bello, Town Manager
Caitlin Copeland, Town Clerk

Background:

The Town received a request from the Palm Beach Human Rights Council to adopt a Civil Rights Ordinance, including a statement of non-discrimination against LGBTQ people. Similar ordinances have been adopted by other municipalities throughout Palm Beach County, including, but not limited to, the City of West Palm Beach, the City of Lake Worth Beach, the City of Boynton Beach, the City of Delray Beach, the Village of Wellington, and the Village of North Palm Beach. At its July 22, 2020 meeting, the Town Council, by consensus, agreed to place this Ordinance on the Council agenda for consideration on first reading.

The attached Ordinance amends Chapter 1 of the Town Code of Ordinances by adopting a new Section 1-11 entitled "Civil Rights." The Ordinance provides, as a matter of policy, that the Town opposes discrimination based on race, color, national origin, ancestry, religion, gender, gender identity or expression, marital status, veteran's status, age, national origin, disability, pregnancy, familial status, sexual orientation and genetic information.

While establishing a policy of non-discrimination, the Ordinance does not require the Town to take any legal responsibility. Enforcement of claims of discrimination would be handled in accordance with the specific laws listed in subsection (b). Consequently, charges of discrimination by Town residents would be filed with the Equal Employment Opportunity Commission, the Florida Commission on Human Relations and the Palm Beach County Office of Equal Opportunity.

Through the adoption of Resolution No. 2018-11 on December 12, 2018, the Town Council opted out of Chapter 15, Article III of the Palm Beach County Code, entitled "Housing, Places of Public Accommodation" ("County Housing Code") because the



County Housing Code's definition of the term family conflicted with the Town Code's definition of the term family and as a result of such conflict, persons denied zoning relief (or reasonable accommodation) from the Town's definition of family could essentially "appeal" the Town's decision through the filing of a discrimination complaint with Palm Beach County, thereby undermining the Town's existing procedures. The Town Council's action of opting out of the entire County Housing Code had the unintended consequence of abrogating existing protections against discrimination based on a person's sexual orientation or gender identity. This Ordinance not only provides for a blanket policy statement against discrimination, but also opts back into the County Housing Code's protections against discriminatory practices based on a person's sexual orientation and gender identity in public accommodations and housing, while still opting out of the definition of the term "family."

Recommendation:

Town Staff recommends Council consideration of Ordinance No. 722 on first reading.

1 TOWN OF JUNO BEACH

2
3 ORDINANCE NO. 722

4
5 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO
6 BEACH, FLORIDA, AMENDING CHAPTER 1, "GENERAL PROVISIONS,"
7 OF THE TOWN CODE OF ORDINANCES BY ADOPTING A NEW SECTION
8 1-12, "CIVIL RIGHTS;" PROVIDING FOR A STATEMENT OF PURPOSE
9 AND THE ADOPTION OF THE JUNO BEACH CIVIL RIGHTS ACT;
10 PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN
11 EFFECTIVE DATE.

12
13 WHEREAS, the Town Council wishes to amend the Town Code of Ordinances to
14 adopt a comprehensive non-discrimination statement to demonstrate, as a matter of public
15 policy, that the Town opposes discrimination based on race, color, national origin, ancestry,
16 religion, gender, gender identity or expression, marital status, veteran's status, age, national
17 origin, disability, pregnancy, familial status, sexual orientation and genetic information; and
18

19 WHEREAS, through the adoption of Resolution 2018-11, the Town Council opted out
20 of Chapter 15, Article III of the Palm Beach County Code based on a conflict between the
21 Town Code definition of "family" and the County Code definition of the term "family," and this
22 Ordinance retains this exclusion, while still affording protections to persons subject to
23 discrimination to pursue a claim through the County's Office of Equal Opportunity on other
24 grounds; and
25

26 WHEREAS, the Town Council determines that the adoption of this Ordinance is in
27 the best interests of the public health, safety and welfare of the residents and citizens of the
28 Town of Juno Beach.

29
30 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN
31 OF JUNO BEACH, FLORIDA as follows:

32
33 **Section 1.** The foregoing recitals are ratified as true and correct and are
34 incorporated herein.
35

36 **Section 2.** The Town Council hereby amends Chapter 1, "General Provisions," of
37 the Town Code of Ordinances by adopting a new Section 1-12, "Civil Rights," to read as
38 follows (additional language underlined):
39

40 **Sec. 1-12. Civil rights.**

41
42 (a) *Purpose.* The Juno Beach Town Council desires to secure for its
43 citizens freedom from discrimination because of race, color, national origin,
44 ancestry, religion, gender, gender identity or expression, marital status,
45 veteran's status, age, national origin, disability, pregnancy, familial status,
46 sexual orientation and genetic information, and thereby protect their interest in
47 personal dignity; preserve the public safety, health and general welfare; and
48 promote the interests, rights and privileges of individuals within the Town. The
49 Town Council also desires to adopt an ordinance that is consistent with federal,
50 state and local laws and affords its citizens access to remedies in the case of

1 alleged discrimination, namely, the Equal Employment Opportunity
2 Commission, the Florida Commission on Human Relations and the Palm
3 Beach County Office of Equal Opportunity.

4
5 (b) Adoption of the Town of Juno Beach Civil Rights Act. The Florida
6 Civil Rights Act of 1992, Chapter 760, Section 760.01 through 760.11 and
7 Section 509.092; Florida's Fair Housing Act, Chapter 760, Section 760.20
8 through 760.37; the Palm Beach County Equal Employment Ordinance,
9 Chapter 2, Article VI, Division 1, Sections 2-251 through 2-313; and the Palm
10 Beach County Ordinance for Equal Opportunity to Housing and Places of
11 Public Accommodation, Chapter 15, Article III, Sections 15-36 through 15-67
12 with the exception of the definition of "family" set forth therein and currently set
13 forth in Section 15-37(7) of the County Code, are collectively adopted by
14 reference as the Town of Juno Beach Civil Rights Act, subject to and including
15 by reference such amendments, corrections and additions as shall occur
16 therein or as may appear in this chapter.

17
18 **Section 3.** The provisions of this Ordinance shall become and be made a part of
19 the Code of Ordinances of the Town of Juno Beach, Florida.

20
21 **Section 4.** If any section, paragraph, sentence, clause, phrase, or word of this
22 Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional,
23 inoperative or void, such holding shall not affect the remainder of the Ordinance.

24
25 **Section 5.** All ordinances or parts of ordinances of the Town of Juno Beach,
26 Florida, which are conflict with this Ordinance, are hereby repealed to extent of such conflict.

27
28 **Section 6.** This Ordinance shall be effective immediately upon adoption.

29
30 FIRST READING this _____ day of _____, 2020.

31
32 SECOND, FINAL READING AND ADOPTION this _____ day of _____, 2020.

33
34
35
36 _____ AYE _____ NAY _____
37 JASON HASELKORN, MAYOR

38
39 _____ AYE _____ NAY _____
40 JIM LYONS, VICE MAYOR

41
42 _____ AYE _____ NAY _____
43 STUART KATZ, MD, COUNCILMEMBER

44
45 _____ AYE _____ NAY _____
46 PEGGY WHEELER, COUNCILMEMBER

47
48 _____ AYE _____ NAY _____
49 VACANT

1 ATTEST:

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5 _____
6 CAITLIN COPELAND, CMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

LEONARD G. RUBIN
TOWN ATTORNEY