



Agenda Item

Item:	85
File No:	E2009-8 CH 12
Resolution / Ordinance Title:	<p>Legal Department presenting an ordinance to amend the Human Rights Ordinance to add "gender identity and expression" as a protected class under said City Code after reviewing the written request of Philip Dinkins, Chairman of the City of Tampa Human Rights Board. - (Original motion initiated by Miller-Saul/Sena on October 1, 2009)</p> <p>(Ordinance being presented for first reading consideration) - An ordinance of the City of Tampa, Florida, amending Chapter 12, of the City of Tampa Code; amending Section 12-2, by adding a new definition for gender identity or expression; amending Section 12-16(2). Purpose; amending Section 12-26. Unlawful Employment Practices; amending Section 12-36. Exemptions; amending Section 12-61(2). Purpose; amending Section 12-64. Unlawful Practices; amending Section 12-66(c), Exemptions; amending 12-71(2). Purpose; amending Section 12-81. Sale or Rental; amending Section 12-83. Residential Real Estate-related Transactions; amending Section 12-84. Brokerage Services; amending Section 12-101(e). Housing; and amending Section 12-101(g). Housing, by adding "gender identity or expression" as a protected class, to these sections; providing for severability; providing for repeal of all ordinances in conflict; providing an effective date.</p>
Subject:	Human Rights Ordinance
Type of Request:	Motions
Requested Meeting Date:	11/05/2009
Staff Recommendation:	
Projected Cost:	
Financial Impact Statement:	

Index Codes:	
Background:	
Meeting Date:	
Department Head:	Sandy.Marshall@tampagov.net
Department:	City Clerk
Sponsor:	
Department 2:	
Department 3:	
Department 4:	
Administrator:	
Tracking Name:	Human Rights Ordinance

Dept. Head:		
Attorney		
Finance		
Chief of Staff		
Mayor		



DocGenda

City of Tampa Agenda Request

FILE E2009-8CH12
11-5-09



Subject:	Chapter 12 - Gender Identity
Type of Request:	Council Ordinance and/or Resolution
Requested Meeting Date:	11/5/09
Resolution / Ordinance Title:	An Ordinance of the City of Tampa, Florida, amending Chapter 12, of the City of Tampa Code; Amending Section 12-2, by adding a new definition for gender identity or expression; Amending Section 12-16(2). Purpose; Amending Section 12-26. Unlawful employment practices; Amending Section 12-36. Exemptions; Amending Section 12-61(2). Purpose; Amending Section 12-64. Unlawful practices; Amending Section 12-66(c), exemptions; Amending 12-71(2). Purpose; Amending Section 12-81. Sale or rental; Amending Section 12-83. Residential real estate-related transactions; Amending Section 12-84. Brokerage services; Amending Section 12-101(e). Housing; and Amending Section 12-101(g). Housing, by adding "gender identity or expression" as a protected class, to these sections; Providing for severability; Providing for repeal of all ordinances in conflict; Providing an effective date.
Staff Recommendation:	For approval by City Council
Financial Impact Required:	No
Financial Impact Statement:	N/A
Projected Cost:	N/A
Index Codes:	N/A
Background:	The City Council of the City of Tampa, on October 1, 2009, directed the City of Tampa Legal Department to prepare a revision to the Human Rights Ordinance, Chapter 12 of the City of Tampa Code of Ordinances, adding "gender identity or expression" as a protected class.
Department Name:	City Attorney
Department Head Email:	Robin.McKinney@tampagov.net
Sponsor or Supporting Dept. Email:	
Department 2 Email:	
Department 3 Email:	
Department 4 Email:	
Department 5 Email:	
Department 6 Email:	
Administrator Email:	None
Administrator 2 Email:	None
Tracking Name:	Chapter 12 - Gender Identity

Following completion and a spell check of the above form, complete the following steps:

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Comments:



City of Tampa

Proposed Agenda Item Routing Slip

Proposed Item for City of Tampa Council Meeting dated:

11/5/09

Complete Title of Item as it is to appear on the agenda:

An Ordinance of the City of Tampa, Florida, amending Chapter 12, of the City of Tampa Code; Amending Section 12-2, by adding a new definition for gender identity or expression; Amending Section 12-16(2). Purpose; Amending Section 12-26. Unlawful employment practices; Amending Section 12-36. Exemptions; Amending Section 12-61(2). Purpose; Amending Section 12-64. Unlawful practices; Amending Section 12-66(c), exemptions; Amending 12-71(2). Purpose; Amending Section 12-81. Sale or rental; Amending Section 12-83. Residential real estate-related transactions; Amending Section 12-84. Brokerage services; Amending Section 12-101(e). Housing; and Amending Section 12-101(g). Housing, by adding "gender identity or expression" as a protected class, to these sections; Providing for severability; Providing for repeal of all ordinances in conflict; Providing an effective date.

Contact: Patty.Ayala@ci.tampa.fl.us
 Director: Robin.McKinney@tampagov.net
 Department/Office: City Attorney
 Date: 10/28/2009 4:24:03 PM

Robin.McKinney 10/28/2009 4:24:03 PM	Approved by Department Head or Office Director - the attached item is completed and ready for discussion at the Agenda Meeting.
Robin.McKinney 10/28/2009 4:06:36 PM	Approved by City Attorney - all legal issues, languages, form and content have been addressed.
.	Approved by Revenue and Finance - the item has received a financial review.
.	Approved by Chief of Staff - the item has received a complete review.

	Approved by the Mayor - the item is ready for inclusion in the agenda.
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Agenda Request

Ordinanc.pdf

Username	Select Level
Password	Meeting 11/5/09
<input type="button" value="Approve"/>	
Rejection with Reason	
<input type="button" value="Reject"/>	

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ORDINANCE NO. 2009 -

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, AMENDING CHAPTER 12, OF THE CITY OF TAMPA CODE; AMENDING SECTION 12-2, BY ADDING A NEW DEFINITION FOR GENDER IDENTITY OR EXPRESSION; AMENDING SECTION 12-16(2). PURPOSE; AMENDING SECTION 12-26. UNLAWFUL EMPLOYMENT PRACTICES; AMENDING SECTION 12-36. EXEMPTIONS; AMENDING SECTION 12-61(2). PURPOSE; AMENDING SECTION 12-64. UNLAWFUL PRACTICES; AMENDING SECTION 12-66(C), EXEMPTIONS; AMENDING 12-71(2). PURPOSE; AMENDING SECTION 12-81. SALE OR RENTAL; AMENDING SECTION 12-83. RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS; AMENDING SECTION 12-84. BROKERAGE SERVICES; AMENDING SECTION 12-101(E). HOUSING; AND AMENDING SECTION 12-101(G). HOUSING, BY ADDING "GENDER IDENTITY OR EXPRESSION" AS A PROTECTED CLASS, TO THESE SECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Tampa, on October 1, 2009, directed the City of Tampa Legal Department to prepare a revision to the Human Rights Ordinance, Chapter 12 of the City of Tampa Code of Ordinances, adding "gender identity or expression" as a protected class; and

WHEREAS, the City Council of the City of Tampa has determined that the following amendments promote and protect the general health, safety and welfare of the residents of the City of Tampa; and

WHEREAS, a duly noticed public hearing, as required by law, was held by the City Council of the City of Tampa, at which hearing all residents and interested persons were given notice and an opportunity to be heard.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA:

Section 1. That City of Tampa Code, Chapter 12, Section 12-2 is hereby amended by adding the following definition:

"Gender identity or expression means gender-related identity, appearance, expression or behavior of an individual, regardless of the individual's assigned sex at birth."

1 Section 2. That Section 12-16(2). Purpose, is hereby amended to read
2 as follows:
3

4 “(2) To secure for all individuals within the city the freedom from
5 discrimination because of race, color, religion, national origin, sex, sexual
6 orientation, gender identity or expression, age, handicap, familial status or
7 marital status, in connection with employment, and thereby to promote the
8 interests, rights and privileges of individuals within the city.”
9

10 Section 3. That Section 12-26. Unlawful employment practices, is
11 hereby amended to read as follows:
12

13 “Sec. 12-26. Unlawful employment practices.
14

15 (a) *Employers*. It is an unlawful employment practice for an employer:
16

17 (1) To fail or refuse to hire or to discharge any individual, or otherwise
18 to discriminate against any individual with respect to that
19 individual's compensation, terms, conditions, or privileges of
20 employment, because of such individual's race, color, religion,
21 national origin, sex, sexual orientation, gender identity or
22 expression, age, handicap, familial status or marital status; or
23

24 (2) To limit, segregate, or classify employees or applicants for
25 employment in any way which would deprive or tend to deprive
26 any individual of employment opportunities or otherwise adversely
27 affect that individual's status as an employee, because of such
28 individual's race, color, religion, national origin, sex, sexual
29 orientation, gender identity or expression, age, handicap, familial
30 status or marital status.
31

32 (b) *Employment agencies*. It is an unlawful employment practice for an
33 employment agency, on the basis of an individual's race, color, religion,
34 national origin, sex, sexual orientation, gender identity or expression, age,
35 handicap, familial status or marital status, to:
36

37 (1) Fail or refuse to refer such individual for employment or otherwise
38 to discriminate against such individual; or
39

40 (2) Classify or refer such individual for employment.
41

42 (c) *Labor organizations*. It is an unlawful employment practice for a labor
43 organization:
44

45 (1) To exclude or to expel from its membership, or otherwise to
46 discriminate against, any individual because of that individual's
47 race, color, religion, national origin, sex, sexual orientation, gender
48 identity or expression, age, handicap, familial status or marital
49 status; or
50

1
2 (2) To limit, segregate or classify its membership or applicants for
3 membership or to classify or fail or refuse to refer for employment
4 any individual, in any way which would deprive or tend to deprive
5 any individual of employment opportunities, or would limit such
6 employment opportunities or otherwise adversely affect that
7 individual's status as an employee or as an applicant for
8 employment, because of an individual's race, color, religion,
9 national origin, sex, sexual orientation, gender identity or
10 expression, age, handicap, familial status or marital status; or

11
12 (3) To cause, assist, or attempt to cause or assist an employer to
13 discriminate against an individual in violation of this article.
14

15 (d) *Training programs.* It is an unlawful employment practice for any
16 employer, labor organization, or joint labor-management committee
17 controlling apprenticeship or other training or retraining, including on-the-
18 job training programs, to discriminate against any individual because of
19 that individual's race, color, religion, national origin, sex, sexual
20 orientation, gender identity or expression, age, handicap, familial status or
21 marital status in admission to, or employment in, any program established
22 to provide apprenticeship or other training;
23

24 (e) *Retaliation.* It is an unlawful employment practice for an employer to
25 discriminate against any of such employer's employees or applicants for
26 employment, for an employment agency, or joint labor-management
27 committee controlling apprenticeship or other training or retraining,
28 including on-the-job training programs, to discriminate against any
29 individual, or for a labor organization to discriminate against any member
30 thereof or applicant for membership, because he has opposed any practice
31 made an unlawful employment practice by this article, or because he has
32 made a charge, testified, assisted, or participated in any manner in an
33 investigation, proceeding, or hearing under this article.
34

35 (f) *Advertising.* It is an unlawful employment practice for an employer, labor
36 organization, employment agency, or joint labor-management committee
37 controlling apprenticeship or other training or retraining, including on-the-
38 job training programs, to print, publish or cause to be printed or published
39 any notice or advertisement relating to employment by such an employer
40 or membership in or any classification or referral for employment by such
41 a labor organization, or relating to any classification or referral for
42 employment by such an employment agency, or relating to admission to,
43 or employment in, any program established to provide apprenticeship or
44 other training by such a joint labor-management committee, indicating any
45 preference, limitation, specification, or discrimination based on race,
46 color, religion, national origin, sex, sexual orientation, gender identity or
47 expression, age, handicap, familial status or marital status, except that
48 such a notice or advertisement may indicate a preference, limitation,
49 specification, or discrimination based on religion, national origin, sex,
50 sexual orientation, gender identity or expression, age, handicap, familial
status or marital status, when religion, national origin, sex, sexual

1 orientation, gender identity or expression, age, handicap, familial status or
2 marital status is a bona fide occupational qualification for employment.
3

- 4 (g) *Alteration of test results.* It is an unlawful employment practice for a
5 respondent, in connection with the selection or referral of applicants or
6 candidates for employment or promotion, to adjust the scores of, use
7 different cutoff scores for, or otherwise alter the results of, employment
8 related tests on the basis of race, color, religion, national origin, sex,
9 sexual orientation, gender identity or expression, age, handicap, familial
10 status or marital status.
11
- 12 (h) *Motivations for practice.* Except as otherwise provided in this article, an
13 unlawful employment practice is established when the complaining party
14 demonstrates that race, color, religion, national origin, sex, sexual
15 orientation, gender identity or expression, age, handicap, familial status or
16 marital status was a motivating factor for any employment practice, even
17 though other factors also motivated the practice.
18
- 19 (i) *Intentional discrimination.* A demonstration that an employment practice
20 is required by business necessity may not be used as a defense against a
21 claim of intentional discrimination under this article.
22
- 23 (j) *Information gathering.* Except as permitted and required by regulations of
24 the board or city, or by applicable federal or state law, it is an unlawful
25 employment practice for an employer or employment agency to elicit
26 information about an employee's race, color, religion, national origin, sex,
27 sexual orientation, gender identity or expression, age, handicap, familial
28 status or marital status or to keep or disclose a record of such information
29 for the purposes of effecting discrimination.”
30

31 Section 3. That Section 12-36. Exemptions, is hereby amended to read as
32 follows:
33

34 “Sec. 12-36. Exemptions.
35

36 (a) Notwithstanding any other provision of this article:
37

- 38 (1) It is not an unlawful employment practice for an employer
39 to hire and employ employees, for an employment agency
40 to classify, or refer for employment any individual, for a
41 labor organization to classify its membership or to classify
42 or refer for employment any individual, or for an employer,
43 labor organization, or joint labor-management committee
44 controlling apprenticeship or other training or retraining
45 programs to admit or employ any individual in any such
46 program, on the basis of that individual's race, color,
47 religion, national origin, sex, sexual orientation, gender
48 identity or expression, age, handicap, familial status or
49 marital status is a bona fide occupational qualification
50

1 reasonably necessary to the normal operation of that
2 particular business or enterprise; and
3

4 (2) It is not an unlawful employment practice for a school,
5 college, university, or other educational institution or
6 institution of learning to hire and employ employees of a
7 particular religion if such school, college, university, or
8 other educational institution or institution of learning is, in
9 whole or in substantial part, owned, supported, controlled
10 or managed by a particular religion or by a particular
11 religious corporation, association, or society, or if the
12 curriculum of such school, college, university, or other
13 educational institution or institution of learning is directed
14 toward the propagation of a particular religion.
15

16 (b) Notwithstanding any other provision of this article, it is not an
17 unlawful employment practice for an employer to fail or refuse to
18 hire and employ an individual for any position, for an employer to
19 discharge an individual from any position, or for an employment
20 agency to fail or refuse to refer any individual for employment in
21 any position, or for a labor organization to fail or refuse to refer
22 any individual for employment in any position:
23

24 (1) If the occupancy of such position, or access to the premises
25 in or upon which any part of the duties of such position is
26 performed or is to be performed, is subject to any
27 requirement imposed in the interest of the national security
28 of the United States under any security program in effect
29 pursuant to or administered under any statute of the United
30 States or any executive order of the President; and
31

32 (2) If such individual has not fulfilled or has ceased to fulfill
33 that requirement.
34

35
36 (c) Notwithstanding any other provision of this article:
37

38 (1) It is not an unlawful employment practice for an employer
39 to apply different standards of compensation, or different
40 terms, conditions, or privileges of employment pursuant to
41 a bona fide seniority or merit system, or a system which
42 measures earnings by quantity or quality of production or
43 to employees who work in different locations, provided that
44 such differences are not the result of an intention to
45 discriminate because of race, color, religion, national
46 origin, sex, sexual orientation, gender identity or
47 expression, age, handicap, familial status or marital status;
48

49 (2) It is not an unlawful employment practice for an employer
50 to give and to act upon the results of any professionally
developed ability test, provided that such test, its

1 administration or action upon the results is not designed,
2 intended, or used to discriminate because of race, color,
3 religion, national origin, sex, sexual orientation, gender
4 identity or expression, age, handicap, familial status or
5 marital status;
6

7 (d) Nothing contained in this article shall be interpreted to require any
8 employer, employment agency, labor organization, or joint labor-
9 management committee subject to this article to grant preferential
10 treatment to any individual or to any group because of the race,
11 color, religion, national origin, sex, sexual orientation, gender
12 identity or expression, age, handicap, familial status or marital
13 status of such individual or group, on account of an imbalance
14 which may exist with respect to the total number or percentage of
15 persons of any race, color, religion, national origin, sex, sexual
16 orientation, gender identity or expression, age, handicap, familial
17 status or marital status employed by any employer, referred or
18 classified for employment by any employment agency or labor
19 organization, admitted to membership or classified by any labor
20 organization, or admitted to, or employed in, any apprenticeship or
21 other training program, in comparison with the total number of
22 percentage of persons of such race, color, religion, national origin,
23 sex, sexual orientation, gender identity or expression, age,
24 handicap, familial status or marital status in any community, state,
25 section or any other area, or in the available work force in any
26 community, state, section or other area.
27

28 (e) The provisions in this article relating to sexual orientation and
29 gender identity or expression shall not apply to any religious
30 organization, association, society or any nonprofit charitable or
31 educational institution or organization operated, supervised or
32 controlled by or in conjunction with a religious organization,
33 association or society.”
34

35 Section 4. That Section 12-61(2). Purpose, is hereby amended to read
36 as follows:
37

38 “(2) To secure for all individuals within the city the freedom
39 from discrimination because of race, color, religion, national
40 origin, sex, sexual orientation, gender identity or expression, age,
41 handicap , familial status or marital status in connection with
42 public accommodations, and thereby to promote the interests,
43 rights and privileges of individuals within the city.”
44

45 Section 5. That Section 12-64. Unlawful practices, is hereby amended to
46 read as follows:
47

48 “Sec. 12-64. Unlawful practices.
49
50

1 It is an unlawful discriminatory practice for a person, because of the race,
2 color, religion, national origin, sex, sexual orientation, gender identity or
3 expression, age, handicap, familial status or marital status of any person:
4

- 5 (1) Directly or indirectly, to refuse, withhold from, deny or deprive, or
6 attempt to withhold from, deny or deprive any person any of the
7 goods, services, facilities, privileges, advantages and
8 accommodations of any place of public accommodation.
9
- 10 (2) Directly or indirectly, to publish, circulate, issue, display, post or
11 mail any written or printed communication, notice or
12 advertisement, to the effect that any of the goods, services,
13 facilities, privileges, advantages and accommodations of any place
14 of public accommodation shall be refused, withheld from or denied
15 to any person, or that the patronage of any such person is
16 unwelcome, objectionable or not acceptable, desired or solicited.
17
- 18 (3) Directly or indirectly, to segregate any person at a place of public
19 accommodation, or to segregate any person in regards to the goods,
20 services, facilities, privileges, advantages and accommodations of
21 any place of public accommodation.
22
- 23 (4) To intimidate, threaten, coerce or interfere, or attempt to
24 intimidate, threaten, coerce or interfere with any person in the
25 exercise or enjoyment of, or on account of such person having
26 aided or encouraged any other person in the exercise or enjoyment
27 of, any right granted or protected by the provisions in this article.”
28

29 Section 6. That Section 12-66(c). Exemptions, is hereby amended to
30 read as follows:
31

- 32 “(c) The provisions in this article relating to sexual orientation and
33 gender identity or expression shall not apply to any religious
34 organization, association, society or any nonprofit charitable or
35 educational institution or organization operated, supervised or
36 controlled by or in conjunction with a religious organization,
37 association or society.”
38

39 Section 7. That Section 12-71(2). Purpose, is hereby amended to read
40 as follows:
41

- 42
43 “(2) To secure for all individuals within the city the freedom from
44 discrimination because of race, color, religion, national origin, sex,
45 sexual orientation, gender identity or expression, age, handicap,
46 familial status or marital status in connection with housing and
47 public accommodations, and thereby to promote the interests,
48 rights and privileges of individuals within the city.”
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5 Section 8. That Section 12-81. Sale or rental, is hereby amended to
6 read as follows:
7

8
9 "Sec. 12-81. Sale or rental.

10 Except as provided in section 12-101, it is an unlawful
11 discriminatory practice for any person:
12

- 13
14 (1) To refuse to sell or rent after the making of a bona fide
15 offer, or to refuse to negotiate for the sale or rental of, or
16 otherwise make unavailable or deny, a dwelling to any
17 person because of race, color, religion, national origin, sex,
18 sexual orientation, gender identity or expression, age,
19 handicap, familial status, or marital status.
20
21 (2) To discriminate against any person in the terms, conditions,
22 or privileges of sale or rental of a dwelling, or in the
23 provision of services or facilities in connection therewith,
24 because of race, color, religion, national origin, sex, sexual
25 orientation, gender identity or expression, age, handicap,
26 familial status, or marital status.
27
28 (3) To make, print, or publish, or cause to be made, printed, or
29 published any notice, statement, or advertisement, with
30 respect to the sale or rental of a dwelling that indicates any
31 preference, limitation, or discrimination based on race,
32 color, religion, national origin, sex, sexual orientation,
33 gender identity or expression, age, handicap, familial status
34 or marital status or an intention to make any such
35 preference, limitation or discrimination.
36
37 (4) To represent to any person because of race, color, religion,
38 national origin, sex, sexual orientation, gender identity or
39 expression, age, handicap, familial status or marital status
40 that any dwelling is not available for inspection, sale, or
41 rental when such dwelling is in fact so available.
42
43 (5) For profit to induce or attempt to induce any person to sell
44 or rent any dwelling by representations regarding the entry
45 or prospective entry into the neighborhood of a person or
46 persons of a particular race, color, religion, national origin,
47 sex, sexual orientation, gender identity or expression, age,
48 handicap, familial status or marital status."

49 Section 9. That Section 12-83(a). Residential real estate-related
50 transactions, is hereby amended to read as follows:

1
2 “(a) It is unlawful for any person or other entity whose business
3 includes engaging in residential real estate-related transactions to
4 discriminate against any person in making available such a
5 transaction, or in the terms or conditions of such a transaction,
6 because of race, color, religion, national origin, sex, sexual
7 orientation, gender identity or expression, age, handicap, familial
8 status or marital status.”
9

10 Section 10. That Section 12-84. Brokerage Services, is hereby amended
11 to read as follows:
12

13 “Sec. 12-84. Brokerage services.
14

15 It is an unlawful discriminatory practice to deny any person access to or
16 membership or participation in any multiple-listing service, real estate brokers'
17 organization or other service, organization, or facility relating to the business of
18 selling or renting dwellings, or to discriminate against a person in the terms or
19 conditions of such access, membership, or participation, on account of race, color,
20 religion, national origin, sexual orientation, gender identity or expression, age,
21 handicap, familial status or marital status.”
22

23 Section 11. That Section 12-101(e). Housing, is hereby amended to
24 read as follows:
25

26 “(e) Nothing in this article prohibits a person engaged in the business of
27 furnishing appraisals of real property to take into consideration
28 factors other than race, color, religion, national origin, sex, sexual
29 orientation, gender identity or expression, age, handicap, familial
30 status or marital status.”
31

32 Section 12. That Section 12-101(g). Housing, is hereby amended to
33 read as follows:
34

35 “(g) The provisions in this article relating to sexual orientation and
36 gender identity or expression shall not apply to any religious
37 organization, association, society or any nonprofit charitable or
38 educational institution or organization operated, supervised or
39 controlled by or in conjunction with a religious organization,
40 association or society.”
41

42 Section 13. The provisions of this ordinance shall be deemed to be
43 severable. If any provision of the ordinance is judicially determined to be
44 unconstitutional or otherwise invalid, such determination shall not affect the
45 validity of any other provision of this ordinance.
46

47 Section 4. That all ordinances in conflict herewith are hereby repealed
48 to the extent of any conflict with the terms of this ordinance.
49
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Section 5. This ordinance shall take effect immediately upon becoming law.

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1 PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY
2 OF TAMPA, FLORIDA ON _____.
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5 ATTEST:
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9 CITY CLERK/DEPUTY CITY CLERK

_____ CHAIRMAN/CHAIRMAN PRO-TEM
CITY COUNCIL

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12 APPROVED BY ME ON: _____
13

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15
16 _____
17 PAM IORIO, MAYOR
18

19 PREPARED BY AND APPROVED
20 AS TO LEGAL SUFFICIENCY:
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22
23 E/S
24 L. ROBIN MCKINNEY
25 ASSISTANT CITY ATTORNEY
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From: Jim Crew
To: Legal Motion Group
Date: 10/6/2009 11:01 AM
Subject: Council Motions - 10/1/09 at 9:00 a.m. - ordinance re: gender identity and expression

Office of the City Clerk
3rd Floor, City Hall
315 E. Kennedy Boulevard
Tampa, Florida 33602
Phone: 813-274-8396
Fax: 813-274-8306

file E2009-8CH12
11-5-09

MOTION ACTION REQUEST

COUNCIL SESSION: October 1, 2009 AT 9:00 A.M.

PLEASE SUBMIT ALL WRITTEN RESPONSES DIRECTLY TO THE OFFICE OF THE CITY CLERK BY 5:00 P.M. ON THE MONDAY PRIOR TO THE SCHEDULED THURSDAY MEETING - [NOTE: All written responses must include the original and eight (8) copies for distribution by the Office of the City Clerk to Council and to the Council Attorney.]

TO: Legal Motion Group

File No. E2009-8 CH 12

Motion: (Miller-Saul/Sena) That the Legal Department be requested to review the written request of Philip Dinkins, Chairman of the City of Tampa Human Rights Board, to amend the Human Rights Ordinance to add "gender identity and expression" as a protected class under said City Code; further, that the Legal Department be requested to appear before Council on **November 5, 2009** to present an ordinance including said language. Motion carried.



CITY OF TAMPA

Pam Iorio, Mayor

File E 2009-8CH12

RF 10-1-09

Division of Community Affairs

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Office of Human Rights and Community Services

September 23, 2009

The Honorable Thomas Scott, Chairman
And Members of Tampa City Council
315 East Kennedy Boulevard
Tampa, Florida 33602

Copied and distributed
to all Council Members.

Date: 9/25/09

By: C. Jones

Dear Chairman Scott:

On behalf of the City of Tampa Human Rights Board, I request that the Tampa City Council take action to amend the Human Rights Ordinance to prevent discrimination against transgender individuals. The issue of discrimination against transgender individuals first came to the attention of the Human Rights Board over one year ago, at which time the Board began exploring whether the City of Tampa could act to offer protection to this group. Last year, the Human Rights Board held a special workshop to learn more about the particular concerns of the transgender community. Through this workshop, and at various Board meetings, citizens from the community shared their experiences with the Board, demonstrating that a need exists in our City for legal protection of these individuals from discrimination.

Through additional research, we determined that over nine cities and counties in Florida already include language in their Human Rights Ordinance that protects transgender individuals. Furthermore, many Fortune 500 companies also include among their company policies protections for transgender individuals. Ensuring that the City of Tampa takes a strong stand against discrimination in all its forms will have a positive impact on our City's economic development. Progressive companies seek out communities committed to diversity and opposed to discrimination.

The members of the Human Rights Board believe that Tampa should continue its strong record on human rights issues by updating its Code to protect transgender individuals. We request that the Tampa City Council direct the Legal Department to draft an Ordinance that would update the language of Chapter 12 of the Tampa Code of Ordinances to add "gender identity and expression" as a protected class under the City Code. We appreciate Council's continued efforts to protect our citizens from discrimination and ensure that Tampa remains a progressive and dynamic City in future years.

Sincerely,

Philip Dinkins, Chairman
City of Tampa Human Rights Board