

ORDINANCE NO. 12-33

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING CHAPTER 2-17, ARTICLE III, MANATEE COUNTY CODE OF ORDINANCES, RELATING TO FAIR HOUSING; AMENDING SECTION 2-17-42 PROVIDING INTENT; AMENDING SECTION 2-17-43 PROVIDING DEFINITIONS; AMENDING SECTION 2-17-44 PROVIDING FOR CONSTRUCTION; REPEALING SECTION 2-17-46 ENTITLED AUTHORITY TO ADMINISTER ARTICLE; REPEALING SECTION 2-17-47 ENTITLED COOPERATION WITH FEDERAL, STATE AND LOCAL AGENCIES ADMINISTERING FAIR HOUSING LAWS; AMENDING SECTION 2-17-52 PROVIDING FOR ADMINISTRATION OF ARTICLE; AMENDING SECTION 2-17-53 PROVIDING FOR JURISDICTION; AMENDING SECTION 2-17-54 PROVIDING FOR COMMENCEMENT OF PROCEEDINGS; REPEALING SECTION 2-17-55 ENTITLED INVESTIGATION OF COMPLAINT; REPEALING SECTION 2-17-56 ENTITLED EVIDENCE AND ACCESS TO RECORDS; REPEALING SECTION 2-17-57 ENTITLED CONCILIATION AGREEMENT; REPEALING SECTION 2-17-58 ENTITLED BURDEN OF PROOF; REPEALING SECTION 2-17-59 ENTITLED RIGHT TO SUE AND ENFORCEMENT; REPEALING SECTION 2-17-60 ENTITLED TERMINATION OF EFFORTS WHEN LAWSUIT COMES TO TRIAL; REPEALING SECTION 2-17-61 ENTITLED VIOLATIONS AND PENALTY; REPEALING SECTION 2-17-63 ENTITLED PRIMA FACIE EVIDENCE; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2012 OCT - 2 AM 11: 06

FILED

WHEREAS, the Community Development Block Grant (CDBG) program (24 C.F.R. § 570.601) and the Home Investment Partnership (HOME) program (24 C.F.R. § 92.350) require local governments that receive funds under such programs to comply with Title VIII of the Federal Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. §§ 3601, et. seq.); and

WHEREAS, 24 C.F.R. § 570.487(b) and 24 C.F.R. § 570.601(a)(2) require local governments to enact fair housing ordinances as a condition for receipt of funds under the CDBG program and the HOME program; and

WHEREAS, Manatee County receives funds under the CDBG program and the HOME program; and

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WHEREAS, Chapter 85-456, Laws of Florida, authorizes and empowers the Manatee County Board of County Commissioners to enact, adopt, and promulgate an ordinance relating to fair housing within the County and containing provisions to discourage and eliminate discriminatory housing practices; and

WHEREAS, on November 6, 1990, the Board of County Commissioners adopted and enacted Ordinance No. 90-62, codified as Chapter 2-17, Article III, Manatee County Code of Ordinances, relating to fair housing in Manatee County; and

WHEREAS, Chapter 2-17, Article III, Manatee County Code of Ordinances, includes administrative procedures and remedies which duplicate procedures and remedies set forth in federal laws, rules and regulations; and

WHEREAS, complaints alleging discriminatory housing practices in Manatee County are currently filed with the United States Department of Housing and Urban Development for investigation and appropriate action; and

WHEREAS, the Board of County Commissioners desires to eliminate duplication of administrative procedures and remedies and to codify the current process regarding fair housing complaints in Manatee County; and

WHEREAS, the Board of County Commissioners has determined that it is necessary to amend Chapter 2-17, Article III, Manatee County Code of Ordinances, to eliminate duplication of administrative procedures and remedies and to codify the current process regarding fair housing complaints as provided in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. Section 2-17-42 of the Manatee County Code of Ordinances is hereby amended to read as follows:

Sec. 2-17-42. Intent.

It is the intent of this article ~~and of its provisions~~ to provide a ~~positive means~~ for the ~~execution~~ implementation of ~~the policies~~ a policy which prevents and eliminates discriminatory housing practices contained in Title VIII of the Federal Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. §§ 3601, et. seq.), and ~~further, to implement the state policy on fair housing, as provided in Sections 760.20 through 760.37, Florida Statutes, the state Fair Housing Act.~~ Additionally, it is the intent of this article to secure fair housing law in the county ~~and provide remedies for discriminatory housing practices.~~

Section 2. Section 2-17-43 of the Manatee County Code of Ordinances is hereby amended to read as follows:

Sec. 2-17-43. Definitions.

As used in this article:

- (a) HUD Authority means ~~any board, agency or authority duly appointed and authorized by resolution of the United States Department board of Housing county commissioners to administer and Urban Development provide for the administration of this article and to fulfill those responsibilities assigned to such authority; and, to provide the authority with such powers and duties as may be delegated to such authority by the board of county commissioners.~~
- (b) Board means the board of county commissioners of Manatee County, Florida.
- (c) Building contractor includes any person engaged in designing, redesigning, constructing, reconstructing, repairing or remodeling any dwelling within Manatee County.
- (d) Discriminatory housing practice means an act that is unlawful under any provision ~~the terms~~ of this article.

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- (e) ~~Enforcement board means the code enforcement board of Manatee County established under Chapter 162, Laws of Florida, and Manatee County Ordinance 82-37, as amended.~~
- (ef) Familial status means one (1) or more individuals who have not attained the age of eighteen (18) years, being domiciled with:
- (1) A parent or another person having legal custody of such individual or individuals; or
 - (2) The designee of such parent or other person having such custody, with the written permission of such parent or other person.
- (fg) Family includes a single individual.
- (gh) Dwelling means any building, structure, or portion thereof, which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families, or ~~and~~ any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
- (hi) Person includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, or ~~and~~ fiduciaries.
- (ij) Aggrieved person includes any person who:
- (1) Claims to have been injured by a discriminatory housing practice; or
 - (2) Believes that such person will be injured by a discriminatory housing practice that is about to occur.
- (jk) Real estate broker includes any person duly licensed as a real estate broker under the Laws of Florida.

- (k) Real estate salesperson includes:
- (1) Any person, whether licensed or not, who:
 - a. For a fee, commission, salary or other valuable consideration, or with the intention or expectation of receiving or collecting the same, lists, sells, purchases, engages, rents, leases, or otherwise transfers real estate or improvements thereon, including options; or
 - b. Negotiates, or attempts to negotiate, or conduct any of the activities ~~described~~ mentioned in subparagraph (k)(1)a. above, or advertises or holds himself or herself out as engaged in any of such activities; or
 - c. Negotiates, or attempts to negotiate, a loan secured by a mortgage or other encumbrance upon a transfer of real estate; or
 - d. Is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he or she undertakes to promote the sale, purchase, exchange, lease, rental or other transfer of real estate through its listing in a publication issued primarily for such purposes; ~~or and~~
 - (2) A person employed by, or ~~acting~~ action on behalf of, any person defined ~~mentioned in subsection (j) or paragraph and (k)(1)~~ of this section 2-17-43.
- (l) To rent includes to lease, to sublease, to let, or ~~and~~ otherwise to grant for a consideration the right to occupy premises not owned by the occupant.
- (m) Handicap means:

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- (1) A ~~person has a~~ physical or mental impairment which substantially limits one (1) or more major life activities of a person, or ~~he has~~ a record of having, or is regarded as having, such physical or mental impairment; or
- (2) A developmental ~~person has a developed~~ disability as defined in Section 393.063, Florida Statutes.

Section 3. Section 2-17-44 of the Manatee County Code of Ordinances is hereby amended to read as follows:

Sec. 2-17-44. Construction.

This article shall be liberally construed to accomplish its purposes, consistent with the statutes and regulations of the United States and the State of Florida. It is the intent of the board ~~of county commissioners~~ that this article shall provide ~~be a local law, providing~~, within the limitations of the Federal and State Constitutions and statutory mandates, for fair housing in the county, and ~~establishing an investigatory mechanism~~ for the removal of any kind of local impairment or impediment to the fulfillment of the purposes of this article.

Section 4. Section 2-17-46 of the Manatee County Code of Ordinances, entitled Authority to administer article, is hereby repealed.

Section 5. Section 2-17-47 of the Manatee County Code of Ordinances, entitled Cooperation with federal, state and local agencies administering fair housing laws, is hereby repealed.

Section 6. Section 2-17-52 of the Manatee County Code of Ordinances is hereby amended to read as follows:

Sec. 2-17-52. Administration of this article.

~~(a)~~ HUD shall have the ~~The~~ authority and responsibility for administering this article ~~is in the authority.~~

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~~(b) The authority may delegate any of its functions, duties and powers, including functions, duties and powers with respect to investigating, conciliating, hearing, determining, certifying, reporting or otherwise acting as to any work, business or matter under this article to employees of Manatee County, may be assigned to the authority.~~

~~(c) The authority shall:~~

~~(1) Make studies with respect to the nature and extent of discriminatory housing practices in communities throughout the county.~~

~~(2) Publish and disseminate reports, recommendations and information derived from such studies.~~

~~(3) Cooperate with and render technical assistance to private agencies, organizations and institutions within the county which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices.~~

~~(4) Administer the programs and activities relating to housing a manner affirmatively to further the policies of this article.~~

~~(5) Adopt rules consistent with this article and policies of the board as are necessary to implement and enforce this article.~~

Section 7. Section 2-17-53 of the Manatee County Code of Ordinances is hereby amended to read as follows:

Sec. 2-17-53. Jurisdiction.

HUD ~~The authority~~ shall have jurisdiction to investigate all complaints by aggrieved persons who claim to have been injured by a discriminatory housing practice or who believe that they will be injured by a discriminatory housing practice that is about to occur, and to seek and obtain appropriate relief. ~~Upon a determination by the authority that there is probable cause to believe that there has been a violation of this article or that there is about to be a discriminatory~~

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~~housing practice that may not be eliminated, corrected or alleviated by the informal procedures or methods of conference, conciliation and persuasion. The authority may request a hearing before the enforcement board and seek enforcement under the Manatee County Code Enforcement Ordinance and the enforcement board shall have jurisdiction and authority to hear and decide alleged violations of, and other enforcement issues arising under, this article. A hearing before the code enforcement board shall be a hearing de novo and the enforcement board may issue such orders and grant relief in a manner consistent with the powers and authority of the enforcement board, as currently provided in Chapter 162, Florida Statutes, and as it may be amended by the state legislature and implemented by ordinances duly enacted by the board.~~

Section 8. Section 2-17-54 of the Manatee County Code of Ordinances is hereby amended to read as follows:

Sec. 2-17-54. Commencement of proceedings.

~~(a) Complaints; who may file. Any aggrieved person who claims to have been injured by a discriminatory housing practice or who believes he will be injured by a discriminatory housing practice that is about to occur, may file a complaint with HUD the authority. County staff may provide Complaints shall be in writing and shall contain such information to assist any aggrieved person with and be in such form as the authority requires. Upon receipt of such a complaint, the authority shall furnish a copy of the same to the person or persons who allegedly committed, or are about to commit, the alleged discriminatory housing practice.~~

~~(b) Time for filing. A complaint shall be filed within one hundred eighty (180) days after the alleged discriminatory housing practice occurred or within one hundred eighty (180) days from the time a person first believes that a discriminatory housing practice is about to~~

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~~occur. Complaints shall be in writing and shall state the facts upon which are based the allegations that a discriminatory housing practice has occurred or that a discriminatory housing practice is about to occur. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint. The authority shall grant leave to amend the answer whenever it would be reasonable and fair to do so. Both complaints and answers shall be verified.~~

Section 9. Section 2-17-55 of the Manatee County Code of Ordinances, entitled Investigation of complaint, is hereby repealed.

Section 10. Section 2-17-56 of the Manatee County Code of Ordinances, entitled Evidence and access to records, is hereby repealed.

Section 11. Section 2-17-57 of the Manatee County Code of Ordinances, entitled Conciliation agreement, is hereby repealed.

Section 12. Section 2-17-58 of the Manatee County Code of Ordinances, entitled Burden of proof, is hereby repealed.

Section 13. Section 2-17-59 of the Manatee County Code of Ordinances, entitled Right to sue and enforcement, is hereby repealed.

Section 14. Section 2-17-60 of the Manatee County Code of Ordinances, entitled Termination of efforts when lawsuit comes to trial, is hereby repealed.

Section 15. Section 2-17-61 of the Manatee County Code of Ordinances, entitled Violations and penalty, is hereby repealed.

Section 16. Section 2-17-63 of the Manatee County Code of Ordinances, entitled Prima facie evidence, is hereby repealed.

Section 17. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

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Section 18. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 19. This ordinance shall take effect upon filing with the State of Florida Department of State.

ADOPTED AND ENACTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting, on the 25th day of September, 2012.

ATTEST: R. B. SHORE
Clerk of the Circuit Court

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Wabi Jessner
Deputy Clerk



By: J.R. Chapp
Chairman



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 27 day of September, 2012
R.B. SHORE
Clerk of Circuit Court
By: [Signature] R.C.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 2, 2012

RECEIVED
OCT 05 2012
BOARD RECORDS

Honorable R. B. "Chips" Shore
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Ms. Pati Kopke, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated September 28, 2012 and certified copies of Manatee County Ordinance Nos. 12-30, 12-31, 12-33, 12-35, and PDR-06-63(Z)(G)(R) which were filed in this office on October 2, 2012.

As requested, one date stamped copy of each ordinance is being return for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/elr

Enclosure

From: ords@municode.com
To: [Pati Kopke; robert.eschenfelder@mymanatee.org](mailto:Pati_Kopke; robert.eschenfelder@mymanatee.org)
Subject: Manatee County, FL Code of Ordinances - 1981 (10428) Supplement 88
Date: Monday, October 22, 2012 1:02:47 PM
Attachments: [ATT00001.bin](#)
[ATT00002.bin](#)

****THIS IS AN AUTOMATICALLY GENERATED EMAIL****

Below, you will find the material that we have received/recorded to your account. This material is being considered for inclusion in your next/current update, Supplement 88

Please provide missing adoption dates for ordinances 12-30, 12-31, 12-33. Thank you very much.

Document	Adopted Date	Recorded	Recorded Format
Ordinance No. 12-30		10/22/2012	Word
Ordinance No. 12-31		10/22/2012	Word
Ordinance No. 12-33		10/22/2012	Word
Ordinance No. 12-35	9/25/2012	10/22/2012	Word



Update the internet version of your Code more often than a printed supplement. We can update the Internet quarterly, monthly, even weekly.



We can post newly enacted ordinances in the online Code after each meeting.

Florida has a very broad Public Records Law. This agency is a public entity and is subject to Chapter 119 of the Florida Statutes, concerning public records. E-mail communications are covered under such laws & therefore e-mail sent or received on this entity's computer system, including your e-mail address, may be disclosed to the public or media upon request.