

- **Motion by James Tokely, Seconded by Rochelle Reback**

I WOULD LIKE TO ADD SEVERAL -- SEVERAL WORDS AFTER "SEX" --
"RACE," COMMA, "SEX," COMMA, I'D LIKE TO ADD "SEXUAL
ORIENTATION," AND THEN AFTER "RELIGION" I WOULD LIKE TO CHANGE
"PHYSICAL HANDICAP" TO "PHYSICAL CHALLENGE," AND I WOULD LIKE,
THEREFORE, TO MAKE A MOTION --

- **Charter language:**

Section 9 11 Discrimination Prohibited.

To be consistent with federal and state constitutions, laws, rules, and regulations, the county government shall not deprive any person of any right because of race, sex, age, national origin, religion, physical handicap, or political affiliation. The administrative code shall provide adequate means for protecting these rights, including equal opportunity assurances.

RESOLUTION 2010-_____

A RESOLUTION OF THE CHARTER REVIEW BOARD OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING SECTION 9.11 BY INSERTING THE TERM SEXUAL ORIENTATION AND CHANGING THE TERM PHYSICAL HANDICAP TO PHYSICAL CHALLENGE; SETTING OUT THE TITLE AND BALLOT LANGUAGE; REQUESTING THE SUPERVISOR OF ELECTIONS TO PLACE THE QUESTION ON THE NEXT GENERAL ELECTION BALLOT; PROVIDING FOR AN EFFECTIVE DATE.

Upon motion by Charter Review Board member _____, seconded by Charter Review Board member _____, the following Resolution was adopted by _____ to _____ vote with member(s) _____ voting "No." Charter Review Board Member(s) _____ being absent.

WHEREAS, the Charter Review Board of Hillsborough County has conducted a thorough study of the Charter of Hillsborough County; and

WHEREAS, during this study, the Charter Review Board discussed and debated amending Section 9.11 of the Charter of Hillsborough County by inserting the term sexual orientation after the term sex and changing the term physical handicap to physical challenge; and

WHEREAS, the Charter Review Board believes that these amendments to the Hillsborough County Charter will be in the best interest of the citizens of Hillsborough County; and

WHEREAS, the Charter Review Board believes voters of Hillsborough County should be given the opportunity to decide whether they want to amend Section 9.11 of the Charter by inserting the term sexual orientation and changing the term physical handicap to physical challenge; and

NOW, THEREFORE, BE IT RESOLVED BY THE CHARTER REVIEW BOARD OF HILLSBOROUGH COUNTY, FLORIDA THAT:

1. Section 9.11 entitled "Discrimination Prohibited" shall be modified to read as follows:

To be consistent with federal and state constitutions, laws, rules, and regulations, the county government shall not deprive any person of any right because of race, sex, sexual orientation, age, national origin, religion, physical handicap challenges, or political affiliation. The administrative code shall provide adequate means for protecting these rights, including equal opportunity assurances.

2. AND BE IT FURTHER RESOLVED that the Supervisor of Elections is requested to place the following heading and question upon the ballot at the next general election in Hillsborough County in accordance with Chapter 101, Florida Statutes and other relevant laws.

Ballot Title

A PROPOSAL TO INSERT THE TERM SEXUAL ORIENTATION AND CHANGE PHYSICAL HANDICAP TO PHYSICAL CHALLENGE

Ballot Question

Shall the Discrimination Prohibited provision of the Hillsborough County Charter be amended to insert the term sexual orientation and change the term physical handicap to physical challenge?

_____ Yes

_____ No

1. This Resolution shall become effective upon adoption.
2. The Amendment to the Charter shall be effective, if and only if, approved by the majority of the electors at the next general election in Hillsborough County.

DONE AND RESOLVED this _____ day of _____ 2010.

CHARTER REVIEW BOARD
HILLSBOROUGH COUNTY, FLORIDA
STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, Pat Frank, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its _____ meeting of _____, 2010, as the same appears of record in Minute Book _____ of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this _____ day of _____, 2010.

ATTEST:
PAT FRANK,
CLERK OF CIRCUIT COURT

By: _____
Deputy Clerk

Approved as to form
and legal sufficiency:

By: _____
Senior Assistant County Attorney

MEMORANDUM

TO: DeBora
FROM: Nancy
RE: Home Rule Charters
DATE: August 16, 2009

The following charter counties had provisions pertaining to discrimination.

Broward County:

Protection of Human Rights. Protection of Human Rights. The County shall establish provisions, for protection of citizen human rights from discrimination based upon religion, political affiliation, race, color, age, gender, disability, familial status, marital status, or national origin by providing and ensuring equal rights and opportunities for all citizens of the County.

Pinellas County

Protection of Human Rights. The county shall establish provisions, pursuant to state and federal law, for protection of human rights from discrimination based upon religion, political affiliation, race, color, age, sex, or national origin by providing and ensuring equal rights and opportunities for all people of Pinellas County.

Alachua County

The board of county commissioners shall exercise all legislative authority provided by this home rule charter in addition to all other powers and duties authorized by general law or special law approved by a vote of the electorate. Provided, the board of county commissioners shall not adopt any ordinance creating classifications based upon sexual orientation, sexual preference, or similar characteristics, except as necessary to conform county ordinances to federal or state law.

Municode added the following footnote: A circuit court order issued Nov. 22, 1996 effectively declared the last sentence of subsection (D) above unconstitutional. The order was not appealed and consequently the county is enjoined from enforcing the provision.

Sarasota County

The merit system shall provide for the qualifications and duties of all positions under the supervision of the County Administrator. The County Administrator or designee shall cause personnel to be employed, compensated, promoted, demoted, transferred or dismissed solely on the basis of merit and qualification and without regard to religious or political affiliation, disability, race, color, gender, or national origin.

Volusia County

The merit system shall provide for the qualifications and shall through the personnel department, under the direction of the personnel director, certify personnel for employment, promotion, demotion, transferral, dismissal and compensation, solely on the basis of merit and qualification without regard to religion, political affiliations, race, color, sex, national origin or any other circumstances other than merit and qualification.

Brevard County

All citizens and taxpayers are entitled to have access to their elected officials, to present their grievances to their County Government, and to participate in County Government in an effort to guide the future of the community. When making appointments of individual citizens who desire to participate in their government to any decision making, regulatory or advisory board or committee, including the Charter Review Commission, the Board of County Commissioners shall make such appointments based on competence, expertise or merit of the prospective appointee. When appointments to all of the County's boards and committees are taken as a whole, the appointments should include citizens from all segments of society in Brevard County, reflecting the differing viewpoints, gender, life experiences, professions, races, and ethnic background of Brevard County society and in an effort to provide balance with regard to race, gender or ethnic background.

Polk County

When appointments to all of the county's boards and committees are taken as a whole, the Board of County Commissioners should endeavor to include citizens from all segments of society in the

County, reflection the differing viewpoints, gender, age, life experiences, geography, professions, races and ethnic backgrounds of the citizens of the county. Nevertheless each individual appointment shall be based on the competence, expertise and merit of the appointee, and nothing in this section shall give any person standing to enforce this provision or to contest any appointment.

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