



Broward County

Legislation Text

File #: 20-2076, Version: 1

Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO ENACT Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE HUMAN RIGHTS ACT; AMENDING VARIOUS SECTIONS OF CHAPTER 16½ OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); PROVIDING FOR THE REMOVAL OF CERTAIN RELIGIOUS EXEMPTIONS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Commissioner Tim Ryan)

Why Action is Necessary

A Resolution directing the County Administrator to publish notice of public hearing to consider enactment of the Ordinance was adopted by the Board of County Commissioners at its meeting of November 10, 2020.

What Action Accomplishes

Permits the Board to consider enacting an Ordinance amending Chapter 16½ of the Code to remove certain religious exemptions.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

On August 25, 2020, the Board directed the Office of the County Attorney to draft amendments to Chapter 16½ of the Broward County Code of Ordinances ("Human Rights Act") removing certain religious exemptions currently in the Human Rights Act.

The Human Rights Act provides that religious entities are exempt from certain prohibitions of the Human Rights Act, such as discriminating against certain protected classifications relating to employment, public accommodations, and real estate transactions. Recently, the United States Supreme Court recognized that sexual orientation and gender identity are protected under Title VII of the Civil Rights Act of 1964. The United States Supreme Court also issued a decision clarifying the

ministerial exception under the First Amendment that limits employment discrimination claims against religious school employees who are educating students about their faith.

The proposed amendment would narrow the current exemptions for religious entities to be consistent with the requirements and religious exemptions of Title VII of the Civil Rights Act of 1964.

Source of Additional Information

Adam Katzman, Senior Assistant County Attorney, 954-357-7600

Fiscal Impact

Fiscal Impact/Cost Summary

Per the Office of Management and Budget, the estimated impact on the budget does not exceed the threshold required for a Fiscal Impact Statement.