

By Representative Chestnut

1                                   A bill to be entitled  
 2           An act relating to the City of Gainesville;  
 3           amending chapter 90-394, Laws of Florida, as  
 4           amended; revising the charter of the City of  
 5           Gainesville; providing for additional duties of  
 6           the Internal Auditor; providing for creation of  
 7           the charter officer position entitled Equal  
 8           Opportunity Director to be appointed by the  
 9           city commission; providing powers and duties of  
 10          such officer; providing that the city shall not  
 11          discriminate on the basis of certain protected  
 12          characteristics and requiring the city  
 13          commission to adopt ordinances; making the  
 14          charter officers responsible for implementing  
 15          the equal opportunity and human relations  
 16          ordinances and programs in their respective  
 17          departments; providing for application to  
 18          persons covered under collective bargaining  
 19          agreements; providing an effective date.

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 21 Be It Enacted by the Legislature of the State of Florida:

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 23           Section 1. Section 3.05 of Article III of the charter  
 24           of the City of Gainesville, as created by chapter 90-394, Laws  
 25           of Florida, as amended, is amended to read:

26           3.05 City internal auditor.--

27           (1) The commission may appoint a city internal auditor  
 28           who shall serve at the will of the commission. The city  
 29           internal auditor ~~shall~~:

30           (a) Shall perform financial and compliance audits.

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1           (b) Shall assist the commission in all it  
2 accountability functions.

3           (c) Shall perform compliance audits on the  
4 implementation of the city's human relations and equal  
5 opportunity ordinances, policies and programs pertaining to  
6 the activities of the city within all departments of the city  
7 in accordance with schedules prescribed by the commission.

8           (d)~~(c)~~ Shall perform all other duties assigned by the  
9 commission.

10           (2) All financial and compliance audits and other  
11 reports of the city internal auditor shall be filed in the  
12 office of the clerk of the commission.

13           Section 2. Section 3.08 is created and added to  
14 Article III of the charter of the City of Gainesville, as  
15 created by chapter 90-394, Laws of Florida, as amended, to  
16 read:

17           3.08 Equal Opportunity Director.--The commission shall  
18 appoint an equal opportunity director who shall serve at the  
19 will of the city commission. The equal opportunity director:

20           (1) Shall investigate complaints of discrimination,  
21 harassment, retaliation, and other related matters, and  
22 propose remedial action, as prescribed by the city's human  
23 relations and equal opportunity ordinances. No city employee  
24 shall suffer retaliation for filing a complaint or testifying,  
25 assisting, or participating in any investigation under these  
26 ordinances, and such complaints will be held confidential to  
27 the extent allowed by federal and state law.

28           (2) Shall make reports, including an annual report, to  
29 the charter officers and the commission, as appropriate, as to  
30 the activities of the year and the need, if any, to revise the  
31 city's human relations and equal opportunity ordinances,

1 policies, and programs pertaining to but not limited to equal  
2 opportunity, affirmative action, local minority business and  
3 local small business enterprise procurement program, fair  
4 housing, unlawful harassment, and accessibility to the city's  
5 programs, services, and activities.

6 (3) Shall propose policies for the implementation of  
7 comprehensive equal opportunity and diversity programs and  
8 adherence to equal opportunity laws, policies, procedures, and  
9 related matters.

10 (4) Shall develop, prepare, and monitor the city's  
11 affirmative action plan.

12 (5) Shall develop training, conduct workshops, and  
13 propose strategies and initiatives related to diversity and  
14 equal opportunity and related matters in employment,  
15 purchasing, services, programs, and activities.

16 (6) Shall review all proposed changes to current or  
17 proposed new city employment policies, procedures, and  
18 guidelines, job descriptions and purchasing policies,  
19 procedures and guidelines for compliance with equal  
20 opportunity laws, policies, procedures, and guidelines and  
21 related matters.

22 (7) Shall monitor all hires, transfers, demotions,  
23 promotions, and terminations for compliance with equal  
24 opportunity laws, policies, procedures, guidelines, and  
25 related matters.

26 (8) Shall develop instruments to monitor adherence to  
27 diversity and equal opportunity laws, policies, procedures,  
28 guidelines, and related matters for city services, programs,  
29 activities, employment, and purchasing.

30 (9) Shall participate in the assessment and review of  
31 the city's employment practices, including recruitment,

1 appointment, and promotion, as they pertain to all employees  
2 and applicants at all levels of city employment.

3 (10) Shall compile various equal opportunity reports  
4 and related reports required of the city by state and federal  
5 agencies or that are necessary for compliance purposes.

6 (11) Shall perform all other functions as prescribed  
7 by ordinances or as otherwise directed by the commission.

8 Section 3. Section 5.07 is created and added to the  
9 charter of the City of Gainesville, as created by chapter  
10 90-394, Laws of Florida, as amended, to read:

11 5.07 Equal Opportunity.--

12 (1) The city shall not deny any person any benefit,  
13 service, employment, opportunity for service, contract, or any  
14 incidents or emoluments thereto on the basis of race,  
15 religion, color, gender, national origin, marital status,  
16 disability, sexual orientation, or age. The commission shall  
17 adopt human relations and equal opportunity ordinances to  
18 implement this provision.

19 (2) The charter officers shall apply the city's human  
20 relations and equal opportunity ordinances and implement its  
21 human relations and equal opportunity programs within their  
22 respective departments and shall coordinate the efforts of the  
23 various departments to optimize the effectiveness of their  
24 efforts. The charter officers shall from time to time make  
25 individual and collective recommendations to the commission  
26 pertaining to the effectiveness of the city's human relations  
27 and equal opportunity ordinances and programs pertaining to  
28 the activities of the city.

29 Section 4. Nothing in this act shall abrogate the  
30 provisions of any collective bargaining agreement or the  
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1 city's responsibility to negotiate terms and conditions of  
2 employment.  
3           Section 5. This act shall take effect upon becoming a  
4 law.  
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