

By Senator Smith

5-1185-02

See HB

1 A bill to be entitled
2 An act relating to the City of Gainesville;
3 amending chapter 90-394, Laws of Florida;
4 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; making the charter officers
11 responsible for implementing the equal
12 opportunity and human relations ordinances and
13 programs in their respective departments;
14 providing for application to persons covered
15 under collective bargaining agreements;
16 providing an effective date.

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

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

23 3.05 City internal auditor.--

24 (1) The commission may appoint a city internal auditor
25 who shall serve at the will of the commission. The city
26 internal auditor ~~shall~~:

27 (a) Shall perform financial and compliance audits.

28 (b) Shall assist the commission in all its
29 accountability functions.

30 (c) Shall perform compliance audits on the
31 implementation of the city's human relations and equal

1 opportunity ordinances, policies, and programs pertaining to
2 the activities of the city within all departments of the city
3 in accordance with schedules prescribed by the commission.

4 (d) Shall perform all other duties assigned by the
5 commission.

6 (2) All financial and compliance audits and other
7 reports of the city internal auditor shall be filed in the
8 office of the clerk of the commission.

9 Section 2. Section 3.08 is added to Article III of the
10 charter of the City of Gainesville, as created by chapter
11 90-394, Laws of Florida, to read:

12 3.08 Equal opportunity director.--The commission shall
13 appoint an equal opportunity director who shall serve at the
14 will of the city commission. The equal opportunity director:

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

23 (2) Shall make reports, including an annual report, to
24 the charter officers and the commission, as appropriate, as to
25 the activities of the year and the need, if any, to revise the
26 city's human relations and equal opportunity ordinances,
27 policies, and programs pertaining to, but not limited to,
28 equal opportunity, affirmative action, local minority business
29 and local small business enterprise procurement program, fair
30 housing, unlawful harassment, and accessibility to the city's
31 programs, services, and activities.

1 (3) Shall propose policies for the implementation of
2 comprehensive equal opportunity and diversity programs and
3 adherence to equal opportunity laws, policies, procedures, and
4 related matters.

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

7 (5) Shall develop training, conduct workshops, and
8 propose strategies and initiatives related to diversity and
9 equal opportunity and related matters in employment,
10 purchasing, services, programs, and activities.

11 (6) Shall review all proposed changes to current or
12 proposed new city employment policies, procedures, and
13 guidelines, job descriptions, and purchasing policies,
14 procedures, and guidelines for compliance with equal
15 opportunity laws, policies, procedures, and guidelines, and
16 related matters.

17 (7) Shall monitor all hires, transfers, demotions,
18 promotions, and terminations for compliance with equal
19 opportunity laws, policies, procedures, guidelines, and
20 related matters.

21 (8) Shall develop instruments to monitor adherence to
22 diversity and equal opportunity laws, policies, procedures,
23 guidelines, and related matters for city services, programs,
24 activities, employment, and purchasing.

25 (9) Shall participate in the assessment and review of
26 the city's employment practices, including recruitment,
27 appointment, and promotion, as they pertain to all employees
28 and applicants at all levels of city employment.

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

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

3 Section 3. Section 5.07 is added to Article V of the
4 charter of the City of Gainesville, as created by chapter
5 90-394, Laws of Florida, to read:

6 5.07 Equal opportunity; duties of charter
7 officers.--The charter officers shall apply the city's human
8 relations and equal opportunity ordinances and implement its
9 human relations and equal opportunity programs within their
10 respective departments and shall coordinate the efforts of the
11 various departments to optimize the effectiveness of their
12 efforts. The charter officers shall, from time to time, make
13 individual and collective recommendations to the commission
14 pertaining to the effectiveness of the city's human relations
15 and equal opportunity ordinances and programs pertaining to
16 the activities of the city.

17 Section 4. Nothing in this act shall abrogate the
18 provisions of any collective-bargaining agreement or the
19 city's responsibility to negotiate terms and conditions of
20 employment.

21 Section 5. This act shall take effect upon becoming a
22 law.

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