

ORDINANCE 2025-03

AMEND AND RESTATE FAIR HOUSING

AN ORDINANCE OF THE CITY OF PALM COAST, FLORIDA, AMENDING AND RESTATING CHAPTER 17, ARTICLE II OF THE CITY OF PALM COAST CODE OF ORDINANCES ENTITLED FAIR HOUSING CODE; PROVIDING FOR A DECLARATION OF POLICY TO **PROHIBIT DISCRIMINATION IN HOUSING BASED UPON RACE, COLOR ANCESTRY, RELIGION, SEX, MARITAL STATUS, FAMILIAL STATUS, HANDICAP, NATIONAL ORIGIN, OR AGE; PROVIDING FOR DEFINITIONS;**

DESIGNATING AS UNLAWFUL CERTAIN DISCRIMINATORY PRACTICES IN THE SALE OR RENTAL OF HOUSING, AS WELL AS IN ADVERTISING IN CONNECTION THEREWITH, IN THE FINANCING OF HOUSING, AND IN BROKERAGE SERVICES RELATED TO EXCEPTIONS; PROVIDING FOR AN ADMINISTRATOR TO BE DESIGNATED BY THE CITY MANAGER AND PRESCRIBING THE GENERAL POWERS AND DUTIES OF SUCH ADMINISTRATOR, PRESCRIBING ACTION UPON A DETERMINATION OF PROBABLE CAUSE, AND AUTHORIZING THE PROMULGATION OF FORMS AND REGULATIONS; MAKING PROVISIONS FOR THE FILING OF COMPLAINTS AND RESPONSES THERETO, AND THE PROCESSING THEREOF BY THE ADMINISTRATOR; PROVIDING FOR ADDITIONAL REMEDIES; PROVIDING FOR PROHIBITING UNTRUTHFUL COMPLAINTS OR FALSE TESTIMONY; PROVIDING FOR PENALTIES FOR VIOLATION OF SUCH CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Chapter 17 of City of Palm Coast Code of Ordinance Fair Housing was previously initiated through Ordinance 2005-30; and

WHEREAS, this Ordinance is to amend and restate the City of Palm Coast Fair Housing Ordinance in accordance with changes to existing Federal Fair Housing Act 42 USC Chapter 45 Fair Housing; and

WHEREAS, the Planning and Land Development Regulation Board and City Staff of the City of Palm Coast have recommended approval of this Ordinance, and the Planning and Land Development Regulation Board has found this requested change consistent with the City of Palm Coast Comprehensive Plan; and

WHEREAS, the City Council has considered the recommendations of City staff, and the recommendation of the Planning and Land Development Regulation; and

WHEREAS, the notice and public hearing requirements, as provided for in Chapter 2 (Review

Authority, Enforcement, and Procedures) of the City of Palm Coast Unified Land Development Code have been satisfied; and

WHEREAS, the City Council of the City of Palm Coast hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Palm Coast, Florida.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF PALM COAST, FLORIDA:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS. The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council.

SECTION 2. AMENDMENT TO CHAPTER 17 SECTION 17-21 THROUGH 17-33, OF THE CODE OF CITY ORDINANCES. Section 17 of the *Code of Ordinances* of the City of Palm Coast is amended as attached hereto and incorporated herein by reference as Exhibit "A."

SECTION 3. SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4. CODIFICATION. It is the intention of the City Council of the City of Palm Coast, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Palm Coast, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to "Section," "Article," or other appropriate word.

SECTION 5. CONFLICTS. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon

its passage and adoption.

APPROVED on first reading this 21st day of January 2025.

ADOPTED on second reading after due public notice and hearing this 18th day of February 2025.

ATTEST:

CITY OF PALM COAST

KALEY COOK, CITY CLERK

MICHAEL NORRIS, MAYOR

APPROVED AS TO FORM AND LEGALITY

MARCUS DUFFY, CITY ATTORNEY

Attachments: Exhibit "A" – AMENDED AND RESTATED CHAPTER 17, ARTICLE II, FAIR HOUSING

Exhibit "A"

CHAPTER 17, ARTICLE II
AMENDED AND RESTATED
FAIR HOUSING CODE

SECTION 17-21. TITLE.

Chapter 17 Section 17-21 Article II of the *Code of Ordinances* of the City of Palm Coast, Florida, is hereby amended and restated as follows; and which shall be known as and may be cited as the "Fair Housing Code" of the City of Palm Coast, Florida.

SECTION 17-22. LEGISLATIVE PURPOSE.

It is the purpose of this Ordinance to declare the policy of the City of Palm Coast, in the exercise of its police power for the public safety, health, morals and welfare, to assure equal opportunity to obtain adequate housing by all persons regardless of race, color, sex, to include, but not be limited to, sexual orientation, religion, national origin, familial status, or handicap, and, to that end, to eliminate discrimination in housing. The protections afforded against discrimination on the basis of familial status as set forth in this Ordinance shall apply to any person.

SECTION 17-23. DEFINITIONS.

The terms as used herein shall be defined as follows:

- (a). Administrator: That person appointed by the City of Palm Coast pursuant to Section 17-26 hereof.
- (b). Age: Unless the context clearly indicates otherwise, the work age as used herein shall refer exclusively to persons who are 18 years of age or older or have been legally emancipated.

(c.) Council means the City Council of the City of Palm Coast, Florida.

(d) Discriminatory housing practice means an act that is unlawful under this Ordinance.

(e) *Dwelling* means any building, structure, or portion hereof which is occupied as, or designated or intended for occupancy as a residence by one (1) or more families, and any vacant land which if offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof. (f) *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 persons.

(f). *Family* includes a related group of persons and a single individual in appropriate circumstances.

(g). *Handicap* means that a person has physical or mental impairment which is recognized under the *Americans with Disabilities Act* and that he/she has a record of having, or is regarded as having, such physical or mental impairment.

(h) *Housing or Housing Accommodation*: Any building, structure, or portion thereof, mobile home or trailer, or other facility which is occupied as, or designed or intended for occupancy as, a residence by one or more families, 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, mobile home or trailer or other facility.

(I) *Lending Institution*: Any bank, insurance company, savings and loan association or any other person or organization regularly engaged in the business of lending money, guaranteeing loans, or sources of credit information, including, but not limited to credit bureaus.

(j) *Owner*: Any person having the right of ownership or possession or the authority to sell or lease any housing accommodation, including, but not limited to a lessee, sublease, assignee, manager, or agent, and including the City of Palm Coast and its departments or other subunits. (L). *Person* includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, point-stock companies, trusts, unincorporated organizations, trustees, trustee in bankruptcy, receivers, and fiduciaries by whatever name.

(k). *Real Estate Agent*: Any real estate broker, any real estate salesperson, or any other person, employee, agent, or otherwise, engaged in the management or operation of any real property,

(L). *Real Estate Broker or Salesperson*: A person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property, or who negotiates or attempts to negotiate any of these activities, or who holds himself or herself out as engaged in these activities, or who negotiates or attempts to negotiate a loan secured or to be secured by mortgage or other encumbrance upon real property, or who is engaged in the business of listing real property in a publication; or a person employed by or acting on behalf of any of these.

(m). *Real Estate Transaction*: Includes the sale, purchase, exchange, rental or leases of real property, and any contract pertaining thereto.

(n). *To rent* includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the resident.

(o). Respondent: Any person against whom a complaint is filed pursuant to this ordinance.

(p) Sale: Includes any contract to sell, exchange, or to convey, transfer or assign legal or equitable title to, or a beneficial interest in, real property.

(q) Sex: Includes a person's sexual orientation, gender assigned at birth, and pregnancy status.

SECTION 17-24. UNLAWFUL HOUSING PRACTICES.

(1) Unlawful housing practices: Sale or rental and advertising in connection therewith. Except as provided in Section 17-25 hereof, it shall be unlawful and a discriminatory housing practice for an owner, or any other person engaging in a real estate transaction, or for a real estate broker, as defined in this ordinance, because of race, color, ancestry, national origin, religion, sex, marital status, familial status, handicap, or age:

(a) To refuse to engage in a real estate transaction with a person or to otherwise make unavailable or deny housing to any person.

(b) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith.

(c) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person.

(d) To refuse to negotiate for a real estate transaction with a person.

(e) To represent to a person housing is not available for inspection, sale, rental, or lease when, in fact, it is so available, or to fail to bring a property listing to such person's attention, or to refuse to permit him or her to inspect the housing.

(f) To steer any person away from or to any housing.

(g) To make, print, publish, circulate, post or mail, or cause to be made, printed, published or circulated, any notice, statement, advertisement or sign, or to use a form of application or photograph for a real estate transaction or, except in connection with a written affirmative action plan, to make a record or oral or written inquiry in connection with a prospective real estate transaction, which indicates directly or indirectly an intent to make a limitation, specification, or discrimination with respect thereto.

(h) To offer, solicit, accept, use, or retain a listing of housing with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith.

(i) To induce or attempt to induce any person to transfer an interest in any housing by representations regarding the existing or potential proximity of housing owned, used, or occupied by any person protected by the terms of this Ordinance.

(j) To make any misrepresentations concerning the listing for sale or rental, or the anticipated listing for sale or rental, or the sale or rental of any housing in any area in City of Palm Coast for the purpose of inducing or attempting to induce any such listing or any of the above transactions.

(k) To retaliate or discriminate in any manner against any person because of his or her opposing a practice declared unlawful by this Ordinance, or because he or she has filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding or conference under this Ordinance.

(l) To aid, abet, incite, compel, or coerce any person to engage in any of the practices prohibited by the provisions of this ordinance, or to obstruct or prevent any person from complying with the provisions of this Ordinance, or any conciliation agreement entered there under.

(m) By canvassing to compel any unlawful practices prohibited by the provisions of this Ordinance.

(n) Otherwise, to deny to, or withhold, any housing accommodations from a person.

(o) To promote, induce, influence or attempt to promote, induce or influence by the use of postal cards, letters, circulars, telephone, visitation or any other means, directly or indirectly, a property owner, occupant, or tenant to list for sale, sell, remove from, lease, assign, transfer, or otherwise dispose of any housing by referring as a part of a process or pattern of indicating neighborhood unrest, community tension, or fear of racial, color, religious, nationality or ethnic change in any street, block, neighborhood or any other area, to the race, color, religion, neighbors, tenants or other prospective buyers of any housing.

(p) To place a sign or display any other devise either purporting to offer for sale, lease, assignment, transfer, or other disposition or tending to lead to the belief that a bona fide offer is being made to sell, lease, assign, transfer or otherwise dispose of any housing that is not in fact available or offered for sale, lease, assignment, transfer, or other disposition.

(2) Unlawful housing practices: Financing

It shall be unlawful and a discriminatory housing practice for any lending institution, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing or maintaining housing, or to discriminate against such person in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other

financial assistance, because of the race, color, ancestry, national origin, religion, sex, marital status, familial status, handicap or age of such person or of any person associated with such person in connection with such loan or other assistance, or of the present or prospective owners, lessees, tenants or occupants of the housing in relation to which such loan or other financial assistance is to be made or given; provided that nothing contained in this subsection shall impair the scope or effectiveness of the exceptions contained in Section 17-25 of this ordinance.

(3) Unlawful housing practices: Brokerage Services

It shall be unlawful and a discriminatory housing practice to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization, or facility related to the business of selling, or renting housing, or to discriminate against such person in the terms or conditions of such access, membership or participation because of race, color, ancestry, national origin, religion, sex, marital status, familial status or age.

SECTION 17-25. EXEMPTIONS AND EXCEPTIONS.

(1) Nothing contained in Section 17-24 hereof shall prohibit a religious organization, association, or society, or any nonprofit charitable or educational institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting or from advertising the sale, rental or occupancy of housing which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons. Nor shall anything in this Ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(2). The provisions of this Ordinance, except in Section 17-24 other than subsection (g) of subsection (1) thereof , shall not apply to:

- (1). any single-family house sold or rented by a *bona fide* private individual owner if:
 - (i). the owner does not own more than three (3) such single- family houses at any one time;
 - (ii). in the case of the sale of a single-family house, the owner was not the most recent resident at the time of such sale, the exemption granted by this Subsection shall apply only with respect to one (1) such sale within any twenty-four (24) month period;
 - (iii). the owner does not own interest in, nor is there owned or reserved on his or her behalf, under any express or voluntary agreement, title to any right to all or a portion of the proceeds from the sale or rental or

more than three (3) single-family houses at any one time;

(b). The sale or rental of any single-family house shall be excepted from the application of this Ordinance only if such house is sold or rented:

- (i). without the use of any manner of sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and
- (ii). without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of this Ordinance, provided, however, that nothing in this Ordinance shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.

(c). The provisions of this Ordinance shall not apply to two (2) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.

(d). For the purposes of this Ordinance, a person shall be deemed to be in the business of selling or renting dwellings if:

- (1). he or she has, within the preceding twelve (12) months participated as principle in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein, or
- (2). he or she has, within the preceding twelve (12) months participated as agent other than in the sale of his or her personal residence in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein, or
- (3). he or she is the owner of any dwelling designated or intended for occupancy by, or occupied by, five (5) or more families.

(e). Nothing in this Ordinance shall prohibit a religious organization, association, society, or any non-profit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, to include, but not be limited to, sexual orientation, religion, national origin, familial status, or handicap.

(f). Nothing in this Ordinance shall prohibit a private club, not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings from which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(g). Nothing in this Ordinance requires any person renting or selling a dwelling to modify, alter, or adjust the dwelling in order to provide a physical accessibility except as otherwise required by law.

Nothing in Section 17-24 hereof shall be construed to:

(a) Bar any person from restricting sales, rentals, leases, or occupancy, or from giving preference to persons of a given age for bona fide housing intended solely for the elderly or bona fide housing intended solely for minors.

(b) Make it an unlawful act to require that a person has legal capacity to enter a contract or lease.

(c) Bar any person from advertising or from refusing to sell or rent any housing which is planned exclusively for, and occupied exclusively by, individuals of one sex, to any individual of the opposite sex.

(d) Bar any person from selling, renting, or advertising any housing which is planned exclusively for, and occupied exclusively by, unmarried individuals to unmarried individuals only.

(e) Bar any person from advertising or from refusing to sell or rent any housing which is planned exclusively for married couples without children or from segregating families with children to special units of housing.

(f) Bar any person from refusing a loan or other financial assistance to any person whose life expectancy, according to generally accepted mortality tables, is less than the term for which the loan is requested.

SECTION 17-26. DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

(a). Except as otherwise provided in this Ordinance, it is prohibited and unlawful to refuse to sell or rent after making *bona fide* offer or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, to include, but not be limited to, sexual orientation, religion, national, origin, familial status, or handicap.

(b). Except as otherwise provided in this Ordinance, it is prohibited and unlawful to discriminate against any person in the terms, conditions, or facilities in connection therewith, because of race, color, sex, to include, but not be limited to, sexual orientation, religion, national

origin, familial status, or handicap.

(c). Except as otherwise provided in this Ordinance, it is prohibited to make, print, or publish, or cause to made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, imitation, or discrimination based on race, color, to include, but not be limited to, sexual orientation, religion, national origin, familial status, or handicap, or an intention to make any such preference, imitation, or discrimination.

(d). Except as otherwise provided in this Ordinance, it is prohibited and unlawful to represent to any person because of race, color, sex, to include, but not be limited to, sexual orientation, religion, national origin, familial status, or handicap that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(e). Except as otherwise provided in this Ordinance, it is prohibited and unlawful for profit to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, sex, to include, but not be limited to, sexual orientation, religion, national origin, familial status, or handicap.

SECTION 17-27. DISCRIMINATION IN TH E FINANCING OF HOUSING.

Except as provided in this Ordinance, it is prohibited and unlawful for any bank, building and loan association, insurance company, or other corporation, association, firm, or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, construction, improving, repairing, or maintaining a dwelling, or to discriminate against him or her in the fixing of the amount, financial assistance, because of race, color, sex, to include, but not be limited to, sexual orientation, religion, national origin, familial status, or handicap of such person or any person associated with him or her in connection with such loan or other financial assistance or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given.

SECTION 17-28. DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICE.

It is prohibited and unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate broker's organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him or her in the terms or conditions of such access, membership, or participation on account of race, color, sex, to include, but not be limited to, sexual orientation, religion, national origin, familial status, or handicap.

SECTION 17-29. ADMINISTRATION AUTHORITY AND RESPONSIBILITIES.

(a). The City Manager shall administer the provisions of this Ordinance.

(b). The City Council may delegate its functions, duties, and powers to an appointed board, City Manager, or City Manager designee, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this Ordinance.

(c). The City Manager, or designee, shall:

- (1). Receive written complaints as hereinafter provided in Section 17-24 relative to alleged unlawful acts under this Ordinance when a complaint seeks the Administrator's good offices to conciliate.
- (2). implement the provisions of this Ordinance and rules and regulations promulgated hereunder and all ordinances, codes, rules, and regulations pertaining to housing and discrimination;
- (3). receive, initiate, and investigate any and all complaints alleging violations of this Ordinance and take appropriate action to eliminate, conciliate, prevent, and/or initiate prosecution of such violations;
- (4). provide assistance from time-to-time relating to equal housing opportunity;
- (5). publish and disseminate public information and educational materials relating to housing discrimination;
- (6). enter into written working agreements as may be necessary to effectuate the purposes of this Ordinance with Federal, State, County and other agencies and entities involved in reducing housing discrimination; and
- (7). take other informational, educational, or persuasive actions to implement the purposes of this Ordinance.
- (8). Establish, administer, or review programs at the request of the City Manager and make reports on such programs to the Planning Land Development Regulation Board or City Council.
- (9). Bring to the attention of the City Manager items that may require Code Enforcement notice or action to resolve.
- (10). Render to the City Manager annual written reports of his or her activities under the provisions of this Ordinance along with such comments and recommendations as he or she may choose to make.

- (11). Cooperate with and render technical assistance to federal, state, local and other public and private agencies, organizations, and institutions which are formulating or carrying on programs to prevent or eliminate the unlawful discriminatory practices covered by the provisions of this Ordinance.
- (12). Determination of Probable Cause. If after fully processing the complaint in the manner hereafter provided, the Administrator determines that there is probable cause to believe that there has been a violation of the provisions of this Ordinance, the Administrator shall refer the matter, along with the facts he or she has gathered in the investigations, to the proper county, state, or federal authorities for appropriate legal action.
- (13). Promulgation of Forms and Regulations. The Administrator shall promulgate, publish, and distribute the necessary forms, rules, and regulations to implement the provisions of this Ordinance.

SECTION 17-30. COMPLAINTS

(a). Any person aggrieved by an alleged unlawful practice prohibited by this Ordinance may file a written complaint with the City Manager, or designee, within forty-five (45) days after the alleged unlawful practice occurs.

(b). Upon receipt of a complaint, the City Council or its appointed board shall serve upon the individual charged with a violation (hereinafter referred to as the respondent), the complaint and a written summary setting forth the rights of the parties including, but not limited to, the right of the respondent to a hearing on the matter before adjudication by the City Council or a board appointed by the City Council to hear such matters.

(c). The City Manager, or designee, shall investigate the complaint.

(d). Within sixty (60) days from the date of the completion of the investigation, the City Council or its appointed board shall hear evidence pertaining to the complaint at a quasi-judicial hearing and issue a written order.

(e). Copies of the decision shall be provided to the complainant and the respondent.

(f). If the appointed board hears the matter, its decision may be appealed to the City Council in a *de nova* proceeding by filing a written appeal with the City Clerk within ten (10) days of the issuance of the written order.

(g). The City Council or its appointed board may determine:

- (1). that the complaint lacks ground upon which to base action for violation of this Ordinance, or
- (2). that the complaint has been adequately dealt with by conciliation of the parties, or
- (3). that the case warrants filing charges against the offending party in an appropriate forum. In some cases, both conciliation and adjudicative orders, or both adjudicative orders and initiation of judicial or administrative action may be indicated.

(h). If the City Council or its appointed board issues an adjudicative order to correct, adjust, conciliate, prevent, or prohibit any unlawful act prohibited by this Ordinance, and the respondent refuses or fails to comply with or obey such adjudication, the City Council or its appointed board shall consider initiating appropriate action or refer the matter to an appropriate agency.

SECTION 17-31. PROCEDURES RELATING TO HEARINGS.

(a). When a hearing is required before the City Council or its appointed board, the City Council or its appointed board shall schedule the hearing and serve upon all interested parties a notice of time and place of the hearing. The hearing shall be held promptly, but not less than fifteen (15) days after service of such notice.

(b). The parties, or their authorized counsel, may file such statements with the City Council or its appointed board, prior to the hearing date, as they deem necessary in support of their positions. The parties may appear before the City Council or its appointed board in person or by duly constituted representative and may have the assistance of attorneys. The parties may present testimony and evidence and shall have the right to cross-examine witnesses. All testimony shall be given under oath or by affirmation. The City Council or its appointed board shall not be bound by strict rules of evidence prevailing in courts of law or equity, but due process shall be observed. The City Council or its appointed board shall keep a full public record of the hearing. The constitutional rights of the respondent not to incriminate himself or herself shall be observed.

(c). The City Council or its appointed board shall make a finding of fact, and determination of action to be taken.

(d). The City Council or its appointed board may issue subpoenas to compel access to or the production or appearance of premises, records, documents, individuals, and other evidence or possible sources of evidence relative to complaints.

(e). Upon written application to the City Council or its appointed board, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and

in the name of the City. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at this request.

(f). Witnesses summoned by the subpoena of the City Council, or its appointed board shall be entitled to the same witness and mileage fees as witnesses in proceedings in the State courts of Florida. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by the respondent.

(g). Within ten (10) days after service of a subpoena upon any person, such person may petition the City Council or its appointed board to revoke or modify the subpoena. The City Council or its appointed board shall grant the petition if it finds that the subpoena requires appearance or attendance, at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(h). In case of refusal to obey a subpoena, the City Council or its appointed board or the person at whose request it was issued may petition for its enforcement in the appropriate court.

SECTION 17-32. OTHER REMEDIES.

Nothing in this Ordinance shall prevent any person from exercising any right or seeking any remedy to which he or she might otherwise be entitled, or from filing of any complaint with any other agency or any court having proper jurisdiction. The City may pursue any legal remedy or enforcement proceeding available to the City under controlling law.

SECTION 17-33. REPORT TO FLORIDA REAL ESTATE COMMISSION.

If a real estate broker, a real estate salesman, or an employee thereof has been found to have committed an unlawful practice in violation of this Ordinance or has failed to comply with an order issued by the City Council or its appointed board, the City Council or its appointed board shall, in addition to the other procedures set forth herein, report the facts to the Florida Real Estate Commission.

SECTION 17-34. EDUCATION AND PUBLIC INFORMATION.

The Administrator may conduct educational and public informational activities that are designed to promote the policy of this Ordinance.

SECTION 17-32. UNTRUTHFUL COMPLAINTS OR TESTIMONY.

It shall be a violation of this Ordinance for any person knowingly and willfully to make false or untrue statements, accusations or allegations in a complaint filed hereunder or to give false testimony concerning violations of this ordinance.

SECTION 17-33. PENALTY.

Any person who violates any provisions of this Ordinance shall be subject, upon conviction, to a fine up to but not exceeding the sum of Eight Hundred and no/100 Dollars (\$800.00).

SECTION 17-34. ADMINISTRATIVE RULES. The City Manager is hereby authorized to adopt administrative rules that he or she deems necessary and appropriate to implement the provisions of this Ordinance.