



HUMAN RIGHTS BOARD

BYLAWS

ARTICLE I – AUTHORITY

The powers, authority and procedures outlined in these Bylaws as promulgated in the Broward County Human Rights Act, Chapter 16½, Broward County Code of Ordinances as amended from time to time (the "Act").

ARTICLE II – PURPOSE; POWERS

The Act was created to: (i) express support within Broward County for the policies embodied the Federal Civil Rights Acts of 1964 and 1968, the Americans with disabilities Act of 1990 and other federal and state anti-discrimination laws; and (ii) to secure for all individuals within Broward County: "freedom from discrimination because of race, color, religion, sex, national origin, age, marital status, political affiliation, familial status, disability, sexual orientation, pregnancy, or gender identity or expression, in connection with employment, public accommodations, and real estate transactions".

The primary purpose of the Broward County Human Rights Board ("Board" or "Human Rights Board") is to support the Board of County Commissioners of Broward County ("County Commission"), the County Administrator, and the Human Rights Section in fulfilling the purposes, policies, and provisions of the Act, with the goal of eliminating discrimination in matters relating to employment, public accommodations, and real estate transaction.

In fulfilling its purpose, the Board is authorized to exercise both advisory and quasi-judicial powers, as more specifically provided in Section 16 1/2--22 of the Act. The Board's advisory powers include the ability to advise the County Commission, the County Administrator and the Director on matters pertaining to: (i) "Encouraging equality of treatment, and prevention of discrimination against any racial, religious, ethnic, or other minority group or its members"; (ii) "Funding for the employment of investigators, clerks, attorneys, and other employees and agents to assist in effecting the purposes and provisions of this Act"; and (iii) assisting community groups with educational programs related to the purposes of the Act. With respect to its quasi-judicial powers, the Board's authority includes the ability to: (i) "To receive charges alleging any discriminatory practice; to seek to conciliate with the parties; to hold hearings in order to determine and adjudicate the facts; to issue binding orders; to act upon charges alleging violations of this Act; and to grant relief from discriminatory practices"; and (ii) to petition the county or circuit court to enforce a final Board order.

ARTICLE III – BOARD COMPOSITION

Section 1. The Board shall consist of eighteen (18) members appointed by the County Commission and shall be representative of the Broward County population and shall include racial, ethnic and religious minorities, in addition to geographic, economic and sexual considerations. The membership of the Board must include: at least one attorney who is a member in good standing of The Florida Bar; a member of the business community; a representative of the real estate industry; a member of a non-profit civil rights

organization; a member who is sixty (60) year of age or older; a small business owner; a representative of municipal government; a representative of an employee organization; and a representative of the banking industry.

Section 2. Board members shall serve at the pleasure of the County Commission or shall serve until the expiration of the term of the nominating County Commissioner.

Section 3. Whenever a vacancy occurs, the Board Administrator shall promptly advise the County Commissioner that such vacancy exists. The Board Coordinator will promptly advise the Board of any vacancies or newly appointed members.

ARTICLE IV – ELECTION OF OFFICERS

Section 1. The Board shall elect from among its own members a Chair and a Vice Chair at the final Board meeting of the calendar year, unless the Board deems it necessary, or in the best interest to hold its election of officers at an earlier time. They shall hold office commencing January 1 to December 31, not to exceed two (2) consecutive one (1) year terms in duration and subject to an election after the first-year term. The election of officers shall be the first order of business on the agenda.

Section 2. The Chair will open the floor for nominations for the position of Chair. Once each nomination has been presented and accepted, the nominees for Chair will then have three (3) minutes to provide a statement of their candidacy. Members will then vote by a roll call vote.

Section 3: The Chair will then open the floor for nominations for the position of Vice Chair. Once each nomination has been presented and accepted, the nominees for Vice Chair will then have three (3) minutes to provide a statement of their candidacy. Members will then vote by a roll call vote.

Section 4. The new officers shall be sworn in by either the Assistant County Attorney assigned to represent the Board, or the Business Manager of the Human Rights Section, or their designee.

Section 5. The newly elected officers shall assume their respective duties at the conclusion of the final Board meeting at which they were elected.

Section 6. In the event the position of Chair becomes vacant for any reason, the Vice-Chair shall automatically become Chair and serve as Chair for the balance of the Chair's term. The Board shall elect a new Vice-Chair at the next Board meeting who shall serve for the balance of the Chair's term.

Section 7. In the event the position of Vice-Chair becomes vacant for any reason, the Board shall elect a new Vice-Chair at the next Board meeting who shall serve for the balance of the Vice-Chair's term.

Section 8. The Board shall have the power to elect such officers as the Board desires.

ARTICLE V – DUTIES OF OFFICERS

Section 1. Duties of the Chair:

- A. Sign documents, including but not limited to orders, subpoenas, and memorandums and assist in expediting official Board business.
- B. Prepare and present the agenda to the Board Coordinator seven (7) days in advance of a meeting.
- C. Cancel the meeting by the end of the business day on the Thursday before the meeting after consultation with the chair, if there appears that there will not be a quorum, or at the discretion of the Equal Opportunity Officer of the Human Rights Section, based upon good cause or a declared emergency.
- D. Call a special meeting of the Board.
- E. Opens the meeting at the appointed time by calling the meeting to order, having determined that a quorum is present.
- F. Announce that all members, public speakers, including county staff should sign-in.
- G. Introduce new Board members.
- H. Recognize Board members who are entitled to the floor.
- I. Restate and put to vote by Board members “say all” matters that are moved for consideration or necessarily arise in the course of the proceedings and further to announce the result of each vote. The Chair shall vote at all times and shall vote last upon any roll call vote of members.
- J. Announce the name of the Board member who proposed and seconded a motion, and announce the name of those Board members, if any, voting no.
- K. Discourage Board members from making frivolous or dilatory motions.
- L. Open the floor for public comment.
- M. Respond to inquiries of Board members relating to parliamentary procedure or factual information.
- N. Decide on all questions of order, subject to appeal, unless submitted to Board for a decision.
- O. Declare the meeting adjourned when the Board so votes, or at the time prescribed on the agenda, or at the conclusion of the Board’s business.
- P. May communicate, in writing or verbally, the Board’s position on issues to the County Commission, County Administration, or other individuals upon motion or consensus by the Board.

Section 2. Duties of the Vice Chair:

- A. Serve in the absence of the Chair or at such times as the Chair relinquishes the role of the Chair.

- B. Perform other duties as assigned by the Chair from time to time.

ARTICLE VI – DUTIES OF BOARD MEMBERS

- Section 1. In accordance with the Broward County Code of Ordinances, Board members shall notify the Board Coordinator at least two (2) business days prior to the scheduled meeting date as to whether they will attend in person or virtually or will not attend the meeting, unless the occurrence of an excused absence makes such notice impracticable.
- Section 2. Board members will be assigned to serve on Final Administrative Hearing Panels on a rotational basis, whenever possible.
- Section 3. Board members will familiarize themselves with the Act, the Florida Sunshine Law, and all other pertinent laws and regulations relating to their responsibilities. Attendance for all trainings is mandatory and members will certify they have completed training.
- Section 4. Board members shall refrain from discussing any case that was filed with the Human Rights Section that has not yet been resolved or dismissed, except as set forth in the Act. Any Board member assigned to a case where a conflict of interest has arisen, or it appears as though a potential conflict of interest may arise, shall advise the Chair of the Board or the Chair of the Final Administrative Hearing Panel who will take appropriate action, if necessary.
- Section 5. Board members are also responsible for other duties as outlined in the Broward County Human Rights Act, Chapter 16½, Broward County Code of Ordinances.

ARTICLE VII – BOARD MEETINGS

- Section 1. The Board shall adopt an annual schedule of meetings at the last scheduled meeting of the calendar year. The Board shall meet no less than once quarterly on a Monday, at a place to be designated by the Human Rights Section. If a meeting falls on a religious holiday, a Board member may request that the meeting be rescheduled.
- Section 2. The Chair may schedule additional Board meetings, as appropriate.
- Section 3. Special meetings may be called by the Chair, or by majority vote of the appointed Board members at a regularly scheduled meeting. Public notice of a special meeting must be made at least seven (7) days prior to the meeting, unless there is an immediate need for the meeting, and then notice must be made at least forty-eight (48) hours prior to the meeting. Other than special meetings held for the purpose of exercising quasi-judicial powers, no more than two (2) special meetings may be held in any calendar year. Special meetings are limited to the consideration of items of urgency that require resolution prior to the next regularly scheduled meeting and subject matters not expressly included in an initial special meeting notice may not be considered by the Board.

- Section 4. All Board meetings shall be held in accordance with the Florida Sunshine Law.
- Section 5. The Human Rights Section shall record minutes of all meetings which shall be approved by a majority vote of the Board members at the next scheduled Board meeting.
- Section 6. A quorum for a Board meeting shall be a majority of the total appointed Board members, provided that either the presiding member or at least three (3) members are physically present at the meeting. If either the presiding member or at least three (3) members are physically present at a meeting, members who are not physically present may attend and participate in the meeting by using communications media technology such as telephonic or video conferencing. If the Board is exercising its quasi-judicial powers, then a quorum for a Board meeting shall be a majority of the total appointed Board members physically present at the meeting.
- Section 7. In the absence of the Chair and Vice Chair, the most senior Board member present may convene and act as Chair of the Board meeting.
- Section 8. All meetings of the Board shall be conducted in accordance with *Robert's Rules of Order*, except as provided by these Bylaws.

ARTICLE VIII – COMMITTEES

- Section 1. The Board by a majority vote may establish standing committees necessary to fulfill the work of the Board.
- Section 2. The Chair may establish ad hoc committees necessary to fulfill the work of the Board.
- Section 3. Standing committees and ad hoc committees can be terminated by a majority vote of the Board.

ARTICLE IX – FINAL ADMINISTRATIVE HEARING PANELS

- Section 1. Final Administrative Hearing Panels ("Hearing Panels") shall be convened in accordance with the Act.
- Section 2. Hearing Panels shall consist of three (3) members and one (1) alternate. Board members shall be assigned to Hearing Panels on a rotating basis. For Final Administrative Hearings, the alternate must remain throughout the hearing in the event that a Hearing Panel member cannot be present for the entire proceeding. Board members who are unavailable to serve on the Hearing Panel will be placed back in rotation and will be contacted to serve on the next Hearing Panel. The Human Rights Section shall be responsible for such assignments.
- Section 3. In order for a member to be eligible for service on a Hearing Panel, the member must certify they completed training on Florida Sunshine Law, Ethics, and the Human Rights Act.

Section 4. A quorum for conducting Hearing Panels shall consist of three (3) members. Unless otherwise permitted by law, members must be physically present at Final Administrative Hearings.

Section 5. All hearings of the Board shall be conducted in accordance with the Broward County Human Rights Act and the procedures set forth in the ordinance.

Section 6. All hearings shall be held in accordance with the Florida Sunshine Law.

Section 7. In the event of illness of a panel member, the Human Rights Section will assign an alternate member to a particular Hearing Panel prior to the beginning of the hearing, notwithstanding the fact that the rotation is not followed.

Section 8. Hearings shall be set by the Human Rights Section at a time mutually convenient for all parties, their counsel, and the panel.

ARTICLE X – DISQUALIFICATION OF MEMBERS

Section 1. Any party to an action may move to disqualify a Panel member assigned to a case. A motion to disqualify shall be in writing and specifically allege the facts and reasons relied upon to show the grounds for disqualification and shall be sworn to by the party by signing the motion under oath or by a separate affidavit.

Section 2. Grounds: A motion to disqualify shall show:

- A. That the party fears that he or she will not receive a fair hearing because of specifically described prejudice or bias of the Panel member; or
- B. That the Panel member or some person related to the Panel member by consanguinity or affinity within the third degree is a party thereto or is interested in the result thereof; or that the Panel member is related to an attorney or other representative of record in the case by consanguinity or affinity within the third degree; or that the Panel member is a material witness for or against one of the parties to the case.

Section 3. Time: A motion to disqualify shall:

- A. Be made within five (5) days of the discovery of the facts constituting the grounds for the motion and shall be promptly presented to the Board Chair, through the Human Rights Section, for an immediate ruling.
- B. Any motion for disqualification made within ten (10) or fewer days, when necessary, preceding a Hearing must include certification that party was not aware of the facts upon which it is based until no more than five (5) days before the motion. Motions for disqualification made during a Hearing must be based upon facts discovered during the Hearing. Such Hearing motion shall be ruled upon immediately.

Section 4. Determination:

The Chair of the Board considering a motion to disqualify under Section 2.A. and/or 2.B. shall determine only the legal sufficiency of the motion and shall not determine the truth of the allegations. If the motion is legally sufficient, the Board Chair shall request the member to remove themselves and if the member declines to do so, the Board Chair shall immediately enter an order granting disqualification and proceed no further in the case. If any motion is legally insufficient, an order denying the motion shall immediately be entered. No other reason for denial shall be stated, and an order of denial shall not take issue with the motion.

Section 5. Successive Motions:

If a party makes a successive motion(s) for disqualification pursuant to Section 2.A. and/or 2.B., the Board Chair shall rule on whether the subject Panel member is in fact not fair or impartial in the case. The Board Chair may determine the truth of the allegations in support of the motion.

Section 6. Panel Member's Initiative:

Nothing in this rule limits a Panel member's authority to enter a notice of disqualification on the Panel member's own initiative.

ARTICLE XI – PREHEARING CONFERENCE

The Hearing Panel chosen for a Final Administrative Hearing may order a prehearing conference in order to simplify issues, expedite the proceedings, and promote possible settlement of a matter. Prior to the conference, the Parties may be ordered to provide a joint statement of relevant issues of law and fact on which there is agreement and on which there is dispute, and to submit memoranda of law on those issues of law which are disputed.

ARTICLE XII – EDUCATION AND TRAINING

Section 1. The Human Rights Section is responsible for arranging, at least annually, workshops and training seminars for Board members in order to promote better understanding of Federal, State, and Local laws pertinent to civil rights, in the areas of employment, housing, and public accommodations. Attendance of all Board members is required.

Section 2. All workshops and training seminars will be considered official Board meetings and shall be subject to the Sunshine Law and the provisions of Broward County Code, Chapter 1, Article XII, Section 1-233(e), Removal from boards based upon attendance.

Section 3. All new members will receive an orientation package that will include the Human Rights Act and other applicable ordinances relating to Board appointments; Broward County Advisory Board Member Handbook; Human Rights Board Bylaws; applicable portions of Florida Civil Rights Act; minutes of the previous three (3) Board meetings; Board members' directory; and such other documents that the Human Rights Section deems necessary to

ensure that new members are aware of all pertinent laws, rules and regulations governing the Board.

ARTICLE XIII – AMENDMENTS

Section 1. Amendments to these Bylaws must be approved by a majority of the Board at a meeting in which a quorum of the Board is present.

Section 2. The Bylaws shall be reviewed at the end of every odd-numbered year, or as deemed necessary by a majority of the Board members.

Amended:

11/23/2020

08/28/2023