

Table 2 provides the Board with a high-level comparison of the areas and classes protected under HRAC's draft ordinance, with the County's current ordinance and other Florida counties' Human Rights ordinances. The table is presented in two sections: Section A summarizes the protected areas and classes and Section B summarizes the exemptions and exceptions. The provisions were identified through a cursory review of county ordinances posted on the Municode website.

Table 2--FL Counties Human Rights Ordinances that Include Sexual Orientation, Gender Identity/Expression								
Section A – Protected Areas and Classes								
COUNTY	Leon (Current)	Leon – HRAC Draft	Orange	Palm Beach	Broward	Miami Dade	Monroe	Pinellas
AREAS OF PROTECTION	Housing	Housing	Housing	Housing	Housing	Housing	Housing	Housing
				Public Accom.				
		Employment (Emp.)		Emp.	Emp.	Emp.	Emp.	Emp.
PROTECTED CLASSES:								
Race	X	X	X	X		X	X	X
Color	X	X	X	X		X	X	X
Religion	X	X	X	X	X	X	X	X
Sex or Gender	X	X	X	X	X	X	X	X
Nat'l Origin	X	X	X	X	X	X	X	X
Ancestry	X	X				X	X	
Disability or Handicap	X	X	X	X	X	X	X	X
Age	X	X		X	X	X	X	X
Familial Status	X		X	X		X	X	X (housing)
Marital Status	X	X		X	X	X		X
Pregnancy					X	X		
Sexual Orientation	X	X	X	X	X	X	X	X
Gender Identity or Expression		X	*Note	X	X		X	
Political Affiliation					X			
Physical Characteristic		X						
Expression of Any of these Characteristics		X						
Employer Size	N/A	5+	N/A	15+	5+	5+	15+	5+

*Orange County's definition of "Sexual Orientation" includes "gender identity or expression" ("...person's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity or expression.")

Table 2, Section B, is provided on the following pages.

Table 2-FL Counties Human Rights Ordinances that Include Sexual Orientation, Gender Identity/Expression								
Section B – Summary of Exemptions and Exceptions (general language)								
COUNTY	Leon (Current)	Leon - HRAC Draft	Orange	Palm Beach	Broward	Miami Dade	Monroe	Pinellas
1. Housing								
Small Dwelling Considerations								
Single family-house sold/rented by owner	*X		X	X	X	X		X
Rooms/units in dwellings occupied/ intended to be occupied by no more than four families	*X		X	X	X	X		X
Rent a portion of a single dwelling unit to person/persons of same sex when such persons live in the single dwelling unit				X				
The Elderly								
Housing for older persons, relative to familial status	*X		X	X	X	X	X	X
Religious Entities and Private Clubs								
Religious entities for limiting/or giving preference to persons of the same religion in the areas of sale, rental, occupancy of dwellings	*X		X	X	X	X	X	X
Prohibitions based on sexual orientation or gender identity and expression do not apply to religious organizations (Miami Dade only lists sexual orientation in its exemptions; gender identity and expression are not protected classes)					X	X		
Private clubs for limiting/or giving preference to its members in the areas of rental or occupancy of lodging	*X		X		X	X		X
Health/Safety								
No req. a dwelling be made available to individual whose tenancy would constitute direct threat to health/safety of others or substantial physical damage to property	*X			X	X	X		
No prohibition of conduct against a person due to conviction for the illegal manufacture or distribution of a controlled substance	*X			X	X	X		
Other								
Nothing req. dwelling constructed for first occupancy before 3/13/1991 to modify dwelling to provide physical accessibility	*X		X	X	X			
*Exemptions provided by Section 760.29 Florida Statutes adopted by reference (not stipulated in the draft ordinance these exemptions are retained)	X							
2. Public Accommodation								
Privacy								
Limit use of restroom to persons of one sex				X				
Prohibitions on the basis of sex not applicable to restrooms, shower rooms, bathhouses, and similar facilities which are by their nature distinctly private					X		X	X
N/A, with respect to sex, to places of public accommodation where the Board of County Commissioners grants exemption based on bona fide considerations of public policy						X		
Prohibitions on the basis of sex not applicable to the YMCA, YWCA, and similar type dormitory lodging facilities					X			
Religious Entities and Private Clubs								
Religious entities from limiting/ giving preference to persons of same religion relative to facilities/ accommodations it owns/operates				X		X		X
Provisions that relate to sexual orientation or gender identity and expression not applicable to religious					X	X		

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entities (Miami Dade only lists sexual orientation in its exemptions; gender identity and expression are not protected classes)								
Provisions that relate to sexual orientation shall not pertain to religious entities						X		
N/A to private club or establishment not open to the public					**X	X		X
Discounts								
Bona fide discount programs based on age classification						X		
Special discounts on goods and services provided not denied based on race, color, religion, national origin, sex, sexual orientation, or disability								X
3. Employment	N/A		N/A					
Bona Fide Qualifications/Systems								
Bona fide occupational qualification reasonably necessary for performance of particular employment or reasonably necessary to the normal operation of that particular business or enterprise				X	X	X	X	
Bona fide seniority system, employee benefit plan, or performance-based pay system (Broward also includes location)				X	X	X		
Give/act upon professionally developed ability tests					X	X		
Religious Entities/Private Clubs/Other								
Religious entities which conditions/ gives preference in employment/ performance of work to members of same religion or to persons who subscribe to its tenants or beliefs		X		X	X	X		X
Reasonable efforts to accommodate employee's religious beliefs limited to reasonable efforts without undue hardship							X	
Provisions that relate to sexual orientation or gender identity and expression not applicable to religious entities (Miami Dade only lists sexual orientation in its exemptions; gender identity and expression are not protected classes)					X	X		
"Employer" does not include U.S. government; State of Florida; the County; Indian Tribe; bona fide private membership club (note: County employees use internal complaint process).						X		X
Other								
N/A to business/enterprise on/near Indian Tribe for giving preference because he/she is an Indian living on/ near a reservation						X		
No requirement to grant preferential treatment on basis of being member of a protected class						X		
Using unfavorable discharge from military services as a valid employment criterion relative to fiduciary capacity							X	
Giving preferential treatment to veterans/their relatives as required by federal/state law or regulation							X	

**Broward – Public Accommodation Provisions – Applies to clubs with more than 400 members, that provide regular meal service and received payment for dues, fees, use of space, meals, etc. Does not apply to "... the fraternal or benevolent organizations, ethnic clubs, or religious organizations where business activity is not prevalent."