

By the Committee on Judiciary and Senator Jones

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Senate Joint Resolution No. ____

A joint resolution proposing the creation of Section 26 of Article I of the State Constitution relating to prohibiting discrimination in public employment, public education, and public procurement of goods and services.

Be It Resolved by the Legislature of the State of Florida:

That the creation of Section 26 of Article I of the State Constitution set forth below is agreed to and shall be submitted to the electors of this State for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE I

DECLARATION OF RIGHTS

SECTION 26. Prohibition on discrimination by state and other public or governmental entities in public employment, public education, or public procurement of goods and services.--

(a) The state, or any municipality, county, district, public college or university, or other political subdivision or governmental instrumentality of or within the state, shall not discriminate in public employment, public education, or public procurement of goods and services against any person on the basis of sex, race, ethnicity, color, or national origin. It shall not constitute discrimination for the state, or any municipality, county, district, public college or university, or other political subdivision or governmental instrumentality

1 of or within the state, to take affirmative action to promote
2 equal opportunity to the extent permissible under the United
3 States Constitution.

4 (b) This section does not invalidate any court order
5 or consent decree that is in force as of the effective date of
6 this section, nor does it prohibit action taken to establish
7 or maintain eligibility for any federal program.

8 BE IT FURTHER RESOLVED that the following statement be
9 placed on the ballot:

10 CONSTITUTIONAL AMENDMENT

11 ARTICLE I, SECTION 26

12 FLORIDA PUBLIC SECTOR EQUAL OPPORTUNITY

13 INITIATIVE.--Proposing an amendment to the State Constitution
14 to prohibit the state and other public or governmental
15 entities therein from discriminating against any person on the
16 basis of sex, race, ethnicity, color, or national origin in
17 public employment, public education, or public procurement of
18 goods and services; to allow affirmative action to the extent
19 permitted by the United States Constitution; and to exempt
20 certain court orders, consent decrees, and federal-program
21 requirements.

22
23 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
24 COMMITTEE SUBSTITUTE FOR
25 SJR 1344

26 Replaces the phrase "public contracting" with the phrase
27 "public procurement of goods and services" in order to clarify
28 that the prohibition against discrimination by the government
applies only to public business contracts.

29 Deletes the bill's provisions referencing numerical quotas in
30 order to clarify that federal law will govern the extent to
31 which affirmative action programs are offered.