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LEGISLATIVE ACTION

Senate

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House

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03/09/2022 01:25 PM

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Senator Powell moved the following:

Senate Amendment (with title amendment)

Delete lines 117 - 279

and insert:

(2) (a) Discrimination on the basis of race, ethnicity, national origin, sex ~~gender~~, disability, religion, or marital status against a student or an employee in the state system of public K-20 education is prohibited. No person in this state shall, on the basis of race, ethnicity, national origin, sex ~~gender~~, disability, religion, or marital status, be excluded from participation in, be denied the benefits of, or be



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12 subjected to discrimination under any public K-20 education
13 program or activity, or in any employment conditions or
14 practices, conducted by a public educational institution that
15 receives or benefits from federal or state financial assistance.

16 (b) The criteria for admission to a program or course shall
17 not have the effect of restricting access by persons of a
18 particular race, ethnicity, national origin, sex ~~gender~~,
19 disability, religion, or marital status.

20 (c) All public K-20 education classes shall be available to
21 all students without regard to race, ethnicity, national origin,
22 sex ~~gender~~, disability, religion, or marital status; however,
23 this is not intended to eliminate the provision of programs
24 designed to meet the needs of students with limited proficiency
25 in English, gifted students, or students with disabilities or
26 programs tailored to students with specialized talents or
27 skills.

28 (d) Students may be separated by sex ~~gender~~ for a single-
29 gender program as provided under s. 1002.311, for any portion of
30 a class that deals with human reproduction, or during
31 participation in bodily contact sports. For the purpose of this
32 section, bodily contact sports include wrestling, boxing, rugby,
33 ice hockey, football, basketball, and other sports in which the
34 purpose or major activity involves bodily contact.

35 (e) Guidance services, counseling services, and financial
36 assistance services in the state public K-20 education system
37 shall be available to students equally. Guidance and counseling
38 services, materials, and promotional events shall stress access
39 to academic and career opportunities for students without regard
40 to race, ethnicity, national origin, sex ~~gender~~, disability,



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41 religion, or marital status.

42 (3) (a) No person shall, on the basis of sex ~~gender~~, be
43 excluded from participating in, be denied the benefits of, or be
44 treated differently from another person or otherwise be
45 discriminated against in any interscholastic, intercollegiate,
46 club, or intramural athletics offered by a public K-20
47 educational institution; and no public K-20 educational
48 institution shall provide athletics separately on such basis.

49 (b) Notwithstanding the requirements of paragraph (a), a
50 public K-20 educational institution may operate or sponsor
51 separate teams for members of each sex ~~gender~~ if the selection
52 for such teams is based upon competitive skill or the activity
53 involved is a bodily contact sport. However, when a public K-20
54 educational institution operates or sponsors a team in a
55 particular sport for members of one sex ~~gender~~ but does not
56 operate or sponsor such a team for members of the other sex
57 ~~gender~~, and athletic opportunities for that sex ~~gender~~ have
58 previously been limited, members of the excluded sex ~~gender~~ must
59 be allowed to try out for the team offered.

60 (c) This subsection does not prohibit the grouping of
61 students in physical education classes and activities by ability
62 as assessed by objective standards of individual performance
63 developed and applied without regard to sex ~~gender~~. However,
64 when use of a single standard of measuring skill or progress in
65 a physical education class has an adverse effect on members of
66 one sex ~~gender~~, the educational institution shall use
67 appropriate standards which do not have such effect.

68 (d) A public K-20 educational institution which operates or
69 sponsors interscholastic, intercollegiate, club, or intramural



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70 athletics shall provide equal athletic opportunity for members
71 of both sexes ~~genders~~.

72 1. The Board of Governors shall determine whether equal
73 opportunities are available at state universities.

74 2. The Commissioner of Education shall determine whether
75 equal opportunities are available in school districts and
76 Florida College System institutions. In determining whether
77 equal opportunities are available in school districts and
78 Florida College System institutions, the Commissioner of
79 Education shall consider, among other factors:

80 a. Whether the selection of sports and levels of
81 competition effectively accommodate the interests and abilities
82 of members of both sexes ~~genders~~.

83 b. The provision of equipment and supplies.

84 c. Scheduling of games and practice times.

85 d. Travel and per diem allowances.

86 e. Opportunities to receive coaching and academic tutoring.

87 f. Assignment and compensation of coaches and tutors.

88 g. Provision of locker room, practice, and competitive
89 facilities.

90 h. Provision of medical and training facilities and
91 services.

92 i. Provision of housing and dining facilities and services.

93 j. Publicity.

94

95 Unequal aggregate expenditures for members of each sex ~~gender~~ or
96 unequal expenditures for male and female teams if a public
97 school or Florida College System institution operates or
98 sponsors separate teams do not constitute nonimplementation of



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99 this subsection, but the Commissioner of Education shall
100 consider the failure to provide necessary funds for teams for
101 one sex ~~gender~~ in assessing equality of opportunity for members
102 of each sex ~~gender~~.

103 (e) A public school or Florida College System institution
104 may provide separate toilet, locker room, and shower facilities
105 on the basis of gender, but such facilities shall be comparable
106 to such facilities provided for students of the other sex
107 ~~gender~~.

108 (4) (a) It shall constitute discrimination on the basis of
109 race, ethnicity, national origin, or sex under this section to
110 subject any student or employee to training or instruction that
111 espouses, promotes, advances, inculcates, or compels such
112 student or employee to believe any of the following concepts:

113 1. Members of one race, ethnicity, national origin, or sex
114 are morally superior to members of another race, ethnicity,
115 national origin, or sex.

116 2. A person, by virtue of his or her race, ethnicity,
117 national origin, or sex is inherently racist, sexist, or
118 oppressive, whether consciously or unconsciously.

119 3. A person's moral character or status as either
120 privileged or oppressed is necessarily determined by his or her
121 race, ethnicity, national origin, or sex.

122 4. Members of one race, ethnicity, national origin, or sex
123 cannot and should not attempt to treat others without respect to
124 race, ethnicity, national origin, or sex.

125 5. A person, by virtue of his or her race, ethnicity,
126 national origin, or sex bears responsibility for, or should be
127 discriminated against or receive adverse treatment because of,



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128 actions committed in the past by other members of the same race,
129 ethnicity, national origin, or sex.

130 6. A person, by virtue of his or her race, ethnicity,
131 national origin, or sex should be discriminated against or
132 receive adverse treatment to achieve diversity, equity, or
133 inclusion.

134 7. A person, by virtue of his or her race, ethnicity, sex,
135 or national origin, bears personal responsibility for and must
136 feel guilt, anguish, or other forms of psychological distress
137 because of actions, in which the person played no part,
138 committed in the past by other members of the same race,
139 ethnicity, national origin, or sex.

140 8. Such virtues as merit, excellence, hard work, fairness,
141 neutrality, objectivity, and racial colorblindness are racist or
142 sexist, or were created by members of a particular race,
143 ethnicity, national origin, or sex to oppress members of another
144 race, ethnicity, national origin, or sex.

145 (b) Paragraph (a) may not be construed to prohibit
146 discussion of the concepts listed therein as part of a larger
147 course of training or instruction, provided such training or
148 instruction is given in an objective manner without endorsement
149 of the concepts.

150 (5)~~(4)~~ Public schools and Florida College System
151 institutions shall develop and implement methods and strategies
152 to increase the participation of students of a particular race,
153 ethnicity, national origin, ~~sex~~ gender, disability, or marital
154 status in programs and courses in which students of that
155 particular race, ethnicity, national origin, ~~sex~~ gender,
156 disability, or marital status have been traditionally



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157 underrepresented, including, but not limited to, mathematics,
158 science, computer technology, electronics, communications
159 technology, engineering, and career education.

160 (7)~~(6)~~ The functions of the Office of Equal Educational
161 Opportunity of the Department of Education shall include, but
162 are not limited to:

163 (d) Conducting studies of the effectiveness of methods and
164 strategies designed to increase the participation of students in
165 programs and courses in which students of a particular race,
166 ethnicity, national origin, sex ~~gender~~, disability, or
167

168 ===== T I T L E A M E N D M E N T =====

169 And the title is amended as follows:

170 Delete line 16

171 and insert:

172 race, ethnicity, sex, or national origin; conforming