

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Robinson, F. offered the following:

Amendment (with title amendment)

Remove lines 106-268 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 subjected to discrimination under any public K-20 education program or activity, or in any employment conditions or

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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
17 shall 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
21 to all students without regard to race, ethnicity, national
22 origin, sex ~~gender~~, disability, religion, or marital status;
23 however, this is not intended to eliminate the provision of
24 programs designed to meet the needs of students with limited
25 proficiency in English, gifted students, or students with
26 disabilities or programs tailored to students with specialized
27 talents or 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

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39 to academic and career opportunities for students without regard
40 to race, ethnicity, national origin, sex ~~gender~~, disability,
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,

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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
69 or sponsors interscholastic, intercollegiate, club, or
70 intramural athletics shall provide equal athletic opportunity
71 for members 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
87 tutoring.

88 f. Assignment and compensation of coaches and tutors.

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

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

93 i. Provision of housing and dining facilities and
94 services.

95 j. Publicity.

96
97 Unequal aggregate expenditures for members of each sex ~~gender~~ or
98 unequal expenditures for male and female teams if a public
99 school or Florida College System institution operates or
100 sponsors separate teams do not constitute nonimplementation of
101 this subsection, but the Commissioner of Education shall
102 consider the failure to provide necessary funds for teams for
103 one sex ~~gender~~ in assessing equality of opportunity for members
104 of each sex ~~gender~~.

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

110 (4) (a) It shall constitute discrimination on the basis of
111 race, ethnicity, national origin, or sex under this section to
112 subject any student or employee to training or instruction that

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113 espouses, promotes, advances, inculcates, or compels such
114 student or employee to believe any of the following concepts:

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

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

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

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

127 5. A person, by virtue of his or her race, ethnicity,
128 national origin, or sex bears responsibility for, or should be
129 discriminated against or receive adverse treatment because of,
130 actions committed in the past by other members of the same race,
131 ethnicity, national origin, or sex.

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

136 7. A person, by virtue of his or her race, ethnicity, sex,
137 or national origin, bears personal responsibility for and must

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138 feel guilt, anguish, or other forms of psychological distress
139 because of actions, in which the person played no part,
140 committed in the past by other members of the same race,
141 ethnicity, national origin, or sex.

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

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

152 (5)-(4) Public schools and Florida College System
153 institutions shall develop and implement methods and strategies
154 to increase the participation of students of a particular race,
155 ethnicity, national origin, ~~sex~~ gender, disability, or marital
156 status in programs and courses in which students of that
157 particular race, ethnicity, national origin, ~~sex~~ gender,
158 disability, or marital status have been traditionally
159 underrepresented, including, but not limited to, mathematics,
160 science, computer technology, electronics, communications
161 technology, engineering, and career education.

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

165 (d) Conducting studies of the effectiveness of methods and
166 strategies designed to increase the participation of students in
167 programs and courses in which students of a particular race,
168 ethnicity, national origin, sex ~~gender~~, disability, or
169

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171 **T I T L E A M E N D M E N T**

172 Remove line 16 and insert:

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