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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/F/2R

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03/09/2022 01:07 PM

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Senator Taddeo moved the following:

Senate Amendment (with title amendment)

Delete lines 60 - 226

and insert:

Section 1. Present subsections (4) through (8) of section 1000.05, Florida Statutes, are redesignated as subsections (5) through (9), respectively, subsections (2) and (3), present subsection (4), and paragraph (d) of present subsection (6) are amended, and a new subsection (4) is added to that section, to read:

1000.05 Discrimination against students and employees in



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12 the Florida K-20 public education system prohibited; equality of
13 access required.—

14 (2) (a) Discrimination on the basis of race, color
15 ~~ethnicity~~, national origin, sex ~~gender~~, disability, religion, or
16 marital status against a student or an employee in the state
17 system of public K-20 education is prohibited. No person in this
18 state shall, on the basis of race, color ~~ethnicity~~, national
19 origin, sex ~~gender~~, disability, religion, or marital status, be
20 excluded from participation in, be denied the benefits of, or be
21 subjected to discrimination under any public K-20 education
22 program or activity, or in any employment conditions or
23 practices, conducted by a public educational institution that
24 receives or benefits from federal or state financial assistance.

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

29 (c) All public K-20 education classes shall be available to
30 all students without regard to race, color ~~ethnicity~~, national
31 origin, sex ~~gender~~, disability, religion, or marital status;
32 however, this is not intended to eliminate the provision of
33 programs designed to meet the needs of students with limited
34 proficiency in English, gifted students, or students with
35 disabilities or programs tailored to students with specialized
36 talents or skills.

37 (d) Students may be separated by sex ~~gender~~ for a single-
38 gender program as provided under s. 1002.311, for any portion of
39 a class that deals with human reproduction, or during
40 participation in bodily contact sports. For the purpose of this



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41 section, bodily contact sports include wrestling, boxing, rugby,
42 ice hockey, football, basketball, and other sports in which the
43 purpose or major activity involves bodily contact.

44 (e) Guidance services, counseling services, and financial
45 assistance services in the state public K-20 education system
46 shall be available to students equally. Guidance and counseling
47 services, materials, and promotional events shall stress access
48 to academic and career opportunities for students without regard
49 to race, color ~~ethnicity~~, national origin, sex ~~gender~~,
50 disability, religion, or marital status.

51 (3) (a) No person shall, on the basis of sex ~~gender~~, be
52 excluded from participating in, be denied the benefits of, or be
53 treated differently from another person or otherwise be
54 discriminated against in any interscholastic, intercollegiate,
55 club, or intramural athletics offered by a public K-20
56 educational institution; and no public K-20 educational
57 institution shall provide athletics separately on such basis.

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

69 (c) This subsection does not prohibit the grouping of



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70 students in physical education classes and activities by ability
71 as assessed by objective standards of individual performance
72 developed and applied without regard to sex ~~gender~~. However,
73 when use of a single standard of measuring skill or progress in
74 a physical education class has an adverse effect on members of
75 one sex ~~gender~~, the educational institution shall use
76 appropriate standards which do not have such effect.

77 (d) A public K-20 educational institution which operates or
78 sponsors interscholastic, intercollegiate, club, or intramural
79 athletics shall provide equal athletic opportunity for members
80 of both sexes ~~genders~~.

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

83 2. The Commissioner of Education shall determine whether
84 equal opportunities are available in school districts and
85 Florida College System institutions. In determining whether
86 equal opportunities are available in school districts and
87 Florida College System institutions, the Commissioner of
88 Education shall consider, among other factors:

89 a. Whether the selection of sports and levels of
90 competition effectively accommodate the interests and abilities
91 of members of both sexes ~~genders~~.

92 b. The provision of equipment and supplies.

93 c. Scheduling of games and practice times.

94 d. Travel and per diem allowances.

95 e. Opportunities to receive coaching and academic tutoring.

96 f. Assignment and compensation of coaches and tutors.

97 g. Provision of locker room, practice, and competitive
98 facilities.



- 99 h. Provision of medical and training facilities and
- 100 services.
- 101 i. Provision of housing and dining facilities and services.
- 102 j. Publicity.

103
104 Unequal aggregate expenditures for members of each sex ~~gender~~ or
105 unequal expenditures for male and female teams if a public
106 school or Florida College System institution operates or
107 sponsors separate teams do not constitute nonimplementation of
108 this subsection, but the Commissioner of Education shall
109 consider the failure to provide necessary funds for teams for
110 one sex ~~gender~~ in assessing equality of opportunity for members
111 of each sex ~~gender~~.

112 (e) A public school or Florida College System institution
113 may provide separate toilet, locker room, and shower facilities
114 on the basis of gender, but such facilities shall be comparable
115 to such facilities provided for students of the other sex
116 ~~gender~~.

117 (4) (a) It shall constitute discrimination on the basis of
118 race, color, national origin, or sex under this section to
119 subject any student to training or instruction that espouses,
120 promotes, advances, inculcates, or compels such student to
121 believe any of the following concepts:

122
123 ===== T I T L E A M E N D M E N T =====

124 And the title is amended as follows:
125 Delete lines 3 - 12
126 and insert:
127 1000.05, F.S.; providing that subjecting any student



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to training or