

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Eskamani offered the following:

Amendment (with title amendment)

Remove lines 89-207 and insert:

in an official capacity who willfully violates this section for personal financial gain commits misfeasance or malfeasance in office.

(5) A county may not provide or authorize its funds to be used by employees, contractors, volunteers, vendors, or agents to promote diversity, equity, and inclusion initiatives.

(6) An action in circuit court may be brought by a resident of the county against a county that violates this

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13 section. The court may enter a judgment awarding declaratory and
14 injunctive relief, damages, and costs.

15 (7) (a) This section does not prohibit any official action
16 by a county required for compliance with state or federal laws
17 or regulations.

18 (b) This section does not prohibit a county from doing any
19 of the following:

20 1. Recognizing or promoting holidays designated by federal
21 law, including those designated in 5 U.S.C. s. 6103.

22 2. Recognizing or promoting state holidays and special
23 observances designated by state law, including those designated
24 in chapter 683.

25 3. Recognizing or promoting patriotic and national
26 observances recognized by federal law, including those
27 designated in 36 U.S.C. ss. 101-148, or recognizing the events
28 and individuals forming the basis for such observances.

29 4. Recognizing or honoring the individuals and groups
30 recognized and honored by the monuments, memorials, and museums
31 authorized by chapter 265, ss. 267.0722 and 267.0724, or
32 national monuments and memorials designated by acts of Congress,
33 or recognizing the events and individuals forming the basis for
34 such monuments, memorials, or museums.

35 5. Issuing event permits in a content-neutral manner and
36 providing public safety services.

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37 (c) This section does not prohibit the use of equal
38 opportunity or equal employment opportunity materials designed
39 to inform a person about the prohibition against discrimination
40 based on protected status under state or federal law.

41 (d) This section may not be construed to conflict with:

42 1. Section 553.865 or analogous state and federal laws
43 protecting the right of males and females to restrooms and
44 changing facilities corresponding to their biological sex.

45 2. Part XII of chapter 39 or analogous state and federal
46 laws ensuring that victims of domestic violence and their
47 dependents have access to emergency shelters.

48 3. Section 1000.05 or analogous state and federal laws
49 prohibiting discrimination based on biological sex in
50 educational programs, sports, activities, and employment.

51 4. Chapter 381 or analogous state and federal laws
52 ensuring males and females have access to public health services
53 corresponding to their biological sex.

54 5. State and federal laws ensuring access to public health
55 care services corresponding to a person's race or ethnicity.

56 6. Any other state or federal laws recognizing the
57 inherent biological differences between males and females for
58 the purpose of ensuring their health, safety, and welfare.

59 (8) This section does not apply to:

60 (a) The actions of a body composed of nonelected
61 volunteers; or

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62 (b) Basic administrative support provided to a body
63 composed of nonelected volunteers, unless such administrative
64 support is provided by a county employee whose sole function is
65 the provision of such administrative support.

66 **Section 2. Section 166.04971, Florida Statutes, is created**
67 **to read:**

68 166.04971 Prohibition of official actions of
69 municipalities relating to diversity, equity, and inclusion;
70 penalty; remedy.—

71 (1) For purposes of this section, the term:

72 (a) "Acting in an official capacity" means performing or
73 purporting to perform a function, duty, or responsibility
74 assigned by law, rule, or policy to a public officer or public
75 employee, or otherwise exercising or claiming to exercise the
76 authority of such office or employment.

77 (b) "Diversity, equity, and inclusion" means any effort
78 to:

79 1. Manipulate or otherwise influence the composition of
80 employees with reference to race, color, sex, ethnicity, gender
81 identity, or sexual orientation other than to ensure that hiring
82 is conducted in accordance with state and federal
83 antidiscrimination laws;

84 2. Promote or provide preferential treatment or special
85 benefits to a person or group based on that person's or group's

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86 race, color, sex, ethnicity, gender identity, or sexual
87 orientation; or

88 3. Promote or adopt training, programming, or activities
89 designed or implemented with reference to race, color, sex,
90 ethnicity, gender identity, or sexual orientation.

91
92 The term does not include the use of equal opportunity or equal
93 employment opportunity materials designed to inform a person
94 about the prohibition against discrimination based on protected
95 status under state or federal law.

96 (c) "Diversity, equity, and inclusion office" means any
97 office, division, department, agency, center, or other unit of a
98 municipality which coordinates, creates, develops, designs,
99 implements, organizes, plans, or promotes policies, programming,
100 training, practices, meetings, activities, procedures, or
101 similar actions relating to diversity, equity, and inclusion.

102 (d) "Diversity, equity, and inclusion officer" means a
103 person who is a full-time or part-time employee of, or an
104 independent contractor contracted by, a municipality whose
105 duties include coordinating, creating, developing, designing,
106 implementing, organizing, planning, or promoting policies,
107 programming, training, practices, meetings, activities,
108 procedures, or similar actions relating to diversity, equity,
109 and inclusion.

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110 (2) A municipality may not fund or promote, directly or
 111 indirectly, or take any official action, including, but not
 112 limited to, the adoption or enforcement of ordinances,
 113 resolutions, rules, regulations, programs, or policies, as it
 114 relates to diversity, equity, and inclusion. Any such existing
 115 ordinances, resolutions, rules, regulations, programs, or
 116 policies are void.

117 (3) A municipality may not expend any funds, regardless of
 118 source, to establish, sustain, support, or staff a diversity,
 119 equity, and inclusion office or to employ, contract, or
 120 otherwise engage a person to serve as a diversity, equity, and
 121 inclusion officer.

122 (4) Any member of the governing body of a municipality or
 123 other municipal official acting in an official capacity who
 124 willfully violates this section for personal financial gain
 125 commits misfeasance or malfeasance in

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

129 Remove line 16 and insert:
 130 willfully violates certain provisions for a specified
 131 purpose commits misfeasance or

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