

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Eskamani offered the following:

Amendment

Remove lines 124-242 and insert:

(d) This section does not prohibit a county, destination marketing organization, or convention bureau from funding or supporting civic and community events or county tourism and relocation advertising with demonstrated economic return on investment to the community which exceeds the value of such county funding or support.

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

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

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

18 3. Section 1000.05 or analogous state and federal laws
19 prohibiting discrimination based on biological sex in
20 educational programs, sports, activities, and employment.

21 4. Chapter 381 or analogous state and federal laws
22 ensuring males and females have access to public health services
23 corresponding to their biological sex.

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

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

29 (8) This section does not apply to:

30 (a) The actions of a body composed of nonelected
31 volunteers; or

32 (b) Basic administrative support provided to a body
33 composed of nonelected volunteers, unless such administrative
34 support is provided by a county employee whose sole function is
35 the provision of such administrative support.

36 **Section 2. Section 166.04971, Florida Statutes, is created**

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37 **to read:**

38 166.04971 Prohibition of official actions of
39 municipalities relating to diversity, equity, and inclusion;
40 penalty; remedy.-

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

42 (a) "Acting in an official capacity" means performing or
43 purporting to perform a function, duty, or responsibility
44 assigned by law, rule, or policy to a public officer or public
45 employee, or otherwise exercising or claiming to exercise the
46 authority of such office or employment.

47 (b) "Diversity, equity, and inclusion" means any effort
48 to:

49 1. Manipulate or otherwise influence the composition of
50 employees with reference to race, color, sex, ethnicity, gender
51 identity, or sexual orientation other than to ensure that hiring
52 is conducted in accordance with state and federal
53 antidiscrimination laws;

54 2. Promote or provide preferential treatment or special
55 benefits to a person or group based on that person's or group's
56 race, color, sex, ethnicity, gender identity, or sexual
57 orientation; or

58 3. Promote or adopt training, programming, or activities
59 designed or implemented with reference to race, color, sex,
60 ethnicity, gender identity, or sexual orientation.

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62 The term does not include the use of equal opportunity or equal
63 employment opportunity materials designed to inform a person
64 about the prohibition against discrimination based on protected
65 status under state or federal law.

66 (c) "Diversity, equity, and inclusion office" means any
67 office, division, department, agency, center, or other unit of a
68 municipality which coordinates, creates, develops, designs,
69 implements, organizes, plans, or promotes policies, programming,
70 training, practices, meetings, activities, procedures, or
71 similar actions relating to diversity, equity, and inclusion.

72 (d) "Diversity, equity, and inclusion officer" means a
73 person who is a full-time or part-time employee of, or an
74 independent contractor contracted by, a municipality whose
75 duties include coordinating, creating, developing, designing,
76 implementing, organizing, planning, or promoting policies,
77 programming, training, practices, meetings, activities,
78 procedures, or similar actions relating to diversity, equity,
79 and inclusion.

80 (2) A municipality may not fund or promote, directly or
81 indirectly, or take any official action, including, but not
82 limited to, the adoption or enforcement of ordinances,
83 resolutions, rules, regulations, programs, or policies, as it
84 relates to diversity, equity, and inclusion. Any such existing
85 ordinances, resolutions, rules, regulations, programs, or
86 policies are void.

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87 (3) A municipality may not expend any funds, regardless of
88 source, to establish, sustain, support, or staff a diversity,
89 equity, and inclusion office or to employ, contract, or
90 otherwise engage a person to serve as a diversity, equity, and
91 inclusion officer.

92 (4) Any member of the governing body of a municipality or
93 other municipal official acting in an official capacity who
94 violates this section commits misfeasance or malfeasance in
95 office.

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

99 (6) An action in circuit court may be brought by a
100 resident of the municipality against a municipality that
101 violates this section. The court may enter a judgment awarding
102 declaratory and injunctive relief, damages, and costs.

103 (7) (a) This section does not prohibit any official action
104 by the governing body of a municipality required for compliance
105 with state or federal laws or regulations.

106 (b) This section does not prohibit a municipality from
107 doing any of the following:

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

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110 2. Recognizing or promoting state holidays and special
111 observances designated by state law, including those designated
112 in chapter 683.

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

117 4. Recognizing or honoring the individuals and groups
118 recognized and honored by the monuments, memorials, and museums
119 authorized by chapter 265, ss. 267.0722 and 267.0724, or
120 national monuments and memorials designated by acts of Congress,
121 or recognizing the events and individuals forming the basis for
122 such monuments, memorials, or museums.

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

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

129 (d) This section does not prohibit a municipality,
130 destination marketing organization, or convention bureau from
131 funding or supporting civic and community events or municipal
132 tourism and relocation advertising with demonstrated economic
133 return on investment to the community which exceeds the value of
134 such county funding or support.

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

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