

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Gantt offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 80-200 and insert:

5 relates to diversity, equity, and inclusion.

6 (3) A county may not expend any funds, regardless of
7 source, to establish, sustain, support, or staff a diversity,
8 equity, and inclusion office or to employ, contract, or
9 otherwise engage a person to serve as a diversity, equity, and
10 inclusion officer.

11 (4) A county commissioner or other county official acting
12 in an official capacity who violates this section commits
13 misfeasance or malfeasance in office.

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

17 (6) An action in circuit court may be brought by a
18 resident of the county against a county that violates this
19 section. The court may enter a judgment awarding declaratory and
20 injunctive relief, damages, and costs.

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

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

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

28 2. Recognizing or promoting state holidays and special
29 observances designated by state law, including those designated
30 in chapter 683.

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

35 4. Recognizing or honoring the individuals and groups
36 recognized and honored by the monuments, memorials, and museums
37 authorized by chapter 265, ss. 267.0722 and 267.0724, or
38 national monuments and memorials designated by acts of Congress,

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39 or recognizing the events and individuals forming the basis for
40 such monuments, memorials, or museums.

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

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

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

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

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

54 3. Section 1000.05 or analogous state and federal laws
55 prohibiting discrimination based on biological sex in
56 educational programs, sports, activities, and employment.

57 4. Chapter 381 or analogous state and federal laws
58 ensuring males and females have access to public health services
59 corresponding to their biological sex.

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

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

65 (8) This section does not apply to:

66 (a) The actions of a body composed of nonelected
67 volunteers; or

68 (b) Basic administrative support provided to a body
69 composed of nonelected volunteers, unless such administrative
70 support is provided by a county employee whose sole function is
71 the provision of such administrative support.

72 **Section 2. Section 166.04971, Florida Statutes, is created**
73 **to read:**

74 166.04971 Prohibition of official actions of
75 municipalities relating to diversity, equity, and inclusion;
76 penalty; remedy.—

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

78 (a) "Acting in an official capacity" means performing or
79 purporting to perform a function, duty, or responsibility
80 assigned by law, rule, or policy to a public officer or public
81 employee, or otherwise exercising or claiming to exercise the
82 authority of such office or employment.

83 (b) "Diversity, equity, and inclusion" means any effort
84 to:

85 1. Manipulate or otherwise influence the composition of
86 employees with reference to race, color, sex, ethnicity, gender

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87 identity, or sexual orientation other than to ensure that hiring
88 is conducted in accordance with state and federal
89 antidiscrimination laws;

90 2. Promote or provide preferential treatment or special
91 benefits to a person or group based on that person's or group's
92 race, color, sex, ethnicity, gender identity, or sexual
93 orientation; or

94 3. Promote or adopt training, programming, or activities
95 designed or implemented with reference to race, color, sex,
96 ethnicity, gender identity, or sexual orientation.

97
98 The term does not include the use of equal opportunity or equal
99 employment opportunity materials designed to inform a person
100 about the prohibition against discrimination based on protected
101 status under state or federal law.

102 (c) "Diversity, equity, and inclusion office" means any
103 office, division, department, agency, center, or other unit of a
104 municipality which coordinates, creates, develops, designs,
105 implements, organizes, plans, or promotes policies, programming,
106 training, practices, meetings, activities, procedures, or
107 similar actions relating to diversity, equity, and inclusion.

108 (d) "Diversity, equity, and inclusion officer" means a
109 person who is a full-time or part-time employee of, or an
110 independent contractor contracted by, a municipality whose
111 duties include coordinating, creating, developing, designing,

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112 implementing, organizing, planning, or promoting policies,
113 programming, training, practices, meetings, activities,
114 procedures, or similar actions relating to diversity, equity,
115 and inclusion.

116 (2) A municipality may not fund or promote, directly or
117 indirectly, or take any official action, including, but not
118 limited to, the adoption or enforcement of ordinances,
119 resolutions, rules, regulations, programs, or policies, as it
120 relates to diversity, equity, and inclusion.

121 (3) A municipality may not expend any funds, regardless of
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124 **T I T L E A M E N D M E N T**

125 Remove lines 7-9 and insert:

126 diversity, equity, and inclusion; prohibiting counties

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