

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Harris offered the following:

Amendment

Remove lines 134-266 and insert:

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

(8) This section does not apply to:

(a) The actions of a body composed of nonelected volunteers;

(b) Basic administrative support provided to a body composed of nonelected volunteers, unless such administrative support is provided by a county employee whose sole function is the provision of such administrative support; or

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14 (c) Any public health program for the purpose of ensuring
15 health, safety, and welfare.

16 **Section 2. Section 166.04971, Florida Statutes, is created**
17 **to read:**

18 166.04971 Prohibition of official actions of
19 municipalities relating to diversity, equity, and inclusion;
20 penalty; remedy.—

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

22 (a) "Acting in an official capacity" means performing or
23 purporting to perform a function, duty, or responsibility
24 assigned by law, rule, or policy to a public officer or public
25 employee, or otherwise exercising or claiming to exercise the
26 authority of such office or employment.

27 (b) "Diversity, equity, and inclusion" means any effort
28 to:

29 1. Manipulate or otherwise influence the composition of
30 employees with reference to race, color, sex, ethnicity, gender
31 identity, or sexual orientation other than to ensure that hiring
32 is conducted in accordance with state and federal
33 antidiscrimination laws;

34 2. Promote or provide preferential treatment or special
35 benefits to a person or group based on that person's or group's
36 race, color, sex, ethnicity, gender identity, or sexual
37 orientation; or

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38 3. Promote or adopt training, programming, or activities
39 designed or implemented with reference to race, color, sex,
40 ethnicity, gender identity, or sexual orientation.

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42 The term does not include the use of equal opportunity or equal
43 employment opportunity materials designed to inform a person
44 about the prohibition against discrimination based on protected
45 status under state or federal law.

46 (c) "Diversity, equity, and inclusion office" means any
47 office, division, department, agency, center, or other unit of a
48 municipality which coordinates, creates, develops, designs,
49 implements, organizes, plans, or promotes policies, programming,
50 training, practices, meetings, activities, procedures, or
51 similar actions relating to diversity, equity, and inclusion.

52 (d) "Diversity, equity, and inclusion officer" means a
53 person who is a full-time or part-time employee of, or an
54 independent contractor contracted by, a municipality whose
55 duties include coordinating, creating, developing, designing,
56 implementing, organizing, planning, or promoting policies,
57 programming, training, practices, meetings, activities,
58 procedures, or similar actions relating to diversity, equity,
59 and inclusion.

60 (2) A municipality may not fund or promote, directly or
61 indirectly, or take any official action, including, but not
62 limited to, the adoption or enforcement of ordinances,

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63 resolutions, rules, regulations, programs, or policies, as it
64 relates to diversity, equity, and inclusion. Any such existing
65 ordinances, resolutions, rules, regulations, programs, or
66 policies are void.

67 (3) A municipality may not expend any funds, regardless of
68 source, to establish, sustain, support, or staff a diversity,
69 equity, and inclusion office or to employ, contract, or
70 otherwise engage a person to serve as a diversity, equity, and
71 inclusion officer.

72 (4) Any member of the governing body of a municipality or
73 other municipal official acting in an official capacity who
74 violates this section commits misfeasance or malfeasance in
75 office.

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

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

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

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

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

90 2. Recognizing or promoting state holidays and special
91 observances designated by state law, including those designated
92 in chapter 683.

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

97 4. Recognizing or honoring the individuals and groups
98 recognized and honored by the monuments, memorials, and museums
99 authorized by chapter 265, ss. 267.0722 and 267.0724, or
100 national monuments and memorials designated by acts of Congress,
101 or recognizing the events and individuals forming the basis for
102 such monuments, memorials, or museums.

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

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

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

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

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

116 3. Section 1000.05 or analogous state and federal laws
117 prohibiting discrimination based on biological sex in
118 educational programs, sports, activities, and employment.

119 4. State and federal laws ensuring access to public health
120 care services corresponding to a person's race or ethnicity.

121 (8) This section does not apply to:

122 (a) The actions of a body composed of nonelected
123 volunteers;

124 (b) Basic administrative support provided to a body
125 composed of nonelected volunteers, unless such administrative
126 support is provided by a municipal employee whose sole function
127 is the provision of such administrative support; or

128 (c) Any public health program for the purpose of ensuring
129 health, safety, and welfare.

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