

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Eskamani offered the following:

2
3 **Amendment**

4 Remove lines 103-236 and insert:

5 1. Recognizing or promoting holidays and special
6 observances.

7 2. Recognizing or honoring the individuals and groups
8 recognized and honored by the monuments, memorials, and museums
9 authorized by chapter 265, ss. 267.0722 and 267.0724, or
10 national monuments and memorials designated by acts of Congress,
11 or recognizing the events and individuals forming the basis for
12 such monuments, memorials, or museums.

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13 3. Issuing event permits in a content-neutral manner and
14 providing public safety services.

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

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

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

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

26 3. Section 1000.05 or analogous state and federal laws
27 prohibiting discrimination based on biological sex in
28 educational programs, sports, activities, and employment.

29 4. Chapter 381 or analogous state and federal laws
30 ensuring males and females have access to public health services
31 corresponding to their biological sex.

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

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

37 (8) This section does not apply to:

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38 (a) The actions of a body composed of nonelected
39 volunteers; or

40 (b) Basic administrative support provided to a body
41 composed of nonelected volunteers, unless such administrative
42 support is provided by a county employee whose sole function is
43 the provision of such administrative support.

44 **Section 2. Section 166.04971, Florida Statutes, is created**
45 **to read:**

46 166.04971 Prohibition of official actions of
47 municipalities relating to diversity, equity, and inclusion;
48 penalty; remedy.-

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

50 (a) "Acting in an official capacity" means performing or
51 purporting to perform a function, duty, or responsibility
52 assigned by law, rule, or policy to a public officer or public
53 employee, or otherwise exercising or claiming to exercise the
54 authority of such office or employment.

55 (b) "Diversity, equity, and inclusion" means any effort
56 to:

57 1. Manipulate or otherwise influence the composition of
58 employees with reference to race, color, sex, ethnicity, gender
59 identity, or sexual orientation other than to ensure that hiring
60 is conducted in accordance with state and federal
61 antidiscrimination laws;

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62 2. Promote or provide preferential treatment or special
63 benefits to a person or group based on that person's or group's
64 race, color, sex, ethnicity, gender identity, or sexual
65 orientation; or

66 3. Promote or adopt training, programming, or activities
67 designed or implemented with reference to race, color, sex,
68 ethnicity, gender identity, or sexual orientation.

69
70 The term does not include the use of equal opportunity or equal
71 employment opportunity materials designed to inform a person
72 about the prohibition against discrimination based on protected
73 status under state or federal law.

74 (c) "Diversity, equity, and inclusion office" means any
75 office, division, department, agency, center, or other unit of a
76 municipality which coordinates, creates, develops, designs,
77 implements, organizes, plans, or promotes policies, programming,
78 training, practices, meetings, activities, procedures, or
79 similar actions relating to diversity, equity, and inclusion.

80 (d) "Diversity, equity, and inclusion officer" means a
81 person who is a full-time or part-time employee of, or an
82 independent contractor contracted by, a municipality whose
83 duties include coordinating, creating, developing, designing,
84 implementing, organizing, planning, or promoting policies,
85 programming, training, practices, meetings, activities,

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86 procedures, or similar actions relating to diversity, equity,
87 and inclusion.

88 (2) A municipality may not fund or promote, directly or
89 indirectly, or take any official action, including, but not
90 limited to, the adoption or enforcement of ordinances,
91 resolutions, rules, regulations, programs, or policies, as it
92 relates to diversity, equity, and inclusion. Any such existing
93 ordinances, resolutions, rules, regulations, programs, or
94 policies are void.

95 (3) A municipality may not expend any funds, regardless of
96 source, to establish, sustain, support, or staff a diversity,
97 equity, and inclusion office or to employ, contract, or
98 otherwise engage a person to serve as a diversity, equity, and
99 inclusion officer.

100 (4) Any member of the governing body of a municipality or
101 other municipal official acting in an official capacity who
102 violates this section commits misfeasance or malfeasance in
103 office.

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

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

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

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

116 1. Recognizing or promoting holidays and special
117 observances.

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

124 3. Issuing event permits in a content-neutral manner and

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