

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Rayner offered the following:

2  
3 **Amendment**

4 Remove lines 106-225 and insert:

5 observances designated by state law, including, but not limited  
6 to, those designated in chapter 683 and LGBTQ+ Pride Month in  
7 June.

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

12 4. Recognizing or honoring the individuals and groups  
13 recognized and honored by the monuments, memorials, and museums

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14 authorized by chapter 265, ss. 267.0722 and 267.0724, or  
15 national monuments and memorials designated by acts of Congress,  
16 or recognizing the events and individuals forming the basis for  
17 such monuments, memorials, or museums.

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

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

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

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

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

31 3. Section 1000.05 or analogous state and federal laws  
32 prohibiting discrimination based on biological sex in  
33 educational programs, sports, activities, and employment.

34 4. Chapter 381 or analogous state and federal laws  
35 ensuring males and females have access to public health services  
36 corresponding to their biological sex.

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

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

42 (8) This section does not apply to:

43 (a) The actions of a body composed of nonelected  
44 volunteers; or

45 (b) Basic administrative support provided to a body  
46 composed of nonelected volunteers, unless such administrative  
47 support is provided by a county employee whose sole function is  
48 the provision of such administrative support.

49 **Section 2. Section 166.04971, Florida Statutes, is created**  
50 **to read:**

51 166.04971 Prohibition of official actions of  
52 municipalities relating to diversity, equity, and inclusion;  
53 penalty; remedy.—

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

55 (a) "Acting in an official capacity" means performing or  
56 purporting to perform a function, duty, or responsibility  
57 assigned by law, rule, or policy to a public officer or public  
58 employee, or otherwise exercising or claiming to exercise the  
59 authority of such office or employment.

60 (b) "Diversity, equity, and inclusion" means any effort  
61 to:

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

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64 identity, or sexual orientation other than to ensure that hiring  
65 is conducted in accordance with state and federal  
66 antidiscrimination laws;

67 2. Promote or provide preferential treatment or special  
68 benefits to a person or group based on that person's or group's  
69 race, color, sex, ethnicity, gender identity, or sexual  
70 orientation; or

71 3. Promote or adopt training, programming, or activities  
72 designed or implemented with reference to race, color, sex,  
73 ethnicity, gender identity, or sexual orientation.

74  
75 The term does not include the use of equal opportunity or equal  
76 employment opportunity materials designed to inform a person  
77 about the prohibition against discrimination based on protected  
78 status under state or federal law.

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

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

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89 implementing, organizing, planning, or promoting policies,  
90 programming, training, practices, meetings, activities,  
91 procedures, or similar actions relating to diversity, equity,  
92 and inclusion.

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

100 (3) A municipality may not expend any funds, regardless of  
101 source, to establish, sustain, support, or staff a diversity,  
102 equity, and inclusion office or to employ, contract, or  
103 otherwise engage a person to serve as a diversity, equity, and  
104 inclusion officer.

105 (4) Any member of the governing body of a municipality or  
106 other municipal official acting in an official capacity who  
107 violates this section commits misfeasance or malfeasance in  
108 office.

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

112 (6) An action in circuit court may be brought by a  
113 resident of the municipality against a municipality that

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114 violates this section. The court may enter a judgment awarding  
115 declaratory and injunctive relief, damages, and costs.

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

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

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

123 2. Recognizing or promoting state holidays and special  
124 observances designated by state law, including, but not limited  
125 to, those designated in chapter 683 and LGBTQ+ Pride Month in  
126 June.

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