

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Gantt offered the following:

2
3 **Amendment**

4 Remove lines 44-175 and insert:

5 to manipulate or otherwise influence the composition of
6 employees with reference to race, color, sex, ethnicity, gender
7 identity, or sexual orientation other than to ensure that hiring
8 is conducted in accordance with state and federal
9 antidiscrimination laws. The term does not include the use of
10 equal opportunity or equal employment opportunity materials
11 designed to inform a person about the prohibition against
12 discrimination based on protected status under state or federal
13 law.

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14 (c) "Diversity, equity, and inclusion office" means any
15 office, division, department, agency, center, or other unit of a
16 county which coordinates, creates, develops, designs,
17 implements, organizes, plans, or promotes policies, programming,
18 training, practices, meetings, activities, procedures, or
19 similar actions relating to diversity, equity, and inclusion.

20 (d) "Diversity, equity, and inclusion officer" means a
21 person who is a full-time or part-time employee of, or an
22 independent contractor contracted by, a county whose duties
23 include coordinating, creating, developing, designing,
24 implementing, organizing, planning, or promoting policies,
25 programming, training, practices, meetings, activities,
26 procedures, or similar actions relating to diversity, equity,
27 and inclusion.

28 (2) A county may not fund or promote, directly or
29 indirectly, or take any official action, including, but not
30 limited to, the adoption or enforcement of ordinances,
31 resolutions, rules, regulations, programs, or policies, as it
32 relates to diversity, equity, and inclusion. Any such existing
33 ordinances, resolutions, rules, regulations, programs, or
34 policies are void.

35 (3) A county may not expend any funds, regardless of
36 source, to establish, sustain, support, or staff a diversity,
37 equity, and inclusion office or to employ, contract, or

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38 otherwise engage a person to serve as a diversity, equity, and
39 inclusion officer.

40 (4) A county commissioner or other county official acting
41 in an official capacity who violates this section commits
42 misfeasance or malfeasance in office.

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

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

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

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

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

57 2. Recognizing or promoting state holidays and special
58 observances designated by state law, including those designated
59 in chapter 683.

60 3. Recognizing or promoting patriotic and national
61 observances recognized by federal law, including those

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62 designated in 36 U.S.C. ss. 101-148, or recognizing the events
63 and individuals forming the basis for such observances.

64 4. Recognizing or honoring the individuals and groups
65 recognized and honored by the monuments, memorials, and museums
66 authorized by chapter 265, ss. 267.0722 and 267.0724, or
67 national monuments and memorials designated by acts of Congress,
68 or recognizing the events and individuals forming the basis for
69 such monuments, memorials, or museums.

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

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

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

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

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

83 3. Section 1000.05 or analogous state and federal laws
84 prohibiting discrimination based on biological sex in
85 educational programs, sports, activities, and employment.

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86 4. Chapter 381 or analogous state and federal laws
87 ensuring males and females have access to public health services
88 corresponding to their biological sex.

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

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

94 (8) This section does not apply to:

95 (a) The actions of a body composed of nonelected
96 volunteers; or

97 (b) Basic administrative support provided to a body
98 composed of nonelected volunteers, unless such administrative
99 support is provided by a county employee whose sole function is
100 the provision of such administrative support.

101 **Section 2. Section 166.04971, Florida Statutes, is created**
102 **to read:**

103 166.04971 Prohibition of official actions of
104 municipalities relating to diversity, equity, and inclusion;
105 penalty; remedy.—

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

107 (a) "Acting in an official capacity" means performing or
108 purporting to perform a function, duty, or responsibility
109 assigned by law, rule, or policy to a public officer or public

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110 employee, or otherwise exercising or claiming to exercise the
111 authority of such office or employment.

112 (b) "Diversity, equity, and inclusion" means any effort to
113 manipulate or otherwise influence the composition of employees
114 with reference to race, color, sex, ethnicity, gender identity,
115 or sexual orientation other than to ensure that hiring is
116 conducted in accordance with state and federal
117 antidiscrimination laws. The term does not include the use of
118 equal opportunity or equal

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