

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Rayner offered the following:

Amendment

Remove lines 106-227 and insert:

in chapter 683, or LGBTQ+ Pride Month in June.

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

4. Promoting or supporting a nonprofit entity that provides single-sex programs for the homeless or education, counseling, and rehabilitation of trauma-involved or at-risk youth.

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14 5. Recognizing or honoring the individuals and groups
15 recognized and honored by the monuments, memorials, and museums
16 authorized by chapter 265 or chapter 267, or recognizing the
17 events and individuals forming the basis for such monuments,
18 memorials, or museums.

19 6. Owning, operating, maintaining, funding, or conducting
20 events at monuments and memorials listed in 54 U.S.C. s. 320301
21 and located in this state.

22 7. Issuing event permits in a content-neutral manner and
23 providing public safety services.

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

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

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

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

35 3. Section 1000.05 or analogous state and federal laws
36 prohibiting discrimination based on biological sex in
37 educational programs, sports, activities, and employment.

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38 4. Chapter 381 or analogous state and federal laws
39 ensuring males and females have access to public health services
40 corresponding to their biological sex.

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

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

46 (8) This section does not apply to:

47 (a) The actions of a body composed of nonelected
48 volunteers; or

49 (b) Basic administrative support provided to a body
50 composed of nonelected volunteers, unless such administrative
51 support is provided by a county employee whose sole function is
52 the provision of such administrative support.

53 **Section 2. Section 166.04971, Florida Statutes, is created**
54 **to read:**

55 166.04971 Prohibition of official actions of
56 municipalities relating to diversity, equity, and inclusion;
57 penalty; remedy.—

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

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

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62 employee, or otherwise exercising or claiming to exercise the
63 authority of such office or employment.

64 (b) "Diversity, equity, and inclusion" means any effort
65 to:

66 1. Manipulate or otherwise influence the composition of
67 employees with reference to race, color, sex, ethnicity, gender
68 identity, or sexual orientation other than to ensure that hiring
69 is conducted in accordance with state and federal
70 antidiscrimination laws;

71 2. Promote or provide preferential treatment or special
72 benefits to a person or group based on that person's or group's
73 race, color, sex, ethnicity, gender identity, or sexual
74 orientation; or

75 3. Promote or adopt training, programming, or activities
76 designed or implemented with reference to race, color, sex,
77 ethnicity, gender identity, or sexual orientation.

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

83 (c) "Diversity, equity, and inclusion office" means any
84 office, division, department, agency, center, or other unit of a
85 municipality which coordinates, creates, develops, designs,
86 implements, organizes, plans, or promotes policies, programming,

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87 training, practices, meetings, activities, procedures, or
88 similar actions relating to diversity, equity, and inclusion.

89 (d) "Diversity, equity, and inclusion officer" means a
90 person who is a full-time or part-time employee of, or an
91 independent contractor contracted by, a municipality whose
92 duties include coordinating, creating, developing, designing,
93 implementing, organizing, planning, or promoting policies,
94 programming, training, practices, meetings, activities,
95 procedures, or similar actions relating to diversity, equity,
96 and inclusion.

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

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

109 (4) Any member of the governing body of a municipality or
110 other municipal official acting in an official capacity who

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111 violates this section commits misfeasance or malfeasance in
112 office.

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

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

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

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

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

127 2. Recognizing or promoting state holidays and special
128 observances designated by state law, including those designated
129 in chapter 683, or LGBTQ+ Pride Month in June.

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