

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Eskamani offered the following:

Amendment

Remove lines 60-266 and insert:

status under state or federal law. The term also does not include recruitment outreach to underrepresented communities, cultural programming or heritage recognition, language access services, or disability services.

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

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

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

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

30 (3) A county may not expend any funds, regardless of
31 source, to establish, sustain, support, or staff a diversity,
32 equity, and inclusion office or to employ, contract, or
33 otherwise engage a person to serve as a diversity, equity, and
34 inclusion officer.

35 (4) A county commissioner or other county official acting
36 in an official capacity who violates this section commits
37 misfeasance or malfeasance in office.

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

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

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

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

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

52 2. Recognizing or promoting state holidays and special
53 observances designated by state law, including those designated
54 in chapter 683.

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

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

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63 5. Recognizing or honoring the individuals and groups
64 recognized and honored by the monuments, memorials, and museums
65 authorized by chapter 265 or chapter 267, or recognizing the
66 events and individuals forming the basis for such monuments,
67 memorials, or museums.

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

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

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

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

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

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

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

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

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

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

95 (e) This section may not be construed to diminish or
96 infringe upon any right protected under the First Amendment to
97 the United States Constitution.

98 (8) This section does not apply to:

99 (a) The actions of a body composed of nonelected
100 volunteers; or

101 (b) Basic administrative support provided to a body
102 composed of nonelected volunteers, unless such administrative
103 support is provided by a county employee whose sole function is
104 the provision of such administrative support.

105 **Section 2. Section 166.04971, Florida Statutes, is created**
106 **to read:**

107 166.04971 Prohibition of official actions of
108 municipalities relating to diversity, equity, and inclusion;
109 penalty; remedy.-

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

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111 (a) "Acting in an official capacity" means performing or
112 purporting to perform a function, duty, or responsibility
113 assigned by law, rule, or policy to a public officer or public
114 employee, or otherwise exercising or claiming to exercise the
115 authority of such office or employment.

116 (b) "Diversity, equity, and inclusion" means any effort
117 to:

118 1. Manipulate or otherwise influence the composition of
119 employees with reference to race, color, sex, ethnicity, gender
120 identity, or sexual orientation other than to ensure that hiring
121 is conducted in accordance with state and federal
122 antidiscrimination laws;

123 2. Promote or provide preferential treatment or special
124 benefits to a person or group based on that person's or group's
125 race, color, sex, ethnicity, gender identity, or sexual
126 orientation; or

127 3. Promote or adopt training, programming, or activities
128 designed or implemented with reference to race, color, sex,
129 ethnicity, gender identity, or sexual orientation.

130
131 The term does not include the use of equal opportunity or equal
132 employment opportunity materials designed to inform a person
133 about the prohibition against discrimination based on protected
134 status under state or federal law. The term also does not
135 include recruitment outreach to underrepresented communities,

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136 cultural programming or heritage recognition, language access
137 services, or disability services.

138 (c) "Diversity, equity, and inclusion office" means any
139 office, division, department, agency, center, or other unit of a
140 municipality which coordinates, creates, develops, designs,
141 implements, organizes, plans, or promotes policies, programming,
142 training, practices, meetings, activities, procedures, or
143 similar actions relating to diversity, equity, and inclusion.

144 (d) "Diversity, equity, and inclusion officer" means a
145 person who is a full-time or part-time employee of, or an
146 independent contractor contracted by, a municipality whose
147 duties include coordinating, creating, developing, designing,
148 implementing, organizing, planning, or promoting policies,
149 programming, training, practices, meetings, activities,
150 procedures, or similar actions relating to diversity, equity,
151 and inclusion.

152 (2) A municipality may not fund or promote, directly or
153 indirectly, or take any official action, including, but not
154 limited to, the adoption or enforcement of ordinances,
155 resolutions, rules, regulations, programs, or policies, as it
156 relates to diversity, equity, and inclusion. Any such existing
157 ordinances, resolutions, rules, regulations, programs, or
158 policies are void.

159 (3) A municipality may not expend any funds, regardless of
160 source, to establish, sustain, support, or staff a diversity,

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161 equity, and inclusion office or to employ, contract, or
162 otherwise engage a person to serve as a diversity, equity, and
163 inclusion officer.

164 (4) Any member of the governing body of a municipality or
165 other municipal official acting in an official capacity who
166 violates this section commits misfeasance or malfeasance in
167 office.

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

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

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

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

180 1. Recognizing or promoting holidays designated by federal
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185 3. Recognizing or promoting patriotic and national
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191 counseling, and rehabilitation of trauma-involved or at-risk
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