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LEGISLATIVE ACTION

Senate

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House

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Senator Yarborough moved the following:

**Senate Substitute for Amendment (648678)**

Delete lines 111 - 234

and insert:

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.

5. Recognizing or honoring the individuals and groups recognized and honored by the monuments, memorials, and museums authorized by chapter 265 or chapter 267, or national monuments or memorials designated by acts of Congress, or recognizing the



12 events and individuals forming the basis for such monuments,  
13 memorials, or museums.

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

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

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

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

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

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

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

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

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

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



41       (8) This section does not apply to:  
42       (a) The actions of a body composed of nonelected  
43 volunteers; or  
44       (b) Basic administrative support provided to a body  
45 composed of nonelected volunteers, unless such administrative  
46 support is provided by a county employee whose sole function is  
47 the provision of such administrative support.  
48       Section 2. Section 166.04971, Florida Statutes, is created  
49 to read:  
50       166.04971 Prohibition of official actions of municipalities  
51 relating to diversity, equity, and inclusion; penalty; remedy.-  
52       (1) For purposes of this section, the term:  
53       (a) "Acting in an official capacity" means performing or  
54 purporting to perform a function, duty, or responsibility  
55 assigned by law, rule, or policy to a public officer or public  
56 employee, or otherwise exercising or claiming to exercise the  
57 authority of such office or employment.  
58       (b) "Diversity, equity, and inclusion" means any effort to:  
59       1. Manipulate or otherwise influence the composition of  
60 employees with reference to race, color, sex, ethnicity, gender  
61 identity, or sexual orientation other than to ensure that hiring  
62 is conducted in accordance with state and federal  
63 antidiscrimination laws;  
64       2. Promote or provide preferential treatment or special  
65 benefits to a person or group based on that person's or group's  
66 race, color, sex, ethnicity, gender identity, or sexual  
67 orientation; or  
68       3. Promote or adopt training, programming, or activities  
69 designed or implemented with reference to race, color, sex,



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70 ethnicity, gender identity, or sexual orientation.

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

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

82 (d) "Diversity, equity, and inclusion officer" means a  
83 person who is a full-time or part-time employee of, or an  
84 independent contractor contracted by, a municipality whose  
85 duties include coordinating, creating, developing, designing,  
86 implementing, organizing, planning, or promoting policies,  
87 programming, training, practices, meetings, activities,  
88 procedures, or similar actions relating to diversity, equity,  
89 and inclusion.

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

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



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99 equity, and inclusion office or to employ, contract, or  
100 otherwise engage a person to serve as a diversity, equity, and  
101 inclusion officer.

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

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

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

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

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

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

120 2. Recognizing or promoting state holidays and special  
121 observances designated by state law, including those designated  
122 in chapter 683.

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

127 4. Promoting or supporting a nonprofit entity that provides



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128 single-sex programs for the homeless or education, counseling,  
129 and rehabilitation of trauma-involved or at-risk youth.

130 5. Recognizing or honoring the individuals and groups  
131 recognized and honored by the monuments, memorials, and museums  
132 authorized by chapter 265 or chapter 267, or national monuments  
133 or memorials designated by acts of Congress, or recognizing the  
134 events and individuals forming the basis for such monuments,  
135 memorials, or museums.

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

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