

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Eskamani offered the following:

Amendment (with title amendment)

Remove lines 88-209 and insert:

in an official capacity who willfully violates this section for personal financial gain commits misfeasance or malfeasance in office.

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

(6) An action in circuit court may be brought by a resident of the county against a county that violates this

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13 section. The court may enter a judgment awarding declaratory and
14 injunctive relief, damages, and costs.

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

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

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

22 2. Recognizing or promoting state holidays and special
23 observances designated by state law, including those designated
24 in chapter 683.

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

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

33 5. Recognizing or honoring the individuals and groups
34 recognized and honored by the monuments, memorials, and museums
35 authorized by chapter 265 or chapter 267, or recognizing the
36 events and individuals forming the basis for such monuments,
37 memorials, or museums.

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

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

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

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

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

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

54 3. Section 1000.05 or analogous state and federal laws
55 prohibiting discrimination based on biological sex in
56 educational programs, sports, activities, and employment.

57 4. Chapter 381 or analogous state and federal laws
58 ensuring males and females have access to public health services
59 corresponding to their biological sex.

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

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

65 (8) This section does not apply to:

66 (a) The actions of a body composed of nonelected
67 volunteers; or

68 (b) Basic administrative support provided to a body
69 composed of nonelected volunteers, unless such administrative
70 support is provided by a county employee whose sole function is
71 the provision of such administrative support.

72 Section 2. Section 166.04971, Florida Statutes, is created
73 to read:

74 166.04971 Prohibition of official actions of
75 municipalities relating to diversity, equity, and inclusion;
76 penalty; remedy.—

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

78 (a) "Acting in an official capacity" means performing or
79 purporting to perform a function, duty, or responsibility
80 assigned by law, rule, or policy to a public officer or public
81 employee, or otherwise exercising or claiming to exercise the
82 authority of such office or employment.

83 (b) "Diversity, equity, and inclusion" means any effort
84 to:

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

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87 identity, or sexual orientation other than to ensure that hiring
88 is conducted in accordance with state and federal
89 antidiscrimination laws;

90 2. Promote or provide preferential treatment or special
91 benefits to a person or group based on that person's or group's
92 race, color, sex, ethnicity, gender identity, or sexual
93 orientation; or

94 3. Promote or adopt training, programming, or activities
95 designed or implemented with reference to race, color, sex,
96 ethnicity, gender identity, or sexual orientation.

97
98 The term does not include the use of equal opportunity or equal
99 employment opportunity materials designed to inform a person
100 about the prohibition against discrimination based on protected
101 status under state or federal law.

102 (c) "Diversity, equity, and inclusion office" means any
103 office, division, department, agency, center, or other unit of a
104 municipality which coordinates, creates, develops, designs,
105 implements, organizes, plans, or promotes policies, programming,
106 training, practices, meetings, activities, procedures, or
107 similar actions relating to diversity, equity, and inclusion.

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

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112 implementing, organizing, planning, or promoting policies,
113 programming, training, practices, meetings, activities,
114 procedures, or similar actions relating to diversity, equity,
115 and inclusion.

116 (2) A municipality may not fund or promote, directly or
117 indirectly, or take any official action, including, but not
118 limited to, the adoption or enforcement of ordinances,
119 resolutions, rules, regulations, programs, or policies, as it
120 relates to diversity, equity, and inclusion. Any such existing
121 ordinances, resolutions, rules, regulations, programs, or
122 policies are void.

123 (3) A municipality may not expend any funds, regardless of
124 source, to establish, sustain, support, or staff a diversity,
125 equity, and inclusion office or to employ, contract, or
126 otherwise engage a person to serve as a diversity, equity, and
127 inclusion officer.

128 (4) Any member of the governing body of a municipality or
129 other municipal official acting in an official capacity who
130 willfully violates this section for personal financial gain
131 commits misfeasance or malfeasance in

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133 -----

134 **T I T L E A M E N D M E N T**

135 Remove line 16 and insert:

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136 | willfully violates certain provisions for a specified
137 | purpose commits misfeasance or

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