

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Gantt offered the following:

2
3 **Amendment**

4 Remove lines 43-177 and insert:

5 (b) "Diversity, equity, and inclusion" means any effort to
6 manipulate or otherwise influence the composition of employees
7 with reference to race, color, sex, ethnicity, gender identity,
8 or sexual orientation other than to ensure that hiring is
9 conducted in accordance with state and federal
10 antidiscrimination laws. The term does not include the use of
11 equal opportunity or equal employment opportunity materials
12 designed to inform a person about the prohibition against

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13 discrimination based on protected status under state or federal
14 law.

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

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

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

36 (3) A county may not expend any funds, regardless of
37 source, to establish, sustain, support, or staff a diversity,

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38 equity, and inclusion office or to employ, contract, or
39 otherwise engage a person to serve as a diversity, equity, and
40 inclusion officer.

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

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

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

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

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

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

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

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

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

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

69 5. Recognizing or honoring the individuals and groups
70 recognized and honored by the monuments, memorials, and museums
71 authorized by chapter 265 or chapter 267, or recognizing the
72 events and individuals forming the basis for such monuments,
73 memorials, or museums.

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

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

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

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

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

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

90 3. Section 1000.05 or analogous state and federal laws
91 prohibiting discrimination based on biological sex in
92 educational programs, sports, activities, and employment.

93 4. Chapter 381 or analogous state and federal laws
94 ensuring males and females have access to public health services
95 corresponding to their biological sex.

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

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

101 (8) This section does not apply to:

102 (a) The actions of a body composed of nonelected
103 volunteers; or

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

108 **Section 2. Section 166.04971, Florida Statutes, is created**
109 **to read:**

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110 166.04971 Prohibition of official actions of
111 municipalities relating to diversity, equity, and inclusion;
112 penalty; remedy.-

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

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

119 (b) "Diversity, equity, and inclusion" means any effort to
120 manipulate or otherwise influence the composition of employees
121 with reference to race, color, sex, ethnicity, gender identity,
122 or sexual orientation other than to ensure that hiring is
123 conducted in accordance with state and federal
124 antidiscrimination laws. The term does not include the use of
125 equal opportunity or equal

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