

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Rayner offered the following:

2  
3 **Amendment**

4 Remove lines 52-175 and insert:

5 orientation and not promoted or provided to the public at large;  
6 or

7 3. Promote or adopt training, programming, or activities  
8 designed or implemented with reference to race, color, sex,  
9 ethnicity, gender identity, or sexual orientation and not  
10 inclusive of, available to, or accessible to the public at  
11 large.  
12

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13 The term does not include the use of equal opportunity or equal  
14 employment opportunity materials designed to inform a person  
15 about the prohibition against discrimination based on protected  
16 status under state or federal law.

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

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

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

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38       (3) A county may not expend any funds, regardless of  
39 source, to establish, sustain, support, or staff a diversity,  
40 equity, and inclusion office or to employ, contract, or  
41 otherwise engage a person to serve as a diversity, equity, and  
42 inclusion officer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

103 (8) This section does not apply to:

104 (a) The actions of a body composed of nonelected  
105 volunteers; or

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

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110           **Section 2. Section 166.04971, Florida Statutes, is created**  
111 **to read:**

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

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

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

121           (b) "Diversity, equity, and inclusion" means any effort  
122 to:

123           1. Manipulate or otherwise influence the composition of  
124 employees with reference to race, color, sex, ethnicity, gender  
125 identity, or sexual orientation other than to ensure that hiring  
126 is conducted in accordance with state and federal  
127 antidiscrimination laws;

128           2. Promote or provide preferential treatment or special  
129 benefits to a person or group based on that person's or group's  
130 race, color, sex, ethnicity, gender identity, or sexual  
131 orientation and not promoted or provided to the public at large;  
132 or

133           3. Promote or adopt training, programming, or activities  
134 designed or implemented with reference to race, color, sex,

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135 | ethnicity, gender identity, or sexual orientation and not  
136 | inclusive of, available to, or accessible to the public at  
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