

By Senator Yarborough

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1                   A bill to be entitled  
2           An act relating to official actions of local  
3           governments; creating ss. 125.595 and 166.04971, F.S.;  
4           prohibiting counties and municipalities, respectively,  
5           from taking official action as it relates to  
6           diversity, equity, and inclusion; providing a penalty;  
7           authorizing a cause of action against counties and  
8           municipalities, respectively, that take such action;  
9           providing construction; providing for retroactive  
10          applicability; defining the term "diversity, equity,  
11          and inclusion"; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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15           Section 1. Section 125.595, Florida Statutes, is created to  
16          read:

17           125.595 Prohibition of official actions of counties  
18          relating to diversity, equity, and inclusion; penalty; remedy.-

19           (1) A county may not take any official action, including,  
20          but not limited to, the adoption of ordinances, resolutions,  
21          rules or regulations, programs, or policies, as it relates to  
22          diversity, equity, and inclusion.

23           (2) A county commissioner who violates subsection (1), or  
24          who votes in favor of an ordinance to expand the powers or  
25          authority of an existing office, special district, or  
26          governmental unit for the purpose of exercising any power or  
27          authority allocated exclusively by the State Constitution or  
28          general law to take official action as it relates to diversity,  
29          equity, and inclusion, is guilty of misfeasance or malfeasance

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30 in office.

31 (3) An action in circuit court may be brought against a  
32 county that violates this section by a resident of the county.  
33 The court may enter a judgment awarding declaratory and  
34 injunctive relief, damages, and costs. The court may also award  
35 reasonable attorney fees to the prevailing party; however, the  
36 court may not award reasonable attorney fees to a county as the  
37 prevailing party.

38 (4) This section does not prohibit any official action by a  
39 county required for compliance with general or federal laws or  
40 regulations.

41 (5) This section applies retroactively to all official  
42 actions taken by a county before July 1, 2025.

43 (6) For purposes of this section, the term "diversity,  
44 equity, and inclusion" means any ordinance or policy that  
45 classifies an individual on the basis of race, color, sex,  
46 national origin, gender identity, or sexual orientation and  
47 promotes deferential or preferential treatment of individuals on  
48 the basis of such classification.

49 Section 2. Section 166.04971, Florida Statutes, is created  
50 to read:

51 166.04971 Prohibition of official actions of municipalities  
52 relating to diversity, equity, and inclusion; penalty; remedy.-

53 (1) A municipality may not take any official action,  
54 including, but not limited to, the adoption of ordinances,  
55 resolutions, rules or regulations, programs, or policies, as it  
56 relates to diversity, equity, and inclusion.

57 (2) Any member of the governing body of a municipality who  
58 violates subsection (1), or who votes in favor of an ordinance

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59 to expand the powers or authority of an existing office, special  
60 district, or governmental unit for the purpose of exercising any  
61 power or authority allocated exclusively by the State  
62 Constitution or general law to take official action as it  
63 relates to diversity, equity, and inclusion, is guilty of  
64 misfeasance or malfeasance in office.

65 (3) An action in circuit court may be brought against a  
66 municipality that violates this section by a resident of the  
67 municipality. The court may enter a judgment awarding  
68 declaratory and injunctive relief, damages, and costs. The court  
69 may also award reasonable attorney fees to the prevailing party;  
70 however, the court may not award reasonable attorney fees to a  
71 municipality as the prevailing party.

72 (4) This section does not prohibit any official action by  
73 the governing body of a municipality required for compliance  
74 with general or federal laws or regulations.

75 (5) This section applies retroactively to all official  
76 actions taken by the governing body of a municipality before  
77 July 1, 2025.

78 (6) For purposes of this section, the term "diversity,  
79 equity, and inclusion" means any ordinance or policy that  
80 classifies an individual on the basis of race, color, sex,  
81 national origin, gender identity, or sexual orientation and  
82 promotes deferential or preferential treatment of individuals on  
83 the basis of such classification.

84 Section 3. This act shall take effect July 1, 2025.