

By the Committee on Community Affairs; and Senator Yarborough

578-02515-25

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A bill to be entitled

An act relating to official actions of local governments; creating ss. 125.595 and 166.04971, F.S.; defining terms; prohibiting counties and municipalities, respectively, from funding or promoting or taking official action as it relates to diversity, equity, and inclusion; prohibiting counties and municipalities, respectively, from expending funds for diversity, equity, and inclusion offices or for diversity, equity, and inclusion officers; providing that certain ordinances, resolutions, rules, regulations, programs, and policies are void; providing that a county commissioner, a member of the governing body of a municipality, or any other county or municipal official who violates certain provisions commits misfeasance or malfeasance in office; authorizing a cause of action against counties and municipalities, respectively, under certain circumstances; providing construction and applicability; creating s. 287.139, F.S.; requiring potential recipients of county and municipal contracts and grants to make a certain certification to the county or municipality before being awarded such contract or grant; providing an effective date.

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

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

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

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

(a) "Diversity, equity, and inclusion" means any effort to:

1. Manipulate or otherwise influence the composition of employees with reference to race, color, sex, or ethnicity, other than to ensure that hiring is conducted in accordance with state and federal antidiscrimination laws;

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

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

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

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

(c) "Diversity, equity, and inclusion officer" means a person who is a full-time or part-time employee of, or an independent contractor contracted by, a county whose duties

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59 include coordinating, creating, developing, designing,  
60 implementing, organizing, planning, or promoting policies,  
61 programming, training, practices, meetings, activities,  
62 procedures or similar actions relating to diversity, equity, and  
63 inclusion.

64 (2) A county may not fund or promote, directly or  
65 indirectly, or take any official action, including, but not  
66 limited to, the adoption or enforcement of ordinances,  
67 resolutions, rules, regulations, programs, or policies, as it  
68 relates to diversity, equity, and inclusion. Any such existing  
69 ordinances, resolutions, rules, regulations, programs, or  
70 policies are void.

71 (3) A county may not expend any funds, regardless of  
72 source, to establish, sustain, support, or staff a diversity,  
73 equity, and inclusion office or to employ, contract, or  
74 otherwise engage a person to serve as a diversity, equity, and  
75 inclusion officer.

76 (4) A county commissioner or other county official who  
77 violates this section commits misfeasance or malfeasance in  
78 office.

79 (5) An action in circuit court may be brought against a  
80 county that violates this section by a resident of the county.  
81 The court may enter a judgment awarding declaratory and  
82 injunctive relief, damages, and costs. The court may also award  
83 reasonable attorney fees to the prevailing party; however, the  
84 court may not award reasonable attorney fees to a county as the  
85 prevailing party.

86 (6) This section does not prohibit any official action by a  
87 county required for compliance with state or federal laws or

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88 regulations.

89 (7) This section does not apply to:

90 (a) The actions of an appointed county board or commission  
91 composed of nonelected volunteers; or

92 (b) Basic administrative support provided to an appointed  
93 county board or commission composed of nonelected volunteers,  
94 unless such administrative support is provided by a county  
95 employee whose sole function is the provision of such  
96 administrative support.

97 Section 2. Section 166.04971, Florida Statutes, is created  
98 to read:

99 166.04971 Prohibition of official actions of municipalities  
100 relating to diversity, equity, and inclusion; penalty; remedy.-

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

102 (a) "Diversity, equity, and inclusion" means any effort to:

103 1. Manipulate or otherwise influence the composition of  
104 employees with reference to race, color, sex, or ethnicity,  
105 other than to ensure that hiring is conducted in accordance with  
106 state and federal antidiscrimination laws;

107 2. Promote or provide differential or preferential  
108 treatment or special benefits to a person or group based on that  
109 person's or group's race, color, sex, ethnicity, gender  
110 identity, or sexual orientation; or

111 3. Promote or adopt training, programming, or activities  
112 designed or implemented with reference to race, color, sex,  
113 ethnicity, gender identity, or sexual orientation.

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115 The term does not include the use of equal opportunity or equal  
116 employment opportunity materials designed to inform a person

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117 about the prohibition against discrimination based on protected  
118 status under state or federal law.

119 (b) "Diversity, equity, and inclusion office" means any  
120 office, division, department, agency, center, or other unit of a  
121 municipality which coordinates, creates, develops, designs,  
122 implements, organizes, plans, or promotes policies, programming,  
123 training, practices, meetings, activities, procedures, or  
124 similar actions relating to diversity, equity, and inclusion.

125 (c) "Diversity, equity, and inclusion officer" means a  
126 person who is a full-time or part-time employee of, or an  
127 independent contractor contracted by, a municipality whose  
128 duties include coordinating, creating, developing, designing,  
129 implementing, organizing, planning, or promoting policies,  
130 programming, training, practices, meetings, activities,  
131 procedures or similar actions relating to diversity, equity, and  
132 inclusion.

133 (2) A municipality may not fund or promote, directly or  
134 indirectly, or take any official action, including, but not  
135 limited to, the adoption or enforcement of ordinances,  
136 resolutions, rules, regulations, programs, or policies, as it  
137 relates to diversity, equity, and inclusion. Any such existing  
138 ordinances, resolutions, rules, regulations, programs, or  
139 policies are void.

140 (3) A municipality may not expend any funds, regardless of  
141 source, to establish, sustain, support, or staff a diversity,  
142 equity, and inclusion office or to employ, contract, or  
143 otherwise engage a person to serve as a diversity, equity, and  
144 inclusion officer.

145 (4) Any member of the governing body of a municipality or

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146 other municipal official who violates this section commits  
147 misfeasance or malfeasance in office.

148 (5) An action in circuit court may be brought against a  
149 municipality that violates this section by a resident of the  
150 municipality. The court may enter a judgment awarding  
151 declaratory and injunctive relief, damages, and costs. The court  
152 may also award reasonable attorney fees to the prevailing party;  
153 however, the court may not award reasonable attorney fees to a  
154 municipality as the prevailing party.

155 (6) This section does not prohibit any official action by  
156 the governing body of a municipality required for compliance  
157 with state or federal laws or regulations.

158 (7) This section does not apply to:

159 (a) The actions of an appointed municipal board or  
160 commission composed of nonelected volunteers; or

161 (b) Basic administrative support provided to an appointed  
162 municipal board or commission composed of nonelected volunteers,  
163 unless such administrative support is provided by a municipal  
164 employee whose sole function is the provision of such  
165 administrative support.

166 Section 3. Section 287.139, Florida Statutes, is created to  
167 read:

168 287.139 Prohibition against using diversity, equity, and  
169 inclusion material.—A potential recipient of a county or  
170 municipal contract or grant shall certify to the county or  
171 municipality, as applicable, before being awarded such contract  
172 or grant that the potential recipient does not and will not use  
173 county or municipal funds in requiring its employees,  
174 contractors, volunteers, vendors, or agents to ascribe to,

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175 study, or be instructed using materials relating to diversity,  
176 equity, and inclusion as defined in ss. 125.595(1) and  
177 166.04971(1).

178 Section 4. This act shall take effect December 31, 2025.