

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative Black offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

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

8 125.595 Prohibition of official actions of counties
9 relating to diversity, equity, and inclusion; penalty; remedy.-

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

11 (a) "Acting in an official capacity" means performing or
12 purporting to perform a function, duty, or responsibility
13 assigned by law, rule, or policy to a public officer or public
14 employee, or otherwise exercising or claiming to exercise the
15 authority of such office or employment.

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16 (b) "Diversity, equity, and inclusion" means any effort
17 to:

18 1. Manipulate or otherwise influence the composition of
19 employees with reference to race, color, sex, ethnicity, gender
20 identity, or sexual orientation other than to ensure that hiring
21 is conducted in accordance with state and federal
22 antidiscrimination laws;

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

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

30
31 The term does not include the use of equal opportunity or equal
32 employment opportunity materials designed to inform a person
33 about the prohibition against discrimination based on protected
34 status under state or federal law.

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

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41 (d) "Diversity, equity, and inclusion officer" means a
42 person who is a full-time or part-time employee of, or an
43 independent contractor contracted by, a county whose duties
44 include coordinating, creating, developing, designing,
45 implementing, organizing, planning, or promoting policies,
46 programming, training, practices, meetings, activities,
47 procedures, or similar actions relating to diversity, equity,
48 and inclusion.

49 (2) A county may not fund or promote, directly or
50 indirectly, or take any official action, including, but not
51 limited to, the adoption or enforcement of ordinances,
52 resolutions, rules, regulations, programs, or policies, as it
53 relates to diversity, equity, and inclusion. Any such existing
54 ordinances, resolutions, rules, regulations, programs, or
55 policies are void.

56 (3) A county may not expend any funds, regardless of
57 source, to establish, sustain, support, or staff a diversity,
58 equity, and inclusion office or to employ, contract, or
59 otherwise engage a person to serve as a diversity, equity, and
60 inclusion officer.

61 (4) A county commissioner or other county official acting
62 in an official capacity who violates this section commits
63 misfeasance or malfeasance in office.

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

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

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

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

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

78 2. Recognizing or promoting state holidays and special
79 observances designated by state law, including those designated
80 in chapter 683.

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

85 4. Recognizing or honoring the individuals and groups
86 recognized and honored by the monuments, memorials, and museums
87 authorized by chapter 265, ss. 267.0722 and 267.0724, or
88 national monuments and memorials designated by acts of Congress,

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89 or recognizing the events and individuals forming the basis for
90 such monuments, memorials, or museums.

91 5. Issuing event permits in a content-neutral manner and
92 providing public safety services.

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

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

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

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

104 3. Section 1000.05 or analogous state and federal laws
105 prohibiting discrimination based on biological sex in
106 educational programs, sports, activities, and employment.

107 4. Chapter 381 or analogous state and federal laws
108 ensuring males and females have access to public health services
109 corresponding to their biological sex.

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

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

115 (8) This section does not apply to:

116 (a) The actions of a body composed of nonelected
117 volunteers; or

118 (b) Basic administrative support provided to a body
119 composed of nonelected volunteers, unless such administrative
120 support is provided by a county employee whose sole function is
121 the provision of such administrative support.

122 **Section 2. Section 166.04971, Florida Statutes, is created**
123 **to read:**

124 166.04971 Prohibition of official actions of
125 municipalities relating to diversity, equity, and inclusion;
126 penalty; remedy.—

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

128 (a) "Acting in an official capacity" means performing or
129 purporting to perform a function, duty, or responsibility
130 assigned by law, rule, or policy to a public officer or public
131 employee, or otherwise exercising or claiming to exercise the
132 authority of such office or employment.

133 (b) "Diversity, equity, and inclusion" means any effort
134 to:

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

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137 identity, or sexual orientation other than to ensure that hiring
138 is conducted in accordance with state and federal
139 antidiscrimination laws;

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

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

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

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

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

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162 implementing, organizing, planning, or promoting policies,
163 programming, training, practices, meetings, activities,
164 procedures, or similar actions relating to diversity, equity,
165 and inclusion.

166 (2) A municipality may not fund or promote, directly or
167 indirectly, or take any official action, including, but not
168 limited to, the adoption or enforcement of ordinances,
169 resolutions, rules, regulations, programs, or policies, as it
170 relates to diversity, equity, and inclusion. Any such existing
171 ordinances, resolutions, rules, regulations, programs, or
172 policies are void.

173 (3) A municipality may not expend any funds, regardless of
174 source, to establish, sustain, support, or staff a diversity,
175 equity, and inclusion office or to employ, contract, or
176 otherwise engage a person to serve as a diversity, equity, and
177 inclusion officer.

178 (4) Any member of the governing body of a municipality or
179 other municipal official acting in an official capacity who
180 violates this section commits misfeasance or malfeasance in
181 office.

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

185 (6) An action in circuit court may be brought by a
186 resident of the municipality against a municipality that

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187 violates this section. The court may enter a judgment awarding
188 declaratory and injunctive relief, damages, and costs.

189 (7) (a) This section does not prohibit any official action
190 by the governing body of a municipality required for compliance
191 with state or federal laws or regulations.

192 (b) This section does not prohibit a municipality from
193 doing any of the following:

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

196 2. Recognizing or promoting state holidays and special
197 observances designated by state law, including those designated
198 in chapter 683.

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

203 4. Recognizing or honoring the individuals and groups
204 recognized and honored by the monuments, memorials, and museums
205 authorized by chapter 265, ss. 267.0722 and 267.0724, or
206 national monuments and memorials designated by acts of Congress,
207 or recognizing the events and individuals forming the basis for
208 such monuments, memorials, or museums.

209 5. Issuing event permits in a content-neutral manner and
210 providing public safety services.

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

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

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

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

222 3. Section 1000.05 or analogous state and federal laws
223 prohibiting discrimination based on biological sex in
224 educational programs, sports, activities, and employment.

225 4. Chapter 381 or analogous state and federal laws
226 ensuring males and females have access to public health services
227 corresponding to their biological sex.

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

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

233 (8) This section does not apply to:

234 (a) The actions of a body composed of nonelected
235 volunteers; or

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236 (b) Basic administrative support provided to a body
237 composed of nonelected volunteers, unless such administrative
238 support is provided by a municipal employee whose sole function
239 is the provision of such administrative support.

240 **Section 3. Section 287.139, Florida Statutes, is created**
241 **to read:**

242 287.139 Prohibition against using diversity, equity, and
243 inclusion material.—A potential recipient of a county or
244 municipal contract or grant shall certify to the county or
245 municipality, as applicable, before being awarded such contract
246 or grant that the potential recipient does not and will not use
247 county or municipal funds in requiring its employees,
248 contractors, volunteers, vendors, or agents to ascribe to,
249 study, or be instructed using materials relating to diversity,
250 equity, and inclusion as defined in ss. 125.595(1) and
251 166.04971(1).

252 **Section 4. Section 287.139, Florida Statutes, created by**
253 this act applies to any contract between a county or
254 municipality and a diversity, equity, and inclusion officer
255 which is in existence on January 1, 2027. With respect to all
256 other contracts, s. 287.139, Florida Statutes, created by this
257 act applies to contracts executed or renewed after January 1,
258 2027.

259 **Section 5. This act shall take effect January 1, 2027.**
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T I T L E A M E N D M E N T
Remove everything before the enacting clause and insert:
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; providing that
certain ordinances, resolutions, rules, regulations,
programs, and policies are void; prohibiting counties
and municipalities, respectively, from expending funds
for diversity, equity, and inclusion offices or for
diversity, equity, and inclusion officers; providing
that a county commissioner, a member of the governing
body of a municipality, or any other county or
municipal official acting in an official capacity who
violates certain provisions commits misfeasance or
malfeasance in office; prohibiting counties and
municipalities, respectively, from providing or
authorizing funds to be used to promote diversity,
equity, and inclusion initiatives; authorizing a cause
of action against counties and municipalities,
respectively; authorizing a court to enter a judgment
awarding certain relief, damages, and costs; providing

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286 applicability; creating s. 287.139, F.S.; requiring
287 potential recipients of county or municipal contracts
288 or grants to make a certain certification to the
289 county or municipality before being awarded such
290 contract or grant; providing applicability; providing
291 an effective date.