

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Eskamani offered the following:

**Amendment**

Remove lines 61-259 and insert:

status under state or federal law. The term also does not include recruitment outreach to underrepresented communities, cultural programming or heritage recognition, language access services, or disability services.

(c) "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,

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13 training, practices, meetings, activities, procedures, or  
14 similar actions relating to diversity, equity, and inclusion.

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

23 (2) A county may not fund or promote, directly or  
24 indirectly, or take any official action, including, but not  
25 limited to, the adoption or enforcement of ordinances,  
26 resolutions, rules, regulations, programs, or policies, as it  
27 relates to diversity, equity, and inclusion. Any such existing  
28 ordinances, resolutions, rules, regulations, programs, or  
29 policies are void.

30 (3) A county may not expend any funds, regardless of  
31 source, to establish, sustain, support, or staff a diversity,  
32 equity, and inclusion office or to employ, contract, or  
33 otherwise engage a person to serve as a diversity, equity, and  
34 inclusion officer.

35 (4) A county commissioner or other county official acting  
36 in an official capacity who violates this section commits  
37 misfeasance or malfeasance in office.

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

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

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

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

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

52 2. Recognizing or promoting state holidays and special  
53 observances designated by state law, including those designated  
54 in chapter 683.

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

59 4. Recognizing or honoring the individuals and groups  
60 recognized and honored by the monuments, memorials, and museums  
61 authorized by chapter 265, ss. 267.0722 and 267.0724, or  
62 national monuments and memorials designated by acts of Congress,

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63 or recognizing the events and individuals forming the basis for  
64 such monuments, memorials, or museums.

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

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

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

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

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

78 3. Section 1000.05 or analogous state and federal laws  
79 prohibiting discrimination based on biological sex in  
80 educational programs, sports, activities, and employment.

81 4. Chapter 381 or analogous state and federal laws  
82 ensuring males and females have access to public health services  
83 corresponding to their biological sex.

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

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

89 (e) This section may not be construed to diminish or  
90 infringe upon any right protected under the First Amendment to  
91 the United States Constitution.

92 (8) This section does not apply to:

93 (a) The actions of a body composed of nonelected  
94 volunteers; or

95 (b) Basic administrative support provided to a body  
96 composed of nonelected volunteers, unless such administrative  
97 support is provided by a county employee whose sole function is  
98 the provision of such administrative support.

99 **Section 2. Section 166.04971, Florida Statutes, is created**  
100 **to read:**

101 166.04971 Prohibition of official actions of  
102 municipalities relating to diversity, equity, and inclusion;  
103 penalty; remedy.-

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

105 (a) "Acting in an official capacity" means performing or  
106 purporting to perform a function, duty, or responsibility  
107 assigned by law, rule, or policy to a public officer or public  
108 employee, or otherwise exercising or claiming to exercise the  
109 authority of such office or employment.

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110 (b) "Diversity, equity, and inclusion" means any effort  
111 to:

112 1. Manipulate or otherwise influence the composition of  
113 employees with reference to race, color, sex, ethnicity, gender  
114 identity, or sexual orientation other than to ensure that hiring  
115 is conducted in accordance with state and federal  
116 antidiscrimination laws;

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

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

124  
125 The term does not include the use of equal opportunity or equal  
126 employment opportunity materials designed to inform a person  
127 about the prohibition against discrimination based on protected  
128 status under state or federal law. The term also does not  
129 include recruitment outreach to underrepresented communities,  
130 cultural programming or heritage recognition, language access  
131 services, or disability services.

132 (c) "Diversity, equity, and inclusion office" means any  
133 office, division, department, agency, center, or other unit of a  
134 municipality which coordinates, creates, develops, designs,

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135 implements, organizes, plans, or promotes policies, programming,  
136 training, practices, meetings, activities, procedures, or  
137 similar actions relating to diversity, equity, and inclusion.

138 (d) "Diversity, equity, and inclusion officer" means a  
139 person who is a full-time or part-time employee of, or an  
140 independent contractor contracted by, a municipality whose  
141 duties include coordinating, creating, developing, designing,  
142 implementing, organizing, planning, or promoting policies,  
143 programming, training, practices, meetings, activities,  
144 procedures, or similar actions relating to diversity, equity,  
145 and inclusion.

146 (2) A municipality may not fund or promote, directly or  
147 indirectly, or take any official action, including, but not  
148 limited to, the adoption or enforcement of ordinances,  
149 resolutions, rules, regulations, programs, or policies, as it  
150 relates to diversity, equity, and inclusion. Any such existing  
151 ordinances, resolutions, rules, regulations, programs, or  
152 policies are void.

153 (3) A municipality may not expend any funds, regardless of  
154 source, to establish, sustain, support, or staff a diversity,  
155 equity, and inclusion office or to employ, contract, or  
156 otherwise engage a person to serve as a diversity, equity, and  
157 inclusion officer.

158 (4) Any member of the governing body of a municipality or  
159 other municipal official acting in an official capacity who

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160 violates this section commits misfeasance or malfeasance in  
161 office.

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

165 (6) An action in circuit court may be brought by a  
166 resident of the municipality against a municipality that  
167 violates this section. The court may enter a judgment awarding  
168 declaratory and injunctive relief, damages, and costs.

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

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

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

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177 observances designated by state law, including those designated  
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179 3. Recognizing or promoting patriotic and national  
180 observances recognized by federal law, including those  
181 designated in 36 U.S.C. ss. 101-148, or recognizing the events  
182 and individuals forming the basis for such observances.

183 4. Recognizing or honoring the individuals and groups  
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185 authorized by chapter 265, ss. 267.0722 and 267.0724, or  
186 national monuments and memorials designated by acts of Congress,  
187 or recognizing the events and individuals forming the basis for  
188 such monuments, memorials, or museums.

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

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

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201 dependents have access to emergency shelters.

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204 educational programs, sports, activities, and employment.

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207 corresponding to their biological sex.

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

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

213           (e) This section may not be construed to diminish or  
214 infringe upon any right protected under the First Amendment to  
215 the United States Constitution.

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