

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/CS/HB 1001](#)

**TITLE:** Official Actions of Local Governments

**SPONSOR(S):** Black

**COMPANION BILL:** [CS/CS/SB 1134](#) (Yarborough)

**LINKED BILLS:** None

**RELATED BILLS:** None

## Committee References

[Intergovernmental Affairs](#)

10 Y, 5 N



[Civil Justice & Claims](#)

12 Y, 4 N, As CS



[Commerce](#)

14 Y, 7 N, As CS

## SUMMARY

### **Effect of the Bill:**

The bill prohibits counties and municipalities from:

- Funding, promoting, or taking any official action, such as the adoption or enforcement of ordinances, resolutions, rules, regulations, programs, or policies, relating to diversity, equity, and inclusion.
- Spending any funds, regardless of source, for diversity, equity, and inclusion offices and officers.

However, the bill allows a county or municipality to issue event permits in a content-neutral manner and provide public safety services. The bill requires a potential recipient of a county or municipal contract or grant to certify that she or he will not use county or municipal funds for diversity, equity, and inclusion materials.

The bill provides that a county or municipal official who violates the bill's provisions while acting in an official capacity commits misfeasance or malfeasance in office. The bill authorizes a resident of the county or municipality to bring an action in circuit court for violations of the bill. The bill does not prohibit a county or municipality from recognizing state and federal holidays or monuments, or from complying with state and federal laws or regulations.

### **Fiscal or Economic Impact:**

None.

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## ANALYSIS

### **EFFECT OF THE BILL:**

The bill prohibits counties and municipalities from funding, promoting, or taking any official action relating to [diversity, equity, and inclusion](#) (DEI). Prohibited actions include the [adoption, promotion, or enforcement of ordinances](#), resolutions, rules, regulations, programs, and policies relating to DEI. The bill voids any such existing ordinances, resolutions, rules, regulations, programs, or policies. (Sections [1](#) and [2](#))

The bill defines "diversity, equity, and inclusion" as:

- The manipulation of or influence over the composition of employees with reference to race, color, sex, ethnicity, gender identity, or sexual orientation for purposes other than ensuring that hiring is conducted in accordance with state and federal antidiscrimination laws;
- The promotion of or act of providing 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
- The promotion or adoption of training, programming, or activities designed or implemented with reference to race, color, sex, ethnicity, gender identity, or sexual orientation. (Sections [1](#) and [2](#))

The bill prohibits counties and municipalities from expending funds, regardless of the funding source, for DEI offices and officers. The bill also prohibits counties and municipalities from providing or authorizing its funds to be used by employees, contractors, volunteers, vendors, or agents to promote DEI initiatives. (Sections [1](#) and [2](#))

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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. (Sections [1](#) and [2](#))

County commissioners, members of the governing body of a municipality, and other county and municipal officials who violate the bill's provisions while acting in an official capacity commit [misfeasance or malfeasance in office](#). For purposes of the bill, "acting in an official capacity" means performing or purporting to perform a function, duty, or responsibility assigned by law, rule, or policy to a public officer or public employee, or otherwise exercising or claiming to exercise the authority of such office or employment. (Sections [1](#) and [2](#))

County and municipal residents may bring an action in circuit court against counties and municipalities who violate the bill's provisions, and circuit courts may award [declaratory and injunctive relief](#), damages, and costs. (Sections [1](#) and [2](#))

The bill's provisions do not prohibit counties and municipalities from recognizing or promoting the following [holidays, observances and memorials](#):

- Holidays designated by federal law;<sup>1</sup>
- State holidays and special observances designated by Florida law;<sup>2</sup>
- Patriotic and national observances recognized by federal law, or recognizing the events and individuals forming the basis for such observances;<sup>3</sup> and
- Individuals and groups recognized and honored by monuments, memorials, and museums authorized by chapter 265, F.S., or national monuments and memorials designated by acts of Congress, or recognizing the events and individuals forming the basis for such monuments, memorials, or museums.<sup>4</sup> (Sections [1](#) and [2](#))

The bill does not prohibit a county or municipality from:

- Issuing event permits in a content-neutral manner and providing safety services;
- Complying with state and federal laws or regulations; or
- Using 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. (Sections [1](#) and [2](#))

The bill specifies that the provisions in the bill may not be construed to conflict with state and federal laws that:

- Protect the right of a male and female to restrooms and changing facilities corresponding to his or her biological sex;<sup>5</sup>
- Ensure that a victim of domestic violence and his or her dependents have access to emergency shelters;<sup>6</sup>
- Prohibit discrimination based on biological sex in educational programs, sports, activities, and employment;<sup>7</sup>
- Ensure males and females have access to public health services corresponding to their biological sex;<sup>8</sup>
- Recognize the inherent biological differences between a male and female for the purpose of ensuring his or her health, safety, and welfare; and
- Ensure that an individual has access to public health care services corresponding to his or her race or ethnicity. (Sections [1](#) and [2](#))

<sup>1</sup> See 5 U.S.C. s. 6103.

<sup>2</sup> See Ch. 683, F.S.

<sup>3</sup> See 36 U.S.C. ss. 101-148.

<sup>4</sup> See Ch. 265, F.S.

<sup>5</sup> See [s. 553.865, F.S.](#)

<sup>6</sup> See Part XII of Ch. 39, F.S.

<sup>7</sup> See [s. 1000.05, F.S.](#)

<sup>8</sup> See Ch. 381, F.S.

The bill does not apply to the actions of a body composed of nonelected volunteers, or to basic administrative support provided to such a body, unless the support is provided by a county or municipal employee whose sole function is to provide such support. (Sections [1](#) and [2](#))

The bill requires potential recipients of county or municipal contracts or grants to certify that they do not and will not use county or municipal funds to require their employees, contractors, volunteers, vendors, or agents to ascribe to, study, or be instructed using DEI materials. (Section [3](#))

The bill applies to contracts between a county or municipality and a DEI officer in existence on January 1, 2027, and applies to all other contracts executed or renewed after January 1, 2027. (Section [4](#))

The effective date of the bill is January 1, 2027. (Section [5](#))

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [Diversity, Equity and Inclusion](#)

Title VII of the Civil Rights Act of 1964 (Title VII) prohibits employment discrimination based on protected characteristics such as race and sex.<sup>9</sup> Title VII bars discrimination against applicants or employees in hiring, firing, compensation, or any term, condition, or privilege of employment.<sup>10</sup> Title VII also prohibits employers from limiting, segregating, or classifying employees or applicants based on race, sex, or other protected characteristics in a way that affects their status or deprives them of employment opportunities.

Under Title VII, Diversity, Equity and Inclusion (DEI) initiatives, policies, programs, or practices may be unlawful if they involve an employer taking an employment action motivated by an employee's or applicant's race, sex, or another protected characteristic.<sup>11</sup> For state and local government employers, the U.S. Equal Employment Opportunity Commission is responsible for investigating charges of discrimination against such employers.

Federal executive orders issued in January 2025 directed each federal agency, department, or commission head to terminate all DEI offices and positions and all DEI performance requirements for employees, contractors, or grantees.<sup>12</sup> These orders revoked numerous DEI-related executive orders issued by previous presidential administrations and required executive agencies to terminate all discriminatory and illegal preferences, mandates, policies, programs, activities, guidance, regulations, enforcement actions, consent orders, and requirements.

#### **Florida Civil Rights Act**

The Florida Civil Rights Act (FCRA) of 1992 protects persons from discrimination based on race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status.<sup>13</sup> The FCRA establishes the Florida Commission on Human Relations (Commission) within the Department of Management Services.<sup>14</sup> The Commission is empowered to receive, initiate, investigate, conciliate, hold hearings, and act upon complaints alleging discriminatory practices.<sup>15</sup> Additionally, the Attorney General may initiate a civil action for damages, injunctive relief, civil penalties of up to \$10,000 per violation, and other appropriate relief.<sup>16</sup> In 2019, Governor DeSantis reaffirmed the

<sup>9</sup> U.S. Equal Employment Opportunity Commission (EEOC), [What You Should Know About DEI-Related Discrimination at Work](#) (last visited Feb. 2, 2026).

<sup>10</sup> 42 U.S.C. s. 2000e- 2(a)(1).

<sup>11</sup> EEOC *supra* note 9.

<sup>12</sup> Executive Order 14151, [Ending Radical and Wasteful Government DEI Programs and Preferencing](#) (Jan. 20, 2025), and Executive Order 14173, [Ending Illegal Discrimination and Restoring Merit-Based Opportunity](#) (Jan. 21, 2025). See also Congressional Research Service, [Recent Executive Actions on Diversity, Equity, and Inclusion \(DEI\)](#), (Jan. 29, 2025).

<sup>13</sup> [S. 760.01, F.S.](#)

<sup>14</sup> Ss. [760.03](#) and [760.04, F.S.](#)

<sup>15</sup> [S. 760.06\(5\), F.S.](#)

<sup>16</sup> [S. 760.021\(1\), F.S.](#)

policy of non-discrimination in government employment and declared it the policy of his administration to prohibit discrimination in employment based on age, sex, race, color, religion, national origin, marital status, or disability.<sup>17</sup>

### **Municipal and County Ordinances**

An ordinance is an official legislative action of a governing body, which action is a regulation of a general and permanent nature and enforceable as a local law.<sup>18</sup> A resolution is an expression of a governing body concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item.<sup>19</sup>

Counties have the power to adopt ordinances and resolutions necessary for the exercise of its powers and to prescribe fines and penalties for the violation of ordinances in accordance with law.<sup>20</sup> They also have the power to perform any other acts not inconsistent with law, which acts are in the common interest of the people of the county, and exercise all powers and privileges not specifically prohibited by law.<sup>21</sup> Municipalities have the governmental, corporate, and proprietary powers to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law.<sup>22</sup>

### **Misfeasance or Malfeasance in Office**

Misfeasance is the improper performance of a lawful act, resulting in harm or injury to another person or entity.<sup>23</sup> Misfeasance typically occurs when an individual or a public official undertakes a duty or responsibility but fails to carry it out with proper care, skill, or diligence. While the act itself may be lawful, the negligence or improper execution of the act leads to harmful consequences. Malfeasance is an act that is illegal and causes physical or monetary harm to someone else.<sup>24</sup> Malfeasance is intentional conduct that is wrongful or unlawful, especially by officials or public employees.

It is the policy of the state that state and local public officers and employees are agents of the people and hold their positions for the benefit of the public.<sup>25</sup> They are bound to uphold the Constitution of the United States and the State Constitution and to perform efficiently and faithfully their duties under the laws of the federal, state, and local governments. As such, any violation of the code of ethics for public officers and employees provided in law constitutes malfeasance, misfeasance, or neglect of duty in office.<sup>26</sup>

The Governor is authorized to suspend any county officer from office for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony.<sup>27</sup> The Governor may temporarily appoint someone to fill the office during the suspension and may choose to reinstate the suspended officer. The Senate has the authority to remove from office or reinstate the suspended officer in proceedings prescribed by law and may convene a special session for such purpose.<sup>28</sup>

The State Constitution authorizes the Governor to suspend municipal officers indicted for crime, unless such power is vested in law or a municipal charter.<sup>29</sup> The Governor may also suspend any elected or appointed municipal official from office for malfeasance, misfeasance, neglect of duty, habitual drunkenness, incompetence, or

<sup>17</sup> State of Florida, Office of the Governor, [Executive Order No. 19-10, Jan. 8, 2019](#) (last visited Feb. 2, 2026).

<sup>18</sup> See [s. 166.041\(a\), F.S.](#)

<sup>19</sup> See [s. 166.041\(b\), F.S.](#)

<sup>20</sup> [S. 125.01\(1\)\(t\), F.S.](#)

<sup>21</sup> [S. 125.01\(1\)\(w\), F.S.](#)

<sup>22</sup> [S. 166.021\(1\), F.S.](#)

<sup>23</sup> Cornell Law School Legal Information Institute, [Misfeasance](#) (last visited Feb. 2, 2026).

<sup>24</sup> Cornell Law School Legal Information Institute, [Malfeasance](#) (last visited Feb. 2, 2026).

<sup>25</sup> [S. 112.311\(6\), F.S.](#)

<sup>26</sup> [S. 112.317\(4\), F.S.](#)

<sup>27</sup> [Art. IV, s. 7\(a\), Fla. Const.](#)

<sup>28</sup> [Art. IV, s. 7\(b\), Fla. Const.](#)

<sup>29</sup> [Art. IV, s. 7\(c\), Fla. Const.](#)

permanent inability to perform official duties.<sup>30</sup> The Governor may temporarily fill the office during the suspension.<sup>31</sup> If the municipal officer is convicted of any of the charges contained in the indictment or information by reason of which he or she was suspended, the Governor must remove the official from office.<sup>32</sup> If the municipal official is acquitted, found not guilty, or otherwise cleared of the charges, the Governor must revoke the suspension.<sup>33</sup>

### **Declaratory and Injunctive Relief**

Declaratory relief refers to a court's declaratory judgment stating the rights of parties without ordering any specific action or listing awards for damages.<sup>34</sup> When a party is requesting a declaratory judgment, the party is seeking an official declaration regarding the status of the controversy in issue.

Injunctive relief, also known as an injunction, is a court-ordered remedy which restricts a party from committing specific actions or requires a party to complete specific actions.<sup>35</sup> The purpose of injunctive relief is to prevent future wrong or harm by one party to another and can be issued before or after a final judgment.

### **Public Holidays, Observances, and Memorials**

Federal public holidays include the following:

- New Year's Day, January 1.
- Birthday of Martin Luther King, Jr., the third Monday in January.
- Washington's Birthday, the third Monday in February.
- Memorial Day, the last Monday in May.
- Juneteenth National Independence Day, June 19.
- Independence Day, July 4.
- Labor Day, the first Monday in September.
- Columbus Day, the second Monday in October.
- Veterans Day, November 11.
- Thanksgiving Day, the fourth Thursday in November.
- Christmas Day, December 25.<sup>36</sup>

State public holidays include the following:

- Sunday, the first day of each week.
- New Year's Day, January 1.
- Birthday of Martin Luther King, Jr., January 15.
- Birthday of Robert E. Lee, January 19.
- Lincoln's Birthday, February 12.
- Susan B. Anthony's Birthday, February 15.
- Washington's Birthday, the third Monday in February.
- Tuskegee Airmen Commemoration Day, the fourth Thursday in March.
- Good Friday.
- Pascua Florida Day, April 2.
- Confederate Memorial Day, April 26.
- Memorial Day, the last Monday in May.
- Birthday of Jefferson Davis, June 3.
- Flag Day, June 14.

<sup>30</sup> [S. 112.51\(1\), F.S.](#)

<sup>31</sup> [S. 112.51\(3\), F.S.](#)

<sup>32</sup> [S. 112.51\(5\), F.S.](#)

<sup>33</sup> [S. 112.51\(6\), F.S.](#)

<sup>34</sup> Cornell Law School Legal Information Institute, [Declaratory Relief](#) (last visited Feb. 2, 2026).

<sup>35</sup> Cornell Law School Legal Information Institute, [Injunctive Relief](#) (last visited Feb. 2, 2026).

<sup>36</sup> 5 U.S.C. s. 6103.

- Independence Day, July 4.
- Labor Day, the first Monday in September.
- Columbus Day and Farmers' Day, the second Monday in October.
- Veterans' Day, November 11.
- General Election Day.
- Thanksgiving Day, the fourth Thursday in November.
- Christmas Day, December 25.
- Shrove Tuesday, sometimes also known as "Mardi Gras," in counties where carnival associations are organized for the purpose of celebrating the same.<sup>37</sup>

The state recognizes Gasparilla Day as a legal holiday in Hillsborough County, DeSoto Day as a legal holiday in Manatee County, and authorizes the chief judge of each judicial circuit to designate Rosh Hashanah, Yom Kippur, and Good Friday as legal holidays for the courts within the circuit.<sup>38</sup>

In addition to state legal holidays, state special observances include the following:

- Arbor Day.
- Pan-American Day.
- Pascua Florida Day.
- Grandparents' and Family Caregivers' Day.
- Law Enforcement Appreciation Day and Law Enforcement Appreciation Month.
- Law Enforcement Memorial Day.
- Parade Day, Hillsborough County.
- State observance of any national day of mourning.
- Patriots' Day.
- I Am An American Day.
- American Founders' Month.
- Purple Heart Day.
- Medal of Honor Day.
- Veterans Appreciation Month.
- Teacher's Day.
- Retired Teachers' Day.
- Parents' and Children's Day.
- Save the Florida Panther Day.
- Everglades Day.
- Florida Jewish History Month.
- Holocaust Remembrance Day.
- Juneteenth Day.
- Law Day and Law Week.
- Florida Missing Children's Day.
- Citizen support organization for Florida Missing Children's Day.
- Florida Alzheimer's Disease Day.
- Bill of Rights Day.
- Ronald Reagan Day.
- Homeless Persons' Memorial Day.
- Three Kings Day.
- Child Welfare Professionals Recognition Day.
- Drowsy Driving Prevention Week.
- Foster Family Appreciation Week.

<sup>37</sup> [S. 683.01, F.S.](#)

<sup>38</sup> [Ss. 683.08, 683.09](#), and [683.19, F.S.](#)

- Victims of Communism Day.
- Responsible Fatherhood Month.
- Revive Awareness Day.
- Fentanyl Awareness and Education Day.
- 9/11 Heroes' Day.
- Hot Car Death Prevention Month.
- Move Over Awareness Week.<sup>39</sup>

The following are Patriotic and National Observances:

- American Heart Month.
- Asian/Pacific American Heritage Month.
- Cancer Control Month.
- Carl Garner Federal Lands Cleanup Day.
- Child Health Day.
- Constitution Day and Citizenship Day.
- Columbus Day.
- Constitution Week.
- Father's Day.
- Flag Day.
- Gold Star Mother's Day.
- Honor America Days.
- Law Day, U.S.A.
- Leif Erikson Day.
- Loyalty Day.
- Memorial Day.
- Mother's Day.
- National Aviation Day.
- National Day of Prayer.
- National Defense Transportation Day.
- National Disability Employment Awareness Month.
- National Flag Week.
- National Forest Products Week.
- National Freedom Day.
- National Grandparents Day.
- National Hispanic Heritage Month.
- National Korean War Veterans Armistice Day.
- National Maritime Day.
- National Pearl Harbor Remembrance Day.
- National Poison Prevention Week.
- National Safe Boating Week.
- National School Lunch Week.
- National Transportation Week.
- Pan American Aviation Day.
- Parents' Day.
- Peace Officers Memorial Day.
- Police Week.
- Save Your Vision Week.
- Steelmark Month.
- Stephen Foster Memorial Day.

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<sup>39</sup> Ch. 683, F.S.

- Thomas Jefferson's birthday.
- White Cane Safety Day.
- Wright Brothers Day.
- Patriot Day.
- Veterans Day.
- National Atomic Veterans Day.
- Choose Respect Day.
- U.S. Hostage and Wrongful Detainee Day.<sup>40</sup>

State law has also established specific monuments and memorials.<sup>41</sup> Examples of state monuments and memorials include the following:

- Prison of War/Missing in Action (POW-MIA) Chair of Honor Memorial.
- Florida Veterans' Memorial Garden.
- Florida Holocaust Memorial.
- Florida Slavery Memorial.
- Arthur G. Dozier School for Boys Memorial.
- POW-MIA Vietnam Veterans Bracelet Memorial.
- Florida Space Exploration Monument.

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<sup>40</sup> 36 U.S.C. ss. 101-148.

<sup>41</sup> Ch. 265, F.S.

**BILL HISTORY**

<b>COMMITTEE REFERENCE</b>	<b>ACTION</b>	<b>DATE</b>	<b>STAFF DIRECTOR/ POLICY CHIEF</b>	<b>ANALYSIS PREPARED BY</b>
<a href="#">Intergovernmental Affairs Subcommittee</a>	10 Y, 5 N	2/5/2026	Darden	Hilliard
<a href="#">Civil Justice &amp; Claims Subcommittee</a>	12 Y, 4 N, As CS	2/11/2026	Jones	Mathews
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>• Provided a delayed implementation of some of the provisions of the bill by allowing a county or municipality to fund, promote, or take official action for civic or community events relating to DEI through June 30, 2027.</li> <li>• Provided that the bill does not prohibit a county or municipality from recognizing or honoring those individuals or groups recognized and honored by a national monument that has been designated by an act of Congress.</li> <li>• Authorized a county or municipality to authorize or permit, in a content-neutral manner, civic and community events so long as certain requirements are met.</li> <li>• Provided that the bill shall not be read to conflict with state and federal laws ensuring an individual has access to public health services corresponding to his or her race or ethnicity.</li> <li>• Clarified that an official is subject to committing misfeasance or malfeasance only if the conduct is willful and the official was exercising his or her official authority on behalf of the government.</li> </ul>			
<a href="#">Commerce Committee</a>	14 Y, 7 N, As CS	2/26/2026	Hamon	Fletcher
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>• Defined “acting in an official capacity” to mean performing or purporting to perform a function, duty, or responsibility assigned by law, rule, or policy to a public officer or public employee, or otherwise exercising or claiming to exercise the authority of such office or employment.</li> <li>• Removed the ability of local governments to continue to fund or promote community events relating to DEI through June 30, 2027.</li> <li>• Prohibited local governments from providing or authorizing funds to be used for DEI initiatives.</li> <li>• Specified that the bill applies to contracts between a local government and a DEI officer in existence on January 1, 2027, and applies to all other contracts executed or renewed after January 1, 2027.</li> <li>• Made certain other technical, clarifying changes.</li> </ul>			

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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