

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     defining terms; prohibiting counties and  
5     municipalities, respectively, from funding or  
6     promoting or taking official action as it relates to  
7     diversity, equity, and inclusion; providing that  
8     certain ordinances, resolutions, rules, regulations,  
9     programs, and policies are void; prohibiting counties  
10    and municipalities, respectively, from expending funds  
11    for diversity, equity, and inclusion offices or for  
12    diversity, equity, and inclusion officers; providing  
13    that a county commissioner, a member of the governing  
14    body of a municipality, or any other county or  
15    municipal official acting in an official capacity who  
16    violates certain provisions commits misfeasance or  
17    malfeasance in office; authorizing a cause of action  
18    against counties and municipalities, respectively;  
19    authorizing a court to enter a judgment awarding  
20    certain relief, damages, and costs; providing  
21    construction and applicability; creating s. 287.139,  
22    F.S.; requiring potential recipients of county or  
23    municipal contracts or grants to make a certain  
24    certification to the county or municipality before  
25    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:**

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

2. Promote or provide 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

51 employment opportunity materials designed to inform a person  
52 about the prohibition against discrimination based on protected  
53 status under state or federal law.

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

60 (c) "Diversity, equity, and inclusion officer" means a  
61 person who is a full-time or part-time employee of, or an  
62 independent contractor contracted by, a county whose duties  
63 include coordinating, creating, developing, designing,  
64 implementing, organizing, planning, or promoting policies,  
65 programming, training, practices, meetings, activities,  
66 procedures, or similar actions relating to diversity, equity,  
67 and inclusion.

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

75 (3) A county may not expend any funds, regardless of

76 source, to establish, sustain, support, or staff a diversity,  
77 equity, and inclusion office or to employ, contract, or  
78 otherwise engage a person to serve as a diversity, equity, and  
79 inclusion officer.

80 (4) A county commissioner or other county official acting  
81 in an official capacity who violates this section commits  
82 misfeasance or malfeasance in office.

83 (5) An action in circuit court may be brought by a  
84 resident of the county against a county that violates this  
85 section. The court may enter a judgment awarding declaratory and  
86 injunctive relief, damages, and costs.

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

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

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

94 2. Recognizing or promoting state holidays and special  
95 observances, including those designated in chapter 683.

96 3. Recognizing or promoting patriotic and national  
97 observances recognized by federal law, including those  
98 designated in 36 U.S.C. ss. 101-148.

99 4. Recognizing or honoring the individuals and groups  
100 recognized and honored by the monuments and memorials authorized

101 by chapter 265 or recognizing the events forming the basis for  
102 such monuments or memorials.

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

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

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

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

114 3. Section 1000.05 or analogous state and federal laws  
115 prohibiting discrimination based on biological sex in  
116 educational programs, sports, activities, and employment.

117 4. Chapter 381 or analogous state and federal laws  
118 ensuring males and females have access to public health services  
119 corresponding to their biological sex.

120 5. Any other state or federal laws recognizing the  
121 inherent biological differences between males and females for  
122 the purpose of ensuring their health, safety, and welfare.

123 (7) This section does not apply to:

124 (a) The actions of a body composed of nonelected  
125 volunteers; or

126        (b) Basic administrative support provided to a body  
127        composed of nonelected volunteers, unless such administrative  
128        support is provided by a county employee whose sole function is  
129        the provision of such administrative support.

130        **Section 2. Section 166.04971, Florida Statutes, is created**  
131        **to read:**

132        166.04971 Prohibition of official actions of  
133        municipalities relating to diversity, equity, and inclusion;  
134        penalty; remedy.—

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

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

138        1. Manipulate or otherwise influence the composition of  
139        employees with reference to race, color, sex, ethnicity, gender  
140        identity, or sexual orientation other than to ensure that hiring  
141        is conducted in accordance with state and federal  
142        antidiscrimination laws;

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

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

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

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

161 (c) "Diversity, equity, and inclusion officer" means a  
162 person who is a full-time or part-time employee of, or an  
163 independent contractor contracted by, a municipality whose  
164 duties include coordinating, creating, developing, designing,  
165 implementing, organizing, planning, or promoting policies,  
166 programming, training, practices, meetings, activities,  
167 procedures, or similar actions relating to diversity, equity,  
168 and inclusion.

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

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

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

185        (5) An action in circuit court may be brought by a  
186 resident of the municipality against a municipality that  
187 violates this section. The court may enter a judgment awarding  
188 declaratory and injunctive relief, damages, and costs.

189        (6) (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, including those designated in chapter 683.

198            3. Recognizing or promoting patriotic and national  
199 observances recognized by federal law, including those  
200 designated in 36 U.S.C. ss. 101-148.



201        4. Recognizing or honoring the individuals and groups  
202        recognized and honored by the monuments and memorials authorized  
203        by chapter 265 or recognizing the events forming the basis for  
204        such monuments or memorials.

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

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

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

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

216        3. Section 1000.05 or analogous state and federal laws  
217        prohibiting discrimination based on biological sex in  
218        educational programs, sports, activities, and employment.

219        4. Chapter 381 or analogous state and federal laws  
220        ensuring males and females have access to public health services  
221        corresponding to their biological sex.

222        5. Any other state or federal laws recognizing the  
223        inherent biological differences between males and females for  
224        the purpose of ensuring their health, safety, and welfare.

225        (7) This section does not apply to:

226        (a) The actions of a body composed of nonelected  
227 volunteers; or

228        (b) Basic administrative support provided to a body  
229 composed of nonelected volunteers, unless such administrative  
230 support is provided by a municipal employee whose sole function  
231 is the provision of such administrative support.

232        **Section 3. Section 287.139, Florida Statutes, is created**  
233 **to read:**

234        287.139 Prohibition against using diversity, equity, and  
235 inclusion material.—A potential recipient of a county or  
236 municipal contract or grant shall certify to the county or  
237 municipality, as applicable, before being awarded such contract  
238 or grant that the potential recipient does not and will not use  
239 county or municipal funds in requiring its employees,  
240 contractors, volunteers, vendors, or agents to ascribe to,  
241 study, or be instructed using materials relating to diversity,  
242 equity, and inclusion as defined in ss. 125.595(1) and  
243 166.04971(1).

244        **Section 4.** This act shall take effect January 1, 2027.