

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

26 municipality before being awarded such contract or  
27 grant; providing an effective date.

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

30  
31 **Section 1. Section 125.595, Florida Statutes, is created**  
32 **to read:**

33 125.595 Prohibition of official actions of counties  
34 relating to diversity, equity, and inclusion; penalty; remedy.-

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

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

38 1. Manipulate or otherwise influence the composition of  
39 employees with reference to race, color, sex, ethnicity, gender  
40 identity, or sexual orientation other than to ensure that hiring  
41 is conducted in accordance with state and federal  
42 antidiscrimination laws;

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

47 3. Promote or adopt training, programming, or activities  
48 designed or implemented with reference to race, color, sex,  
49 ethnicity, gender identity, or sexual orientation.  
50

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

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

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

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

76        (b)1. Notwithstanding any other provision of this section,  
77        a county may continue to fund, promote, or take any official  
78        action for civic or community events relating to diversity,  
79        equity, and inclusion through June 30, 2027.

80        2. Effective July 1, 2027, a county may not fund, promote,  
81        or take any official action for civic or community events  
82        relating to diversity, equity, and inclusion unless such action  
83        is otherwise allowed under subsection (6).

84        (3) A county may not expend any funds, regardless of  
85        source, to establish, sustain, support, or staff a diversity,  
86        equity, and inclusion office or to employ, contract with, or  
87        otherwise engage a person to serve as a diversity, equity, and  
88        inclusion officer.

89        (4) A county commissioner or other county official who,  
90        while exercising his or her official authority under law on  
91        behalf of the county, willfully violates this section commits  
92        misfeasance or malfeasance in office.

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

97        (6) This section does not prohibit a county from:

98        (a) Taking any official action required for compliance  
99        with state or federal laws or regulations.

100       (b) Recognizing or promoting holidays designated by

101 federal law, including those designated in 5 U.S.C. s. 6103.

102 (c) Recognizing or promoting holidays and special  
103 observances designated by state law, including those designated  
104 in chapter 683.

105 (d) Recognizing or promoting patriotic and national  
106 observances recognized by federal law, including those  
107 designated in 36 U.S.C. ss. 101-148.

108 (e) Recognizing or honoring the persons and groups  
109 recognized and honored by the monuments and memorials authorized  
110 by chapter 265 or national monuments designated by acts of  
111 Congress, or recognizing the events forming the basis for such  
112 monuments or memorials.

113 (f) Using equal opportunity or equal employment  
114 opportunity materials designed to inform a person about the  
115 prohibition against discrimination based on protected status  
116 under state or federal law.

117 (g) Authorizing or permitting, in a content-neutral  
118 manner, civic or community events, provided that:

119 1. Public funds are not expended for such an event.

120 2. A county employee is not required to promote or attend  
121 such an event.

122 3. Such an event does not promote terrorism, racism, or  
123 antisemitism.

124 (7) This section may not be construed to conflict with:

125 (a) Section 553.865 or analogous state and federal laws

protecting the right of males and females to restrooms and  
changing facilities corresponding to their biological sex.

(b) Part XII of chapter 39 or analogous state and federal  
laws ensuring that victims of domestic violence and their  
dependents have access to emergency shelters.

(c) Section 1000.05 or analogous state and federal laws  
prohibiting discrimination based on biological sex in  
educational programs, sports, activities, and employment.

(d) Chapter 381 or analogous state and federal laws  
ensuring males and females have access to public health services  
corresponding to their biological sex.

(e) State and federal laws ensuring a person has access to  
public health services corresponding to his or her race or  
ethnicity.

(f) Any other state or federal laws recognizing the  
inherent biological differences between males and females for  
the purpose of ensuring their health, safety, and welfare.

(8) This section does not apply to:

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

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

**Section 2. Section 166.04971, Florida Statutes, is created**

151 **to read:**

152 166.04971 Prohibition of official actions of  
153 municipalities relating to diversity, equity, and inclusion;  
154 penalty; remedy.—

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

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

158 1. Manipulate or otherwise influence the composition of  
159 employees with reference to race, color, sex, ethnicity, gender  
160 identity, or sexual orientation other than to ensure that hiring  
161 is conducted in accordance with state and federal  
162 antidiscrimination laws;

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

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

170  
171 The term does not include the use of equal opportunity or equal  
172 employment opportunity materials designed to inform a person  
173 about the prohibition against discrimination based on protected  
174 status under state or federal law.

175 (b) "Diversity, equity, and inclusion office" means any

176 office, division, department, agency, center, or other unit of a  
177 municipality which coordinates, creates, develops, designs,  
178 implements, organizes, plans, or promotes policies, programming,  
179 training, practices, meetings, activities, procedures, or  
180 similar actions relating to diversity, equity, and inclusion.

181 (c) "Diversity, equity, and inclusion officer" means a  
182 person who is a full-time or part-time employee of, or an  
183 independent contractor contracted by, a municipality whose  
184 duties include coordinating, creating, developing, designing,  
185 implementing, organizing, planning, or promoting policies,  
186 programming, training, practices, meetings, activities,  
187 procedures, or similar actions relating to diversity, equity,  
188 and inclusion.

189 (2)(a) Subject to paragraph (b), a municipality may not  
190 fund or promote, directly or indirectly, or take any official  
191 action, including, but not limited to, the adoption or  
192 enforcement of ordinances, resolutions, rules, regulations,  
193 programs, or policies, relating to diversity, equity, and  
194 inclusion. Any such existing ordinances, resolutions, rules,  
195 regulations, programs, or policies are void.

196 (b)1. Notwithstanding any other provision of this section,  
197 a municipality may continue to fund, promote, or take any  
198 official action for civic or community events relating to  
199 diversity, equity, and inclusion through June 30, 2027.

200 2. Effective July 1, 2027, a municipality may not fund,



201 promote, or take any official action for civic or community  
202 events relating to diversity, equity, and inclusion unless such  
203 action is otherwise allowed under subsection (6).

204 (3) A municipality may not expend any funds, regardless of  
205 source, to establish, sustain, support, or staff a diversity,  
206 equity, and inclusion office or to employ, contract with, or  
207 otherwise engage a person to serve as a diversity, equity, and  
208 inclusion officer.

209 (4) A member of the governing body of a municipality or  
210 other municipal official who, while exercising his or her  
211 official authority under law on behalf of the municipality,  
212 willfully violates this section commits misfeasance or  
213 malfeasance in office.

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

218 (6) This section does not prohibit a municipality from:

219 (a) Taking any official action required for compliance  
220 with state or federal laws or regulations.

221 (b) Recognizing or promoting holidays designated by  
222 federal law, including those designated in 5 U.S.C. s. 6103.

223 (c) Recognizing or promoting holidays and special  
224 observances designated by state law, including those designated  
225 in chapter 683.

226        (d) Recognizing or promoting patriotic and national  
227        observances recognized by federal law, including those  
228        designated in 36 U.S.C. ss. 101-148.

229        (e) Recognizing or honoring the persons and groups  
230        recognized and honored by the monuments and memorials authorized  
231        by chapter 265 or national monuments designated by acts of  
232        Congress, or recognizing the events forming the basis for such  
233        monuments or memorials.

234        (f) Using equal opportunity or equal employment  
235        opportunity materials designed to inform a person about the  
236        prohibition against discrimination based on protected status  
237        under state or federal law.

238        (g) Authorizing or permitting, in a content-neutral  
239        manner, civic or community events, provided that:

- 240            1. Public funds are not expended for such an event.  
241            2. A municipal employee is not required to promote or  
242            attend such an event.  
243            3. Such an event does not promote terrorism, racism, or  
244            antisemitism.

245        (7) This section may not be construed to conflict with:

246            (a) Section 553.865 or analogous state and federal laws  
247            protecting the right of males and females to restrooms and  
248            changing facilities corresponding to their biological sex.

249            (b) Part XII of chapter 39 or analogous state and federal  
250            laws ensuring that victims of domestic violence and their

dependents have access to emergency shelters.

(c) Section 1000.05 or analogous state and federal laws prohibiting discrimination based on biological sex in educational programs, sports, activities, and employment.

(d) Chapter 381 or analogous state and federal laws ensuring males and females have access to public health services corresponding to their biological sex.

(e) State and federal laws ensuring a person has access to public health services corresponding to his or her race or ethnicity.

(f) Any other state or federal laws recognizing the inherent biological differences between males and females for the purpose of ensuring their health, safety, and welfare.

(8) This section does not apply to:

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

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

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

287.139 Prohibition against using diversity, equity, and inclusion material.—A potential recipient of a county or municipal contract or grant shall certify to the county or

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municipality, as applicable, before being awarded such contract  
or grant that the potential recipient does not and will not use  
county or municipal funds in requiring its employees,  
contractors, volunteers, vendors, or agents to ascribe to,  
study, or be instructed using materials relating to diversity,  
equity, and inclusion as defined in ss. 125.595(1) and  
166.04971(1).

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