

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Gantt offered the following:

Amendment (with title amendment)

Remove lines 79-201 and insert:

relates to diversity, equity, and inclusion.

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

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

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Amendment No.

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

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

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

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

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

28 2. Recognizing or promoting state holidays and special
29 observances designated by state law, including those designated
30 in chapter 683.

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

35 4. Promoting or supporting a nonprofit entity that
36 provides single-sex programs for the homeless or education,
37 counseling, and rehabilitation of trauma-involved or at-risk
38 youth.

096095

Approved For Filing: 3/9/2026 3:11:11 PM

Amendment No.

39 5. Recognizing or honoring the individuals and groups
40 recognized and honored by the monuments, memorials, and museums
41 authorized by chapter 265 or chapter 267, or recognizing the
42 events and individuals forming the basis for such monuments,
43 memorials, or museums.

44 6. Owning, operating, maintaining, funding, or conducting
45 events at monuments and memorials listed in 54 U.S.C. s. 320301
46 and located in this state.

47 7. Issuing event permits in a content-neutral manner and
48 providing public safety services.

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

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

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

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

60 3. Section 1000.05 or analogous state and federal laws
61 prohibiting discrimination based on biological sex in
62 educational programs, sports, activities, and employment.

096095

Approved For Filing: 3/9/2026 3:11:11 PM

Amendment No.

63 4. Chapter 381 or analogous state and federal laws
64 ensuring males and females have access to public health services
65 corresponding to their biological sex.

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

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

71 (8) This section does not apply to:

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

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

78 **Section 2. Section 166.04971, Florida Statutes, is created**
79 **to read:**

80 166.04971 Prohibition of official actions of
81 municipalities relating to diversity, equity, and inclusion;
82 penalty; remedy.—

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

84 (a) "Acting in an official capacity" means performing or
85 purporting to perform a function, duty, or responsibility
86 assigned by law, rule, or policy to a public officer or public

096095

Approved For Filing: 3/9/2026 3:11:11 PM

Amendment No.

87 employee, or otherwise exercising or claiming to exercise the
88 authority of such office or employment.

89 (b) "Diversity, equity, and inclusion" means any effort
90 to:

91 1. Manipulate or otherwise influence the composition of
92 employees with reference to race, color, sex, ethnicity, gender
93 identity, or sexual orientation other than to ensure that hiring
94 is conducted in accordance with state and federal
95 antidiscrimination laws;

96 2. Promote or provide preferential treatment or special
97 benefits to a person or group based on that person's or group's
98 race, color, sex, ethnicity, gender identity, or sexual
99 orientation; or

100 3. Promote or adopt training, programming, or activities
101 designed or implemented with reference to race, color, sex,
102 ethnicity, gender identity, or sexual orientation.

103
104 The term does not include the use of equal opportunity or equal
105 employment opportunity materials designed to inform a person
106 about the prohibition against discrimination based on protected
107 status under state or federal law.

108 (c) "Diversity, equity, and inclusion office" means any
109 office, division, department, agency, center, or other unit of a
110 municipality which coordinates, creates, develops, designs,
111 implements, organizes, plans, or promotes policies, programming,

096095

Approved For Filing: 3/9/2026 3:11:11 PM

Amendment No.

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

114 (d) "Diversity, equity, and inclusion officer" means a
115 person who is a full-time or part-time employee of, or an
116 independent contractor contracted by, a municipality whose
117 duties include coordinating, creating, developing, designing,
118 implementing, organizing, planning, or promoting policies,
119 programming, training, practices, meetings, activities,
120 procedures, or similar actions relating to diversity, equity,
121 and inclusion.

122 (2) A municipality may not fund or promote, directly or
123 indirectly, or take any official action, including, but not
124 limited to, the adoption or enforcement of ordinances,
125 resolutions, rules, regulations, programs, or policies, as it
126 relates to diversity, equity, and inclusion.

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T I T L E A M E N D M E N T

129 Remove lines 7-9 and insert:
130 diversity, equity, and inclusion; prohibiting counties
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