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LEGISLATIVE ACTION

Senate

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House

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03/04/2026 11:40 AM

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Senator Polsky moved the following:

Senate Amendment (with title amendment)

Delete lines 88 - 204

and insert:

in an official capacity who willfully violates this section for personal financial gain commits misfeasance or malfeasance in office.

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

(6) An action in circuit court may be brought by a resident



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12 of the county against a county that violates this section. The
13 court may enter a judgment awarding declaratory and injunctive
14 relief, damages, and costs.

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

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

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

22 2. Recognizing or promoting state holidays and special
23 observances designated by state law, including those designated
24 in chapter 683.

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

29 4. Recognizing or honoring the individuals and groups
30 recognized and honored by the monuments, memorials, and museums
31 authorized by chapter 265, ss. 267.0722 and 267.0724, or
32 national monuments and memorials designated by acts of Congress,
33 or recognizing the events and individuals forming the basis for
34 such monuments, memorials, or museums.

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

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



41 (d) This section may not be construed to conflict with:
42 1. Section 553.865 or analogous state and federal laws
43 protecting the right of males and females to restrooms and
44 changing facilities corresponding to their biological sex.
45 2. Part XII of chapter 39 or analogous state and federal
46 laws ensuring that victims of domestic violence and their
47 dependents have access to emergency shelters.
48 3. Section 1000.05 or analogous state and federal laws
49 prohibiting discrimination based on biological sex in
50 educational programs, sports, activities, and employment.
51 4. Chapter 381 or analogous state and federal laws ensuring
52 males and females have access to public health services
53 corresponding to their biological sex.
54 5. State and federal laws ensuring access to public health
55 care services corresponding to a person's race or ethnicity.
56 6. Any other state or federal laws recognizing the inherent
57 biological differences between males and females for the purpose
58 of ensuring their health, safety, and welfare.
59 (8) This section does not apply to:
60 (a) The actions of a body composed of nonelected
61 volunteers; or
62 (b) Basic administrative support provided to a body
63 composed of nonelected volunteers, unless such administrative
64 support is provided by a county employee whose sole function is
65 the provision of such administrative support.
66 Section 2. Section 166.04971, Florida Statutes, is created
67 to read:
68 166.04971 Prohibition of official actions of municipalities
69 relating to diversity, equity, and inclusion; penalty; remedy.-



70 (1) For purposes of this section, the term:
71 (a) "Acting in an official capacity" means performing or
72 purporting to perform a function, duty, or responsibility
73 assigned by law, rule, or policy to a public officer or public
74 employee, or otherwise exercising or claiming to exercise the
75 authority of such office or employment.
76 (b) "Diversity, equity, and inclusion" means any effort to:
77 1. Manipulate or otherwise influence the composition of
78 employees with reference to race, color, sex, ethnicity, gender
79 identity, or sexual orientation other than to ensure that hiring
80 is conducted in accordance with state and federal
81 antidiscrimination laws;
82 2. Promote or provide preferential treatment or special
83 benefits to a person or group based on that person's or group's
84 race, color, sex, ethnicity, gender identity, or sexual
85 orientation; or
86 3. Promote or adopt training, programming, or activities
87 designed or implemented with reference to race, color, sex,
88 ethnicity, gender identity, or sexual orientation.
89
90 The term does not include the use of equal opportunity or equal
91 employment opportunity materials designed to inform a person
92 about the prohibition against discrimination based on protected
93 status under state or federal law.
94 (c) "Diversity, equity, and inclusion office" means any
95 office, division, department, agency, center, or other unit of a
96 municipality which coordinates, creates, develops, designs,
97 implements, organizes, plans, or promotes policies, programming,
98 training, practices, meetings, activities, procedures, or



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99 similar actions relating to diversity, equity, and inclusion.

100 (d) "Diversity, equity, and inclusion officer" means a
101 person who is a full-time or part-time employee of, or an
102 independent contractor contracted by, a municipality whose
103 duties include coordinating, creating, developing, designing,
104 implementing, organizing, planning, or promoting policies,
105 programming, training, practices, meetings, activities,
106 procedures, or similar actions relating to diversity, equity,
107 and inclusion.

108 (2) A municipality may not fund or promote, directly or
109 indirectly, or take any official action, including, but not
110 limited to, the adoption or enforcement of ordinances,
111 resolutions, rules, regulations, programs, or policies related
112 to diversity, equity, and inclusion. Any such existing
113 ordinances, resolutions, rules, regulations, programs, or
114 policies are void.

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

120 (4) Any member of the governing body of a municipality or
121 other municipal official acting in an official capacity who
122 willfully violates this section for personal financial gain
123 commits misfeasance or malfeasance in

124
125 ===== T I T L E A M E N D M E N T =====

126 And the title is amended as follows:

127 Delete lines 15 - 17



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128 and insert:

129 municipal official acting in an official capacity who
130 willfully violates certain provisions for personal
131 financial gain commits misfeasance or malfeasance in
132 office; prohibiting counties and