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LEGISLATIVE ACTION

Senate

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House

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03/04/2026 02:55 PM

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Senator Bernard moved the following:

Senate Amendment (with title amendment)

Delete lines 148 - 263

and insert:

(9) Notwithstanding s. 16.01(3), upon the written requisition of an officer of a county, the Attorney General shall give an official opinion and legal advice in writing on any question of law relating to the officer's official duties under this section.

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



12 166.04971 Prohibition of official actions of municipalities
13 relating to diversity, equity, and inclusion; penalty; remedy.-

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

15 (a) "Acting in an official capacity" means performing or
16 purporting to perform a function, duty, or responsibility
17 assigned by law, rule, or policy to a public officer or public
18 employee, or otherwise exercising or claiming to exercise the
19 authority of such office or employment.

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

21 1. Manipulate or otherwise influence the composition of
22 employees with reference to race, color, sex, ethnicity, gender
23 identity, or sexual orientation other than to ensure that hiring
24 is conducted in accordance with state and federal
25 antidiscrimination laws;

26 2. Promote or provide preferential treatment or special
27 benefits to a person or group based on that person's or group's
28 race, color, sex, ethnicity, gender identity, or sexual
29 orientation; or

30 3. Promote or adopt training, programming, or activities
31 designed or implemented with reference to race, color, sex,
32 ethnicity, gender identity, or sexual orientation.

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34 The term does not include the use of equal opportunity or equal
35 employment opportunity materials designed to inform a person
36 about the prohibition against discrimination based on protected
37 status under state or federal law.

38 (c) "Diversity, equity, and inclusion office" means any
39 office, division, department, agency, center, or other unit of a
40 municipality which coordinates, creates, develops, designs,



41 implements, organizes, plans, or promotes policies, programming,
42 training, practices, meetings, activities, procedures, or
43 similar actions relating to diversity, equity, and inclusion.

44 (d) "Diversity, equity, and inclusion officer" means a
45 person who is a full-time or part-time employee of, or an
46 independent contractor contracted by, a municipality whose
47 duties include coordinating, creating, developing, designing,
48 implementing, organizing, planning, or promoting policies,
49 programming, training, practices, meetings, activities,
50 procedures, or similar actions relating to diversity, equity,
51 and inclusion.

52 (2) A municipality may not fund or promote, directly or
53 indirectly, or take any official action, including, but not
54 limited to, the adoption or enforcement of ordinances,
55 resolutions, rules, regulations, programs, or policies, as it
56 relates to diversity, equity, and inclusion. Any such existing
57 ordinances, resolutions, rules, regulations, programs, or
58 policies are void.

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

64 (4) Any member of the governing body of a municipality or
65 other municipal official acting in an official capacity who
66 violates this section commits misfeasance or malfeasance in
67 office.

68 (5) A municipality may not provide or authorize its funds
69 to be used by employees, contractors, volunteers, vendors, or



70 agents to promote diversity, equity, and inclusion initiatives.

71 (6) An action in circuit court may be brought by a resident
72 of the municipality against a municipality that violates this
73 section. The court may enter a judgment awarding declaratory and
74 injunctive relief, damages, and costs.

75 (7) (a) This section does not prohibit any official action
76 by the governing body of a municipality required for compliance
77 with state or federal laws or regulations.

78 (b) This section does not prohibit a municipality from
79 doing any of the following:

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

82 2. Recognizing or promoting state holidays and special
83 observances designated by state law, including those designated
84 in chapter 683.

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

89 4. Recognizing or honoring the individuals and groups
90 recognized and honored by the monuments, memorials, and museums
91 authorized by chapter 265, ss. 267.0722 and 267.0724, or
92 national monuments and memorials designated by acts of Congress,
93 or recognizing the events and individuals forming the basis for
94 such monuments, memorials, or museums.

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

97 (c) This section does not prohibit the use of equal
98 opportunity or equal employment opportunity materials designed



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99 to inform a person about the prohibition against discrimination
100 based on protected status under state or federal law.

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

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

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

108 3. Section 1000.05 or analogous state and federal laws
109 prohibiting discrimination based on biological sex in
110 educational programs, sports, activities, and employment.

111 4. Chapter 381 or analogous state and federal laws ensuring
112 males and females have access to public health services
113 corresponding to their biological sex.

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

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

119 (8) This section does not apply to:

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

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

126 (9) Notwithstanding s. 16.01(3), upon the written
127 requisition of an officer of a municipality, the Attorney



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128 General shall give an official opinion and legal advice in
129 writing on any question of law relating to the officer's
130 official duties under this section.

131

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

133 And the title is amended as follows:

134 Delete line 24

135 and insert:

136 construction and applicability; requiring the Attorney
137 General to give official opinions and legal advice on
138 certain questions under certain circumstances;
139 creating s. 287.139,