



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2026	.	
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	.	
	.	

The Committee on Rules (Yarborough) recommended the following:

1                   **Senate Substitute for Amendment (859208) (with title**  
2 **amendment)**

3                   Delete everything after the enacting clause  
4 and insert:

5                   Section 1. Section 125.595, Florida Statutes, is created to  
6 read:

7                   125.595 Prohibition of official actions of counties  
8 relating to diversity, equity, and inclusion; penalty; remedy.—

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

10                   (a) "Acting in an official capacity" means performing or



12 purporting to perform a function, duty, or responsibility  
13 assigned by law, rule, or policy to a public officer or public  
14 employee, or otherwise exercising or claiming to exercise the  
15 authority of such office or employment.

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

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

22 2. Promote or provide preferential treatment or special  
23 benefits to a person or group based on that person's or group's  
24 race, color, sex, ethnicity, gender identity, or sexual  
25 orientation; or

26 3. Promote or adopt training, programming, or activities  
27 designed or implemented with reference to race, color, sex,  
28 ethnicity, gender identity, or sexual orientation.

29  
30 The term does not include the use of equal opportunity or equal  
31 employment opportunity materials designed to inform a person  
32 about the prohibition against discrimination based on protected  
33 status under state or federal law.

34 (c) "Diversity, equity, and inclusion office" means any  
35 office, division, department, agency, center, or other unit of a  
36 county which coordinates, creates, develops, designs,  
37 implements, organizes, plans, or promotes policies, programming,  
38 training, practices, meetings, activities, procedures, or  
39 similar actions relating to diversity, equity, and inclusion.

40 (d) "Diversity, equity, and inclusion officer" means a



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41 person who is a full-time or part-time employee of, or an  
42 independent contractor contracted by, a county whose duties  
43 include coordinating, creating, developing, designing,  
44 implementing, organizing, planning, or promoting policies,  
45 programming, training, practices, meetings, activities,  
46 procedures, or similar actions relating to diversity, equity,  
47 and inclusion.

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

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

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

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

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



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

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

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

77        2. Recognizing or promoting state holidays and special  
78        observances designated by state law, including those designated  
79        in chapter 683.

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

84        4. Recognizing or honoring the individuals and groups  
85        recognized and honored by the monuments, memorials, and museums  
86        authorized by chapter 265, ss. 267.0722 and 267.0724, or  
87        national monuments and memorials designated by acts of Congress,  
88        or recognizing the events and individuals forming the basis for  
89        such monuments, memorials, or museums.

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

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

96        (d) This section may not be construed to conflict with:  
97        1. Section 553.865 or analogous state and federal laws  
98        protecting the right of males and females to restrooms and



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99 changing facilities corresponding to their biological sex.

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

103 3. Section 1000.05 or analogous state and federal laws  
104 prohibiting discrimination based on biological sex in  
105 educational programs, sports, activities, and employment.

106 4. Chapter 381 or analogous state and federal laws ensuring  
107 males and females have access to public health services  
108 corresponding to their biological sex.

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

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

114 (8) This section does not apply to:

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

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

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

123 166.04971 Prohibition of official actions of municipalities  
124 relating to diversity, equity, and inclusion; penalty; remedy.—

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

126 (a) "Acting in an official capacity" means performing or  
127 purporting to perform a function, duty, or responsibility



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128 assigned by law, rule, or policy to a public officer or public  
129 employee, or otherwise exercising or claiming to exercise the  
130 authority of such office or employment.

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

132 1. Manipulate or otherwise influence the composition of  
133 employees with reference to race, color, sex, ethnicity, gender  
134 identity, or sexual orientation other than to ensure that hiring  
135 is conducted in accordance with state and federal  
136 antidiscrimination laws;

137 2. Promote or provide preferential treatment or special  
138 benefits to a person or group based on that person's or group's  
139 race, color, sex, ethnicity, gender identity, or sexual  
140 orientation; or

141 3. Promote or adopt training, programming, or activities  
142 designed or implemented with reference to race, color, sex,  
143 ethnicity, gender identity, or sexual orientation.

144

145 The term does not include the use of equal opportunity or equal  
146 employment opportunity materials designed to inform a person  
147 about the prohibition against discrimination based on protected  
148 status under state or federal law.

149 (c) "Diversity, equity, and inclusion office" means any  
150 office, division, department, agency, center, or other unit of a  
151 municipality which coordinates, creates, develops, designs,  
152 implements, organizes, plans, or promotes policies, programming,  
153 training, practices, meetings, activities, procedures, or  
154 similar actions relating to diversity, equity, and inclusion.

155 (d) "Diversity, equity, and inclusion officer" means a  
156 person who is a full-time or part-time employee of, or an



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157 independent contractor contracted by, a municipality whose  
158 duties include coordinating, creating, developing, designing,  
159 implementing, organizing, planning, or promoting policies,  
160 programming, training, practices, meetings, activities,  
161 procedures, or similar actions relating to diversity, equity,  
162 and inclusion.

163 (2) A municipality may not fund or promote, directly or  
164 indirectly, or take any official action, including, but not  
165 limited to, the adoption or enforcement of ordinances,  
166 resolutions, rules, regulations, programs, or policies, as it  
167 relates to diversity, equity, and inclusion. Any such existing  
168 ordinances, resolutions, rules, regulations, programs, or  
169 policies are void.

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

175 (4) Any member of the governing body of a municipality or  
176 other municipal official acting in an official capacity who  
177 violates this section commits misfeasance or malfeasance in  
178 office.

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

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



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

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

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

193        2. Recognizing or promoting state holidays and special  
194        observances designated by state law, including those designated  
195        in chapter 683.

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

200        4. Recognizing or honoring the individuals and groups  
201        recognized and honored by the monuments, memorials, and museums  
202        authorized by chapter 265, ss. 267.0722 and 267.0724, or  
203        national monuments and memorials designated by acts of Congress,  
204        or recognizing the events and individuals forming the basis for  
205        such monuments, memorials, or museums.

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

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

212        (d) This section may not be construed to conflict with:  
213        1. Section 553.865 or analogous state and federal laws  
214        protecting the right of males and females to restrooms and



215 changing facilities corresponding to their biological sex.

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

219 3. Section 1000.05 or analogous state and federal laws  
220 prohibiting discrimination based on biological sex in  
221 educational programs, sports, activities, and employment.

222 4. Chapter 381 or analogous state and federal laws ensuring  
223 males and females have access to public health services  
224 corresponding to their biological sex.

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

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

230 (8) This section does not apply to:

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

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

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

239 287.139 Prohibition against using diversity, equity, and  
240 inclusion material.—A potential recipient of a county or  
241 municipal contract or grant shall certify to the county or  
242 municipality, as applicable, before being awarded such contract  
243 or grant that the potential recipient does not and will not use



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244 county or municipal funds in requiring its employees,  
245 contractors, volunteers, vendors, or agents to ascribe to,  
246 study, or be instructed using materials relating to diversity,  
247 equity, and inclusion as defined in ss. 125.595(1) and  
248 166.04971(1).

249       Section 4. Section 287.139, Florida Statutes, created by  
250 this act applies to any contract between a county or  
251 municipality and a diversity, equity, and inclusion officer  
252 which is in existence on January 1, 2027. With respect to all  
253 other contracts, s. 287.139, Florida Statutes, created by this  
254 act applies to contracts executed or renewed after January 1,  
255 2027.

256       Section 5. This act shall take effect January 1, 2027.

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

259 And the title is amended as follows:

260       Delete everything before the enacting clause  
261 and insert:

262                   A bill to be entitled

263                   An act relating to official actions of local  
264                   governments; creating ss. 125.595 and 166.04971, F.S.;  
265                   defining terms; prohibiting counties and  
266                   municipalities, respectively, from funding or  
267                   promoting or taking official action as it relates to  
268                   diversity, equity, and inclusion; providing that  
269                   certain ordinances, resolutions, rules, regulations,  
270                   programs, and policies are void; prohibiting counties  
271                   and municipalities, respectively, from expending funds  
272                   for diversity, equity, and inclusion offices or for



273 diversity, equity, and inclusion officers; providing  
274 that a county commissioner, a member of the governing  
275 body of a municipality, or any other county or  
276 municipal official acting in an official capacity who  
277 violates certain provisions commits misfeasance or  
278 malfeasance in office; prohibiting counties and  
279 municipalities, respectively, from providing or  
280 authorizing funds to be used to promote diversity,  
281 equity, and inclusion initiatives; authorizing a cause  
282 of action against counties and municipalities,  
283 respectively; authorizing a court to enter a judgment  
284 awarding certain relief, damages, and costs; providing  
285 applicability; creating s. 287.139, F.S.; requiring  
286 potential recipients of county or municipal contracts  
287 or grants to make a certain certification to the  
288 county or municipality before being awarded such  
289 contract or grant; providing applicability; providing  
290 an effective date.