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LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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03/04/2026 11:20 AM

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Senator Smith moved the following:

Senate Amendment

Delete lines 52 - 170

and insert:

orientation which are not promoted or provided to the public at large; or

3. Promote or adopt training, programming, or activities designed or implemented with reference to race, color, sex, ethnicity, gender identity, or sexual orientation which are not inclusive of, available to, or accessible to the public at large.



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

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

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

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

(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



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41 otherwise engage a person to serve as a diversity, equity, and
42 inclusion officer.

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

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

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

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

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

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

60 2. Recognizing or promoting state holidays and special
61 observances designated by state law, including those designated
62 in chapter 683.

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

67 4. Recognizing or honoring the individuals and groups
68 recognized and honored by the monuments, memorials, and museums
69 authorized by chapter 265, ss. 267.0722 and 267.0724, or



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70 national monuments and memorials designated by acts of Congress,
71 or recognizing the events and individuals forming the basis for
72 such monuments, memorials, or museums.

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

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

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

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

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

86 3. Section 1000.05 or analogous state and federal laws
87 prohibiting discrimination based on biological sex in
88 educational programs, sports, activities, and employment.

89 4. Chapter 381 or analogous state and federal laws ensuring
90 males and females have access to public health services
91 corresponding to their biological sex.

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

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

97 (8) This section does not apply to:

98 (a) The actions of a body composed of nonelected



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99 volunteers; or

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

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

106 166.04971 Prohibition of official actions of municipalities
107 relating to diversity, equity, and inclusion; penalty; remedy.—

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

109 (a) "Acting in an official capacity" means performing or
110 purporting to perform a function, duty, or responsibility
111 assigned by law, rule, or policy to a public officer or public
112 employee, or otherwise exercising or claiming to exercise the
113 authority of such office or employment.

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

115 1. Manipulate or otherwise influence the composition of
116 employees with reference to race, color, sex, ethnicity, gender
117 identity, or sexual orientation other than to ensure that hiring
118 is conducted in accordance with state and federal
119 antidiscrimination laws;

120 2. Promote or provide preferential treatment or special
121 benefits to a person or group based on that person's or group's
122 race, color, sex, ethnicity, gender identity, or sexual
123 orientation which are not promoted or provided to the public at
124 large; or

125 3. Promote or adopt training, programming, or activities
126 designed or implemented with reference to race, color, sex,
127 ethnicity, gender identity, or sexual orientation which are not



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128 inclusive of, available to, or accessible to the public at
129 large.