

By Senator Yarborough

4-00723B-26

20261134__

A bill to be entitled

An act relating to official actions of local governments; creating ss. 125.595 and 166.04971, F.S.; defining terms; prohibiting counties and municipalities, respectively, from funding or promoting or taking official action as it relates to diversity, equity, and inclusion; providing that certain ordinances, resolutions, rules, regulations, programs, and policies are void; prohibiting counties and municipalities, respectively, from expending funds for diversity, equity, and inclusion offices or for diversity, equity, and inclusion officers; providing that a county commissioner, a member of the governing body of a municipality, or any other county or municipal official acting in an official capacity who violates certain provisions commits misfeasance or malfeasance in office; authorizing a cause of action against counties and municipalities, respectively; authorizing a court to enter a judgment awarding certain relief, damages, and costs; providing construction and applicability; creating s. 287.139, F.S.; requiring potential recipients of county or municipal contracts or grants to make a certain certification to the county or municipality before being awarded such contract or grant; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

4-00723B-26

20261134__

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

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

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

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

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

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

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

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.

(b) "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.

4-00723B-26

20261134__

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

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

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

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

82 (5) An action in circuit court may be brought by a resident
83 of the county against a county that violates this section. The
84 court may enter a judgment awarding declaratory and injunctive
85 relief, damages, and costs.

86 (6) (a) This section does not prohibit any official action
87 by a county required for compliance with state or federal laws

4-00723B-26

20261134__

88 or regulations.

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

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

93 2. Recognizing or promoting state holidays and special
94 observances, including those designated in chapter 683.

95 3. Recognizing or promoting patriotic and national
96 observances recognized by federal law, including those
97 designated in 36 U.S.C. ss. 101-148.

98 4. Recognizing or honoring the individuals and groups
99 recognized and honored by the monuments and memorials authorized
100 by chapter 265 or recognizing the events forming the basis for
101 such monuments or memorials.

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

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

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

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

113 3. Section 1000.05 or analogous state and federal laws
114 prohibiting discrimination based on biological sex in
115 educational programs, sports, activities, and employment.

116 4. Chapter 381 or analogous state and federal laws ensuring

4-00723B-26

20261134__

117 males and females have access to public health services
118 corresponding to their biological sex.

119 5. Any other state or federal laws recognizing the inherent
120 biological differences between males and females for the purpose
121 of ensuring their health, safety, and welfare.

122 (7) This section does not apply to:

123 (a) The actions of a body composed of nonelected
124 volunteers; or

125 (b) Basic administrative support provided to a body
126 composed of nonelected volunteers, unless such administrative
127 support is provided by a county employee whose sole function is
128 the provision of such administrative support.

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

131 166.04971 Prohibition of official actions of municipalities
132 relating to diversity, equity, and inclusion; penalty; remedy.-

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

134 (a) "Diversity, equity, and inclusion" means any effort to:

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

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

144 3. Promote or adopt training, programming, or activities
145 designed or implemented with reference to race, color, sex,

4-00723B-26

20261134__

ethnicity, gender identity, or sexual orientation.

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.

(b) "Diversity, equity, and inclusion office" means any office, division, department, agency, center, or other unit of a municipality 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.

(c) "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 municipality 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 municipality 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 municipality may not expend any funds, regardless of source, to establish, sustain, support, or staff a diversity,

4-00723B-26

20261134__

equity, and inclusion office or to employ, contract, or
otherwise engage a person to serve as a diversity, equity, and
inclusion officer.

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

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

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

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

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

2. Recognizing or promoting state holidays and special
observances, including those designated in chapter 683.

3. Recognizing or promoting patriotic and national
observances recognized by federal law, including those
designated in 36 U.S.C. ss. 101-148.

4. Recognizing or honoring the individuals and groups
recognized and honored by the monuments and memorials authorized
by chapter 265 or recognizing the events forming the basis for
such monuments or memorials.

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

4-00723B-26

20261134__

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

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

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

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

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

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

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

(7) This section does not apply to:

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

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

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

287.139 Prohibition against using diversity, equity, and inclusion material.—A potential recipient of a county or

4-00723B-26

20261134__

municipal contract or grant shall certify to the county or
municipality, as applicable, before being awarded such contract
or grant that the potential recipient does not and will not use
county or municipal funds in requiring its employees,
contractors, volunteers, vendors, or agents to ascribe to,
study, or be instructed using materials relating to diversity,
equity, and inclusion as defined in ss. 125.595(1) and
166.04971(1).

Section 4. This act shall take effect January 1, 2027.