

By the Committee on Judiciary; and Senator Yarborough

590-02740A-26

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1 A bill to be entitled
2 An act relating to official actions of local
3 governments; creating ss. 125.595 and 166.04971, F.S.;
4 defining terms; prohibiting counties and
5 municipalities, respectively, from funding or
6 promoting or taking official action as it relates to
7 diversity, equity, and inclusion; providing that
8 certain ordinances, resolutions, rules, regulations,
9 programs, and policies are void; prohibiting counties
10 and municipalities, respectively, from expending funds
11 for diversity, equity, and inclusion offices or for
12 diversity, equity, and inclusion officers; providing
13 that a county commissioner, a member of the governing
14 body of a municipality, or any other county or
15 municipal official acting in an official capacity who
16 violates certain provisions commits misfeasance or
17 malfeasance in office; prohibiting counties and
18 municipalities, respectively, from providing or
19 authorizing funds to be used to promote diversity,
20 equity, and inclusion initiatives; authorizing a cause
21 of action against counties and municipalities,
22 respectively; authorizing a court to enter a judgment
23 awarding certain relief, damages, and costs; providing
24 construction and applicability; creating s. 287.139,
25 F.S.; requiring potential recipients of county or
26 municipal contracts or grants to make a certain
27 certification to the county or municipality before
28 being awarded such contract or grant; providing
29 applicability; providing an effective date.

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

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

(b) "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

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59 about the prohibition against discrimination based on protected
60 status under state or federal law.

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

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

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

82 (3) A county may not expend any funds, regardless of
83 source, to establish, sustain, support, or staff a diversity,
84 equity, and inclusion office or to employ, contract, or
85 otherwise engage a person to serve as a diversity, equity, and
86 inclusion officer.

87 (4) A county commissioner or other county official acting

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88 in an official capacity who violates this section commits
89 misfeasance or malfeasance in office.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

133 (8) This section does not apply to:

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

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

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

142 166.04971 Prohibition of official actions of municipalities
143 relating to diversity, equity, and inclusion; penalty; remedy.-

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

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

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146 purporting to perform a function, duty, or responsibility
147 assigned by law, rule, or policy to a public officer or public
148 employee, or otherwise exercising or claiming to exercise the
149 authority of such office or employment.

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

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

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

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

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

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

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

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175 person who is a full-time or part-time employee of, or an
176 independent contractor contracted by, a municipality whose
177 duties include coordinating, creating, developing, designing,
178 implementing, organizing, planning, or promoting policies,
179 programming, training, practices, meetings, activities,
180 procedures, or similar actions relating to diversity, equity,
181 and inclusion.

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

189 (3) A municipality may not expend any funds, regardless of
190 source, to establish, sustain, support, or staff a diversity,
191 equity, and inclusion office or to employ, contract, or
192 otherwise engage a person to serve as a diversity, equity, and
193 inclusion officer.

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

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

201 (6) An action in circuit court may be brought by a resident
202 of the municipality against a municipality that violates this
203 section. The court may enter a judgment awarding declaratory and

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204 injunctive relief, damages, and costs.

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

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

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

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

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

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

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

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

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

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

232 3. Section 1000.05 or analogous state and federal laws

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233 prohibiting discrimination based on biological sex in
234 educational programs, sports, activities, and employment.

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

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

241 (8) This section does not apply to:

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

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

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

250 287.139 Prohibition against using diversity, equity, and
251 inclusion material.—A potential recipient of a county or
252 municipal contract or grant shall certify to the county or
253 municipality, as applicable, before being awarded such contract
254 or grant that the potential recipient does not and will not use
255 county or municipal funds in requiring its employees,
256 contractors, volunteers, vendors, or agents to ascribe to,
257 study, or be instructed using materials relating to diversity,
258 equity, and inclusion as defined in ss. 125.595(1) and
259 166.04971(1).

260 Section 4. Section 287.139, Florida Statutes, created by
261 this act applies to any contract between a county or

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262 municipality and a diversity, equity, and inclusion officer
263 which is in existence on January 1, 2027. With respect to all
264 other contracts, s. 287.139, Florida Statutes, created by this
265 act applies to contracts executed or renewed after January 1,
266 2027.

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