

By the Committees on Rules; and Judiciary; and Senator  
Yarborough

595-02945-26

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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; prohibiting counties and municipalities, respectively, from providing or authorizing funds to be used to promote diversity, equity, and inclusion initiatives; 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 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 designated by state law, including those designated  
106 in chapter 683.

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

111 4. Recognizing or honoring the individuals and groups  
112 recognized and honored by the monuments, memorials, and museums  
113 authorized by chapter 265, ss. 267.0722 and 267.0724, or  
114 national monuments and memorials designated by acts of Congress,  
115 or recognizing the events and individuals forming the basis for  
116 such monuments, memorials, or museums.

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

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

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

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

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

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

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

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

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

141       (8) This section does not apply to:

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

144       (b) Basic administrative support provided to a body  
145 composed of nonelected volunteers, unless such administrative

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146 support is provided by a county employee whose sole function is  
147 the provision of such administrative support.

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

150 166.04971 Prohibition of official actions of municipalities  
151 relating to diversity, equity, and inclusion; penalty; remedy.—

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

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

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

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

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

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

171  
172 The term does not include the use of equal opportunity or equal  
173 employment opportunity materials designed to inform a person  
174 about the prohibition against discrimination based on protected

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175 status under state or federal law.

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

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

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

197 (3) A municipality may not expend any funds, regardless of  
198 source, to establish, sustain, support, or staff a diversity,  
199 equity, and inclusion office or to employ, contract, or  
200 otherwise engage a person to serve as a diversity, equity, and  
201 inclusion officer.

202 (4) Any member of the governing body of a municipality or  
203 other municipal official acting in an official capacity who

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violates this section commits misfeasance or malfeasance in office.

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

(6) 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.

(7) (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 designated by state law, 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, or recognizing the events and individuals forming the basis for such observances.

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



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

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

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

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

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

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

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

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

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

257       (8) This section does not apply to:

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

260       (b) Basic administrative support provided to a body  
261 composed of nonelected volunteers, unless such administrative

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

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