

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

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33 Section 1. Section 125.595, Florida Statutes, is created to
34 read:35 125.595 Prohibition of official actions of counties
36 relating to diversity, equity, and inclusion; penalty; remedy.—37 (1) For purposes of this section, the term:38 (a) "Acting in an official capacity" means performing or
39 purporting to perform a function, duty, or responsibility
40 assigned by law, rule, or policy to a public officer or public
41 employee, or otherwise exercising or claiming to exercise the
42 authority of such office or employment.43 (b) "Diversity, equity, and inclusion" means any effort to:44 1. Manipulate or otherwise influence the composition of
45 employees with reference to race, color, sex, ethnicity, gender
46 identity, or sexual orientation other than to ensure that hiring
47 is conducted in accordance with state and federal
48 antidiscrimination laws;49 2. Promote or provide preferential treatment or special
50 benefits to a person or group based on that person's or group's
51 race, color, sex, ethnicity, gender identity, or sexual
52 orientation; or53 3. Promote or adopt training, programming, or activities
54 designed or implemented with reference to race, color, sex,
55 ethnicity, gender identity, or sexual orientation.

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57 The term does not include the use of equal opportunity or equal
58 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.

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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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204 violates this section commits misfeasance or malfeasance in
205 office.

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

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

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

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

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

220 2. Recognizing or promoting state holidays and special
221 observances designated by state law, including those designated
222 in chapter 683.

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

227 4. Recognizing or honoring the individuals and groups
228 recognized and honored by the monuments, memorials, and museums
229 authorized by chapter 265, ss. 267.0722 and 267.0724, or
230 national monuments and memorials designated by acts of Congress,
231 or recognizing the events and individuals forming the basis for
232 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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262 support is provided by a municipal employee whose sole function
263 is the provision of such administrative support.

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

266 287.139 Prohibition against using diversity, equity, and
267 inclusion material.—A potential recipient of a county or
268 municipal contract or grant shall certify to the county or
269 municipality, as applicable, before being awarded such contract
270 or grant that the potential recipient does not and will not use
271 county or municipal funds in requiring its employees,
272 contractors, volunteers, vendors, or agents to ascribe to,
273 study, or be instructed using materials relating to diversity,
274 equity, and inclusion as defined in ss. 125.595(1) and
275 166.04971(1).

276 Section 4. Section 287.139, Florida Statutes, created by
277 this act applies to any contract between a county or
278 municipality and a diversity, equity, and inclusion officer
279 which is in existence on January 1, 2027. With respect to all
280 other contracts, s. 287.139, Florida Statutes, created by this
281 act applies to contracts executed or renewed after January 1,
282 2027.

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