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1
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 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. Promoting or supporting a nonprofit entity that provides
112 single-sex programs for the homeless or education, counseling,
113 and rehabilitation of trauma-involved or at-risk youth.

114 5. Recognizing or honoring the individuals and groups
115 recognized and honored by the monuments, memorials, and museums
116 authorized by chapter 265 or chapter 267, or recognizing the

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117 events and individuals forming the basis for such monuments,
118 memorials, or museums.

119 6. Owning, operating, maintaining, funding, or conducting
120 events at monuments and memorials listed in 54 U.S.C. s. 320301
121 and located in this state.

122 7. Issuing event permits in a content-neutral manner and
123 providing public safety services.

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

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

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

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

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

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

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

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

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146 (8) This section does not apply to:

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

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

153 Section 2. Section 166.04971, Florida Statutes, is created
154 to read:

155 166.04971 Prohibition of official actions of municipalities
156 relating to diversity, equity, and inclusion; penalty; remedy.-

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

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

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

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

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

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

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175 ethnicity, gender identity, or sexual orientation.

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

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

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

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

202 (3) A municipality may not expend any funds, regardless of
203 source, to establish, sustain, support, or staff a diversity,

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

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

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

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

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

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

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

225 2. Recognizing or promoting state holidays and special
226 observances designated by state law, including those designated
227 in chapter 683.

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

232 4. Promoting or supporting a nonprofit entity that provides

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233 single-sex programs for the homeless or education, counseling,
234 and rehabilitation of trauma-involved or at-risk youth.

235 5. Recognizing or honoring the individuals and groups
236 recognized and honored by the monuments, memorials, and museums
237 authorized by chapter 265 or chapter 267 or recognizing the
238 events and individuals forming the basis for such monuments,
239 memorials, or museums.

240 6. Owning, operating, maintaining, funding, or conducting
241 events at monuments and memorials listed in 54 U.S.C. s. 320301
242 and located in this state.

243 7. Issuing event permits in a content-neutral manner and
244 providing public safety services.

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

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

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

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

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

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

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

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

267 (8) This section does not apply to:

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

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

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

276 287.139 Prohibition against using diversity, equity, and
277 inclusion material.—A potential recipient of a county or
278 municipal contract or grant shall certify to the county or
279 municipality, as applicable, before being awarded such contract
280 or grant that the potential recipient does not and will not use
281 county or municipal funds in requiring its employees,
282 contractors, volunteers, vendors, or agents to ascribe to,
283 study, or be instructed using materials relating to diversity,
284 equity, and inclusion as defined in ss. 125.595(1) and
285 166.04971(1).

286 Section 4. Section 287.139, Florida Statutes, created by
287 this act applies to any contract between a county or
288 municipality and a diversity, equity, and inclusion officer
289 which is in existence on January 1, 2027. With respect to all
290 other contracts, s. 287.139, Florida Statutes, created by this

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291 act applies to contracts executed or renewed after January 1,
292 2027.

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