

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: June 3, 2025

☐ Consent
☐ Ordinance

☒ Regular
☐ Public Hearing

Department:

Submitted By: COUNTY ATTORNEY

Submitted For: ADMINISTRATION

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt:

A. A resolution of the Board of County Commissioners of Palm Beach County, Florida (BCC), repealing and replacing R2017-1770; stating the policy that Palm Beach County shall neither do business with nor appropriate funds to any entity that practices discrimination on the basis of race, color, national origin, religion, ancestry, sex, age, marital status, familial status, sexual orientation, disability, or genetic information; and

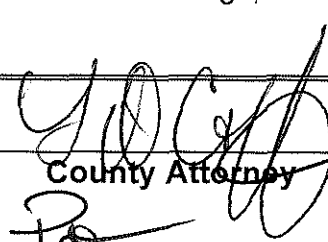
B. A resolution of the BCC repealing that portion of Resolution R- 2021-0764 that created the Office of Diversity, Equity, and Inclusion, which has remained unstaffed since it was created by Amendment of the Palm Beach County Administrative Code in June of 2021.

Summary: The BCC adopted a non-discrimination resolution in December of 2017, (R 2017-1770), stating the County policy that it would neither do business with nor appropriate funds to any entity that practices discrimination on several bases, including "gender identity or expression." The words "gender identity or expression" in the non-discrimination resolution are superfluous because the resolution also prohibits discrimination on the basis of "sex" which encompasses "gender identity or expression." *Bostock v. Clayton County*, 590 U.S. 644 (2020). Staff believes it is in the best interest of the County to remove "gender identity or expression" from the County's non-discrimination policy because several entities with which the County contracts have objected to inclusion of these words in the County's contract, based on Executive Order (EO) 14168 signed by the President of the United States on January 20, 2025. Additionally, in June of 2021, the BCC amended the Palm Beach County Administrative Code to add an Office of Diversity, Equity, and Inclusion (R- 2021-0764); however, that Office has remained unstaffed to date. On January 21, 2025, the President of the United States signed EO 14173 stating the administration's opposition to "so-called 'diversity equity and inclusion (DEI)'" , declaring such policies "illegal", and directing the head of each federal agency to include in every contract or grant award a term requiring the grant recipient to certify that it does not operate any program promoting DEI. Based on EO 14173, staff believes it is in the best interest of the County to eliminate the unstaffed Office of Diversity, Equity and Inclusion. Countywide. (HH)

Background and Policy Issues: The County's standard contract contains a non-discrimination clause that mimics the language of the County's non-discrimination policy and includes as a prohibited basis for discrimination "gender identity or expression". Based on EO 14168, several entities with which the County contracts have objected to the words "gender identity or expression", which has caused a delay in negotiating contracts. To streamline the contracting process, staff recommends removing the words "gender identity or expression" from the County's non-discrimination policy. Additionally, to ensure that the County's receipt of federal grants is not jeopardized, staff recommends eliminating the unstaffed Office of Diversity, Equity, and Inclusion, so that the County is able to sign federal grant certifications.

Attachments: 1. R 2017-1770 Strikethrough; 2. R- 2017-1770 Clean; 3. R- 2025-_____ Amending the Administrative Code_____


Recommended by:


County Attorney

5-22-25

Date

Approved By:


Deputy County Administrator

5/23/25

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2025	2026	2027	2028	2029
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income(County)					
In-Kind Match(County					
NET FISCAL IMPACT	0	0	0	0	0
#ADDITIONAL FTE					
POSITIONS (CUMULATIVE					

Is Item Included in Current Budget? Yes _____ No X
Does this item include the use of state funds? Yes _____ No X
Does this item include the use of federal funds? Yes _____ No X

Budget Account No:
Fund Agency Organization Object

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review:

III. REVIEW COMMENTS:

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

ASD

5/22/25

OFMB

5/22

5/22

5/22

Contract Dev. & Control

5/22/25

B. Legal Sufficiency

Helene C. Hing

5-22-25

Assistant County Attorney

C. Other Department Review

Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

RESOLUTION NO. R-2025- 2017-1770

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING AND REPLACING R-2017-1770 1421; STATING AS THE POLICY THAT PALM BEACH COUNTY SHALL NEITHER DO BUSINESS WITH NOR APPROPRIATE FUNDS TO ANY ENTITY THAT PRACTICES DISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, RELIGION, ANCESTRY, SEX, AGE, MARITAL STATUS, FAMILIAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, DISABILITY, OR GENETIC INFORMATION.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida (the "County") adopted Resolution R-2017-1770 on December 5, 2017, 92-13 establishing a non-discrimination policy that was subsequently amended by Resolutions R-2012-0197, R-2014-0113, and R-2014-1421; and

WHEREAS, the County stated a clear policy in R-2014-1421 that reestablished the County's policy that it would neither do business with nor appropriate funds to any entity that practices discrimination on the basis of race, color, national origin, religion, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity or expression, disability or genetic information; and

WHEREAS, on January 20, 2025, the President of the United States signed Executive Order 14168 ("EO 14168") stating the Administration's opposition to "gender identity" and prohibiting federal funds to be used to "promote gender ideology"; and

WHEREAS, the words "gender identity or expression" within R-2017-1770 are superfluous because the prohibition against discriminating on the basis of "gender identity or expression" is included within the language prohibiting discrimination on the basis of "sex" which is also stated in R-2017-1770. *Bostock v. Clayton County*, 590 U.S. 644 (2020); and

WHEREAS, some of the entities that the County contracts with receive federal funding, and these entities object to the inclusion of the words "gender identity or expression" within their contracts based on EO 14168; and

WHEREAS, it is in the best interest of the County to amend/repeal Resolution R-2017-1770 1421 to remove the words "gender identity or expression" so as to streamline the County's contracting process with entities that will not allow those words to be included in their contracts; and provide a more efficient manner of establishing that entities with which the County contracts are aware of, and will conform with, the County's non-discrimination policy.

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WHEREAS, the County maintains that all of its ordinances and programs are legal under federal law,

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NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Resolution R-2017-1770421, is hereby repealed in its entirety and replaced with the following:

It is hereby the express policy of the Board of County Commissioners of Palm Beach County, Florida that the County shall neither conduct business with nor appropriate funds to any entity that practices discrimination on the basis of race, color, national origin, religion, ancestry, sex, age, familial status, marital status, sexual orientation, ~~gender identity or expression~~, disability, or genetic information.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

- Commissioner ~~Maria G. Marino~~elissa McKinlay, Mayor -
- Commissioner ~~Sara Baxter~~Mack Bernard, Vice Mayor -
- Commissioner ~~Gregg K. Weiss~~Hal R. Valeche -
- Commissioner ~~Joel G. Flores~~Paulette Brudiek -
- Commissioner ~~Marci Woodward~~Dave Kerner -
- Commissioner ~~Maria Sachs~~Steven L. Abrams -
- Commissioner ~~Bobby Powell, Jr.~~Mary Lou Berger -

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The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 20__.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS
COMPTROLLER JOSEPH ABRUZZOSHARON R. BOCK, CLERK &

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

RESOLUTION NO. R2025-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING AND REPLACING R-2017-1770; STATING AS POLICY THAT PALM BEACH COUNTY SHALL NEITHER DO BUSINESS WITH NOR APPROPRIATE FUNDS TO ANY ENTITY THAT PRACTICES DISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, RELIGION, ANCESTRY, SEX, AGE, MARITAL STATUS, FAMILIAL STATUS, SEXUAL ORIENTATION, DISABILITY, OR GENETIC INFORMATION.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida (the “County”) adopted Resolution R-2017-1770 on December 5, 2017, that reestablished the County’s policy that it would neither do business with nor appropriate funds to any entity that practices discrimination on the basis of race, color, national origin, religion, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity or expression, disability or genetic information; and

WHEREAS, on January 20, 2025, the President of the United States signed Executive Order 14168 (“EO 14168”) stating the Administration’s opposition to “gender identity” and prohibiting federal funds to be used to “promote gender ideology”; and

WHEREAS, the words “gender identity or expression” within R-2017-1770 are superfluous because the prohibition against discriminating on the basis of “gender identity or expression” is included within the language prohibiting discrimination on the basis of “sex” which is also stated in R-2017-1770, *Bostock v. Clayton County*, 590 U.S. 644 (2020); and

WHEREAS, some of the entities that the County contracts with receive federal funding, and these entities object to the inclusion of the words “gender identity or expression” within their contracts based on EO 14168; and

WHEREAS, it is in the best interest of the County to amend Resolution R-2017-1770 to remove the words “gender identity or expression” so as to streamline the County’s contracting process with entities that will not allow those words to be included in their contracts; and

WHEREAS, the County maintains that all of its ordinances and programs are legal under federal law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Resolution R-2017-1770, is hereby repealed in its entirety and replaced with the

following:

It is hereby the express policy of the Board of County Commissioners of Palm Beach County, Florida that the County shall neither conduct business with nor appropriate funds to any entity that practices discrimination on the basis of race, color, national origin, religion, ancestry, sex, age, familial status, marital status, sexual orientation, disability, or genetic information.

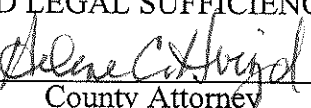
The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

- Commissioner Maria G. Marino, Mayor -
- Commissioner Sara Baxter, Vice Mayor -
- Commissioner Gregg K. Weiss -
- Commissioner Joel G. Flores -
- Commissioner Marci Woodward -
- Commissioner Maria Sachs -
- Commissioner Bobby Powell, Jr. -

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 20__.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS
JOSEPH ABRUZZO, CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
By: 
County Attorney

RESOLUTION NO. R2025-_____

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
PALM BEACH COUNTY, FLORIDA, AMENDING THE PALM BEACH
COUNTY ADMINISTRATIVE CODE FOR PURPOSES OF DELETING THE
OFFICE OF DIVERSITY, EQUITY, AND INCLUSION.**

WHEREAS, section 125.87, Florida Statutes, requires the County to adopt an Administrative Code; and

WHEREAS, the County Charter requires that the Administrative Code and the Code of County Laws and Ordinances contain the current ordinances, the rules of procedure adopted by the Board of County Commissioners (BCC), the organization of County departments, the statement of established County policy, and administrative regulations; and

WHEREAS, the BCC previously adopted an Administrative Code on April 25, 1989, under Resolution R89-787; and

WHEREAS, on December 6, 1994, the Administrative Code adopted on April 25, 1989 was rescinded and replaced under Resolution R94-1758; and

WHEREAS, the Administrative Code adopted on December 6, 1994, has from time to time been amended by resolution of the BCC; and

WHEREAS, on June 8, 2021, the BCC adopted Resolution R-2021-0764 which amended the Administrative Code to add the Office of Diversity, Equity, and Inclusion, among other amendments; and

WHEREAS, the Office of Diversity, Equity, and Inclusion has not been staffed since it was created in 2021; and

WHEREAS, on January 21, 2025, the President of the United States signed Executive Order 14173 (“EO 14173”) stating the administration’s opposition to “so-called ‘diversity, equity and inclusion’ (DEI) and ‘diversity, equity, inclusion, and accessibility’ (DEIA)” and declared such policies “illegal”; and

WHEREAS, EO 14173 directed the head of each federal agency to include in every contract or grant award a term requiring the counterparty or grant recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws; and

WHEREAS, Palm Beach County (“the County”) maintains that all of its ordinances and programs are legal under federal law; and

WHEREAS, it is in the best interest of the County to amend the Administrative Code to eliminate the Office of Diversity, Equity, and Inclusion.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. Amendments to the Administrative Code shown in underline/strikeout format in Exhibit A and in clean copy Exhibit B are hereby adopted and incorporated in the Administrative Code; and
2. Renumbering and/or format changes designed to improve readability are authorized by this Resolution; and
3. An index and history be maintained and updated whenever the Administrative Code is amended; and
4. This Resolution shall be effective upon adoption by the BCC.

The foregoing Resolution was offered by Commissioner _____ who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Maria G. Marino, Mayor	-
Commissioner Sara Baxter, Vice Mayor	-
Commissioner Gregg K. Weiss	-
Commissioner Joel G. Flores	-
Commissioner Marci Woodward	-
Commissioner Maria Sachs	-
Commissioner Bobby Powell, Jr.	-

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 20__.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

JOSEPH ABRUZZO, CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: 
County Attorney

EXHIBIT A

Revised 6/6/25 UNDERLINE/STRIKEOUT VERSION

PALM BEACH COUNTY ADMINISTRATIVE CODE

*** * * ***

200.00 ORGANIZATION. The Charter provides that County department heads, with the exception of the County Attorney and the Internal Auditor, shall be appointed by the county Administrator, with the advice and consent of the Board of County Commissioners. The following departments and separate offices under the authority of the County Administrator are hereby approved, and no department or separate offices may be added or deleted without approval of the Board of County Commissioners.

*** * * ***

202.00 SEPARATE OFFICES

202.01 CRIMINAL JUSTICE COMMISSION

~~202.02 OFFICE OF DIVERSITY, EQUITY AND INCLUSION~~

202.032 OFFICE OF EQUAL OPPORTUNITY

202.043 TOURIST DEVELOPMENT COUNCIL

202.054 OFFICE OF EQUAL BUSINESS OPPORTUNITY

202.065 OFFICE OF COMMUNITY REVITALIZATION

202.076 LEGISLATIVE AFFAIRS

202.087 OFFICE OF RESILIENCE

*** * * ***

EXHIBIT B

REVISED 6/6/25 CLEAN VERSION

PALM BEACH COUNTY ADMINISTRATIVE CODE

*** * * ***

200.00 ORGANIZATION. The Charter provides that County department heads, with the exception of the County Attorney and the Internal Auditor, shall be appointed by the county Administrator, with the advice and consent of the Board of County Commissioners. The following departments and separate offices under the authority of the County Administrator are hereby approved, and no department or separate offices may be added or deleted without approval of the Board of County Commissioners.

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202.00 SEPARATE OFFICES

202.01 CRIMINAL JUSTICE COMMISSION

202.02 OFFICE OF EQUAL OPPORTUNITY

202.03 TOURIST DEVELOPMENT COUNCIL

202.04 OFFICE OF EQUAL BUSINESS OPPORTUNITY

202.05 OFFICE OF COMMUNITY REVITALIZATION

202.06 LEGISLATIVE AFFAIRS

202.07 OFFICE OF RESILIENCE

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