A bill to be entitled
An act relating to racial and sexual discrimination;
creating s. 110.1222, F.S.; providing definitions;
requiring each agency head to take certain measures to
prevent the use of training for agency employees which
espouses certain concepts; providing duties of agency
heads; requiring agency inspectors general to review
agency compliance with the act and to submit a report
to the agency head; requiring the Department of
Management Services, in consultation with the Florida
Commission on Human Relations, to review diversity and
inclusion training to ensure compliance with the act;
requiring each agency to submit a report detailing
spending on diversity or inclusion training to the
Office of Policy and Budget by a specified date;
providing an exception; providing for construction;
amending s. 125.01, F.S.; providing definitions;
authorizing counties to provide certain training,
workshops, or programming; prohibiting counties from
providing mandatory employee training which espouses
certain concepts; providing an exception; requiring
counties to ensure certain diversity and inclusion
efforts and to prohibit certain discrimination;
providing for construction; amending s. 166.021, F.S.;
providing definitions; authorizing municipalities to
provide certain training, workshops, or programming;
prohibiting municipalities from providing mandatory
employee training which espouses certain concepts;
providing an exception; requiring municipalities to
ensure certain diversity and inclusion efforts and to
prohibit certain discrimination; providing for
construction; creating s. 287.0741, F.S.; providing
definitions; requiring contracts with an agency which
are entered into or renewed on or after a specified
date to include the option to terminate if the
contractor provides workforce training that espouses
certain concepts; requiring a contractor to submit a
certification before entering into or renewing a
contract; requiring each agency to report violations
to the department for investigation; authorizing a
contractor's placement on the discriminatory vendor
list under certain conditions; providing for
construction; amending s. 1000.05, F.S.; providing
definitions; authorizing public K-20 educational
institutions to provide certain training, workshops,
or programming; prohibiting public K-20 educational
institutions from providing mandatory employee or
student training which espouses certain concepts;
providing an exception; requiring public K-20
educational institutions to ensure certain diversity
Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 110.1222, Florida Statutes, is created to read:

110.1222 Policy against race or sex scapegoating or race or sex stereotyping.—

(1) As used in this section, the term:

(a) "Divisive concepts" means any of the following concepts, including views espousing that:

1. One race or sex is inherently superior to another race or sex.

2. The United States is fundamentally racist or sexist.

3. An individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or subconsciously.

4. An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex.

5. Members of one race or sex cannot and should not attempt to treat others without respect to race or sex.

6. An individual's moral character is inherently
76 determined by his or her race or sex.
77
78 7. An individual, by virtue of his or her race or sex,
79 bears responsibility for actions committed in the past by other
80 members of the same race or sex.
81
82 8. An individual should feel discomfort, guilt, anguish,
83 or any other form of psychological distress on account of his or
84 her race or sex.
85
86 9. Meritocracy or traits, such as a hard work ethic, are
87 racist or sexist or were created by a particular race to oppress
88 another race.
89
90 10. Any other form of race or sex scapegoating or race or
91 sex stereotyping.
92
93 (b) "Race or sex scapegoating" means assigning fault,
94 blame, or bias to a race or sex, or to a member of a race or sex
95 because of his or her race or sex. The term includes any claim
96 that, consciously or subconsciously, and by virtue of his or her
97 race or sex, a member of any race is inherently racist or is
98 inherently inclined to oppress others, or that a member of a sex
99 is inherently sexist or is inherently inclined to oppress
100 others.
101
102 (c) "Race or sex stereotyping" means ascribing character
103 traits, values, moral and ethical codes, privileges, status, or
104 beliefs to a race or sex, or to an individual because of his or
105 her race or sex.
106
107 (2) The head of each state agency shall:
(a) Ensure that his or her respective agency, agency employees while acting within the scope of their employment, and any contractors hired by the agency to provide training, workshops, or similar programming to agency employees do not teach, advocate, act upon, or promote divisive concepts, race or sex scapegoating, or race or sex stereotyping in any training for agency employees. This paragraph does not prevent an agency employee or hired contractor who provides such training from responding to questions regarding specific divisive concepts raised by participants in the training.

(b) Ensure that all agency diversity and inclusion efforts encourage agency employees not to judge each other based on color, race, ethnicity, sex, or any other characteristic protected by federal or state law.

(c) Request the agency inspector general to review and assess, at least once each calendar year, agency compliance with the requirements of this section. The agency inspector general shall submit a report to the agency head detailing any findings of such review.

(d) Designate responsibility for ensuring compliance with the requirements of this section to at least one agency official.

(e) Take appropriate disciplinary action against an employee or hired contractor who is responsible for promoting diversity and inclusion if the employee or contractor either
authorizes or approves training that promotes divisive concepts, race or sex scapegoating, or race or sex stereotyping.

(3) All employee training programs relating to diversity or inclusion must be reviewed by the department, in consultation with the Florida Commission on Human Relations, to ensure compliance with the requirements provided in paragraphs (2)(a) and (b).

(4) By October 1, 2022, each agency shall report to the Office of Policy and Budget in the Executive Office of the Governor all expenditures in the 2021-2022 fiscal year on employee training programs relating to diversity or inclusion and whether such training is conducted internally or by contractors. In addition to providing aggregate expenditure totals, the report must delineate awards to each individual contractor.

(5) This section does not prohibit an agency from promoting racial, cultural, ethnic, or intellectual diversity or inclusiveness, so long as such efforts do not conflict with the requirements of this section.

(6) This section may not be construed to prohibit the discussion of divisive concepts, as part of a larger course of instruction, in an objective manner and without endorsement.

Section 2. Subsection (8) is added to section 125.01, Florida Statutes, to read:

125.01 Powers and duties.—
(8)(a) As used in this subsection, the term:

1. "Divisive concepts" means any of the following concepts, including views espousing that:
   a. One race or sex is inherently superior to another race or sex.
   b. The United States is fundamentally racist or sexist.
   c. An individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or subconsciously.
   d. An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex.
   e. Members of one race or sex cannot and should not attempt to treat others without respect to race or sex.
   f. An individual's moral character is inherently determined by his or her race or sex.
   g. An individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex.
   h. An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex.
   i. Meritocracy or traits, such as a hard work ethic, are racist or sexist or were created by a particular race to oppress another race.
j. Any other form of race or sex scapegoating or race or sex stereotyping.

2. "Race or sex scapegoating" means assigning fault, blame, or bias to a race or sex, or to a member of a race or sex because of his or her race or sex. The term includes any claim that, consciously or subconsciously, and by virtue of his or her race or sex, a member of any race is inherently racist or is inherently inclined to oppress others, or that a member of a sex is inherently sexist or is inherently inclined to oppress others.

3. "Race or sex stereotyping" means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of his or her race or sex.

(b) The governing body of each county may provide training, workshops, or similar programming that fosters a workplace environment that is respectful of all employees. However, any mandatory employee training, whether provided by a county employee or a hired contractor, may not teach, advocate, encourage, act upon, or promote divisive concepts, race or sex scapegoating, or race or sex stereotyping. This paragraph does not prevent a county employee or hired contractor who provides such training from responding to questions regarding specific divisive concepts raised by participants in the training.

(c) The governing body of each county shall ensure that
all diversity and inclusion efforts encourage employees not to judge each other based on color, race, ethnicity, sex, or any other characteristic protected by federal or state law. Each county shall prohibit its employees from discriminating against other employees based on color, race, ethnicity, sex, or any other characteristic protected by federal or state law.

(d) This subsection may not be construed to do any of the following:

1. Inhibit or violate the rights protected by the First Amendment to the United States Constitution and s. 4, Art. I of the State Constitution or undermine intellectual freedom and free expression. The intellectual vitality of employees may not be infringed upon under this subsection.

2. Prevent a county from promoting racial, cultural, ethnic, or intellectual diversity or inclusiveness, so long as such efforts do not conflict with the requirements of this subsection and other applicable laws.

3. Prohibit the discussion of divisive concepts, as part of a larger course of instruction, in an objective manner and without endorsement.

4. Create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the county, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

5. Prohibit a state or federal court or agency of
competent jurisdiction from ordering training or other remedial action that discusses divisive concepts due to a finding of discrimination, including discrimination based on race or sex.

Section 3. Subsection (10) is added to section 166.021, Florida Statutes, to read:

166.021 Powers.—

(10)(a) As used in this subsection, the term:

1. "Divisive concepts" means any of the following concepts, including views espousing that:

   a. One race or sex is inherently superior to another race or sex.
   b. The United States is fundamentally racist or sexist.
   c. An individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or subconsciously.
   d. An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex.
   e. Members of one race or sex cannot and should not attempt to treat others without respect to race or sex.
   f. An individual's moral character is inherently determined by his or her race or sex.
   g. An individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex.
h. An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex.

i. Meritocracy or traits, such as a hard work ethic, are racist or sexist or were created by a particular race to oppress another race.

j. Any other form of race or sex scapegoating or race or sex stereotyping.

2. "Race or sex scapegoating" means assigning fault, blame, or bias to a race or sex, or to a member of a race or sex because of his or her race or sex. The term includes any claim that, consciously or subconsciously, and by virtue of his or her race or sex, a member of any race is inherently racist or is inherently inclined to oppress others, or that a member of a sex is inherently sexist or is inherently inclined to oppress others.

3. "Race or sex stereotyping" means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of his or her race or sex.

(b) The governing body of each municipality may provide training, workshops, or similar programming that fosters a workplace environment that is respectful of all employees. However, any mandatory employee training, whether provided by a municipality employee or a hired contractor, may not teach,
advocate, encourage, act upon, or promote divisive concepts, race or sex scapegoating, or race or sex stereotyping. This paragraph does not prevent a municipality employee or hired contractor who provides such training from responding to questions regarding specific divisive concepts raised by participants in the training.

(c) The governing body of each municipality shall ensure that all diversity and inclusion efforts encourage employees not to judge each other based on color, race, ethnicity, sex, or any other characteristic protected by federal or state law. Each municipality shall prohibit its employees from discriminating against other employees based on color, race, ethnicity, sex, or any other characteristic protected by federal or state law.

(d) This subsection may not be construed to do any of the following:

1. Inhibit or violate the rights protected by the First Amendment to the United States Constitution and s. 4, Art. I of the State Constitution or undermine intellectual freedom and free expression. The intellectual vitality of municipal employees may not be infringed upon under this subsection.

2. Prevent a municipality from promoting racial, cultural, ethnic, or intellectual diversity or inclusiveness, so long as such efforts do not conflict with the requirements of this subsection and other applicable laws.

3. Prohibit the discussion of divisive concepts, as part
of a larger course of instruction, in an objective manner and without endorsement.

4. Create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the municipality, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

5. Prohibit a state or federal court or agency of competent jurisdiction from ordering training or other remedial action that discusses divisive concepts due to a finding of discrimination, including discrimination based on race or sex.

Section 4. Section 287.0741, Florida Statutes, is created to read:

287.0741 Policy against race or sex scapegoating or race or sex stereotyping; contract requirements.—

(1) As used in this section, the term:

(a) "Race or sex scapegoating" means assigning fault, blame, or bias to a race or sex, or to a member of a race or sex because of his or her race or sex. The term includes any claim that, consciously or subconsciously, and by virtue of his or her race or sex, a member of any race is inherently racist or is inherently inclined to oppress others, or that a member of a sex is inherently sexist or is inherently inclined to oppress others.

(b) "Race or sex stereotyping" means ascribing character traits, values, moral and ethical codes, privileges, status, or
beliefs to a race or sex, or to an individual because of his or
her race or sex.

(2) Any contract with an agency for goods or services
entered into or renewed on or after October 1, 2022, must
contain a provision that allows for the termination of the
contract at the option of the awarding body if the contractor
has provided workforce training that instills in its employees
any form of race or sex scapegoating or race or sex
stereotyping, including any of the following concepts that:

(a) One race or sex is inherently superior to another race
or sex.
(b) The United States is fundamentally racist or sexist.
(c) An individual, by virtue of his or her race or sex, is
inherently racist, sexist, or oppressive, whether consciously or
subconsciously.
(d) An individual should be discriminated against or
receive adverse treatment solely or partly because of his or her
race or sex.
(e) Members of one race or sex cannot and should not
attempt to treat others without respect to race or sex.
(f) An individual's moral character is inherently
determined by his or her race or sex.
(g) An individual, by virtue of his or her race or sex,
bears responsibility for actions committed in the past by other
members of the same race or sex.
(h) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex.

(i) Meritocracy or traits, such as a hard work ethic, are racist or sexist or were created by a particular race to oppress another race.

(3) At the time a contractor submits a bid or proposal for a contract or before the contractor enters into or renews a contract for goods or services with an agency, the contractor must certify that the contractor will not provide workforce training that instills any form of race or sex scapegoating or race or sex stereotyping as described in paragraphs (2)(a)–(i) for the duration of the contract.

(4) If the contractor submits a false certification or violates the term of the contract by providing workforce training that instills race or sex scapegoating or race or sex stereotyping, the agency must report any such violation to the Department of Management Services for investigation. In addition to termination of the underlying contract, the contractor may be considered for placement on the discriminatory vendor list in accordance with the procedures and requirements of s. 287.134.

(5) This section does not prohibit a contractor from promoting racial, cultural, ethnic, or intellectual diversity or inclusiveness, so long as such efforts do not conflict with the requirements of this section.
(6) This section may not be construed to prohibit the discussion of divisive concepts, as part of a larger course of instruction, in an objective manner and without endorsement.

Section 5. Subsection (8) of section 1000.05, Florida Statutes, is renumbered as subsection (9), and a new subsection (8) is added to that section to read:

1000.05 Discrimination against students and employees in the Florida K-20 public education system prohibited; equality of access required.—

(8)(a) For purposes of this subsection, the term:
1. "Divisive concepts" means any of the following concepts, including views espousing that:
   a. One race or sex is inherently superior to another race or sex.
   b. The United States is fundamentally racist or sexist.
   c. An individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or subconsciously.
   d. An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex.
   e. Members of one race or sex cannot and should not attempt to treat others without respect to race or sex.
   f. An individual's moral character is inherently determined by his or her race or sex.
g. An individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex.

h. An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex.

i. Meritocracy or traits, such as a hard work ethic, are racist or sexist or were created by a particular race to oppress another race.

j. Any other form of race or sex scapegoating or race or sex stereotyping.

2. "Race or sex scapegoating" means assigning fault, blame, or bias to a race or sex, or to a member of a race or sex because of his or her race or sex. The term includes any claim that, consciously or subconsciously, and by virtue of his or her race or sex, a member of any race is inherently racist or is inherently inclined to oppress others, or that a member of a sex is inherently sexist or is inherently inclined to oppress others.

3. "Race or sex stereotyping" means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of his or her race or sex.

(b) Each public K-20 educational institution may provide training that fosters a workplace and learning environment that
is respectful of all employees and students. However, any
curriculum or mandatory employee or student training, whether
provided by an employee or a hired contractor, may not teach,
advocate, encourage, act upon, or promote divisive concepts,
race or sex scapegoating, or race or sex stereotyping. This
paragraph does not prevent an employee or hired contractor who
teaches a curriculum or who provides mandatory employee or
student training from responding to questions regarding divisive
concepts raised by participants in the class or training.
(c) Diversity and inclusion efforts must encourage
employees and students not to judge each other based on color,
race, ethnicity, sex, or any other characteristic protected by
federal or state law. Each public K-20 educational institution
shall prohibit its employees from discriminating against
students or other employees based on color, race, ethnicity,
sex, or any other characteristic protected by federal or state
law.
(d) This subsection may not be construed to do any of the
following:
1. Inhibit or violate the rights protected by the First
Amendment to the United States Constitution and s. 4, Art. I of
the State Constitution or undermine a public K-20 educational
institution's duty to protect to the fullest degree intellectual
freedom and free expression. The intellectual vitality of
students and employees may not be infringed upon under this
subsection.

2. Prevent a public K-20 educational institution from promoting racial, cultural, ethnic, intellectual, or academic diversity or inclusiveness, so long as such efforts do not conflict with the requirements of this subsection and other applicable laws.

3. Prohibit the discussion of divisive concepts, as part of a larger course of academic instruction, in an objective manner and without endorsement.

4. Create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the state, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

5. Prohibit a state or federal court or agency of competent jurisdiction from ordering training or other remedial action that discusses divisive concepts due to a finding of discrimination, including discrimination based on race or sex.

6. Prohibit the use of curriculum that teaches the topics of sexism, slavery, racial oppression, racial segregation, or racial discrimination, including topics relating to the enactment and enforcement of laws resulting in sexism, racial oppression, segregation, and discrimination.

Section 6. This act shall take effect July 1, 2022.