

By Senator Gruters

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1                                   A bill to be entitled  
2           An act relating to racial and sexual discrimination;  
3           creating s. 110.1222, F.S.; defining terms; requiring  
4           each agency head to take certain measures to prevent  
5           the use of training for agency employees which  
6           espouses certain concepts; providing duties of agency  
7           heads; requiring agency heads to request agency  
8           inspectors general to review agency compliance with  
9           the act and to submit a report to the agency head;  
10          requiring the Department of Management Services, in  
11          consultation with the Florida Commission on Human  
12          Relations, to review diversity and inclusion training  
13          to ensure compliance with the act; requiring each  
14          agency to submit a report detailing spending on  
15          diversity or inclusion training to the Office of  
16          Policy and Budget by a specified date; providing an  
17          exception; providing for construction; amending s.  
18          125.01, F.S.; defining terms; authorizing governing  
19          bodies of counties to provide certain training,  
20          workshops, or programming; prohibiting counties from  
21          providing mandatory employee training that espouses  
22          certain concepts; providing an exception; requiring  
23          counties to ensure certain diversity and inclusion  
24          efforts and to prohibit certain discrimination;  
25          providing for construction; amending s. 166.021, F.S.;  
26          defining terms; authorizing municipalities to provide  
27          certain training, workshops, or programming;  
28          prohibiting municipalities from providing mandatory  
29          employee training that espouses certain concepts;

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30 providing an exception; requiring municipalities to  
31 ensure certain diversity and inclusion efforts and to  
32 prohibit certain discrimination; providing for  
33 construction; creating s. 287.0741, F.S.; defining  
34 terms; requiring contracts with an agency which are  
35 entered into or renewed on or after a specified date  
36 to include the option to terminate if the contractor  
37 provides workforce training that espouses certain  
38 concepts; requiring a contractor to submit a  
39 certification before entering into or renewing a  
40 contract; requiring each agency to report violations  
41 to the department for investigation; authorizing a  
42 contractor's placement on the discriminatory vendor  
43 list under certain conditions; providing for  
44 construction; amending s. 1000.05, F.S.; defining  
45 terms; authorizing public K-20 educational  
46 institutions to provide certain training; prohibiting  
47 public K-20 educational institutions from providing  
48 mandatory employee or student training that espouses  
49 certain concepts; providing an exception; requiring  
50 public K-20 educational institutions to ensure certain  
51 diversity and inclusion efforts and to prohibit  
52 certain discrimination; providing for construction;  
53 providing an effective date.

54  
55 Be It Enacted by the Legislature of the State of Florida:

56  
57 Section 1. Section 110.1222, Florida Statutes, is created  
58 to read:

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59 110.1222 Policy against race or sex scapegoating or race or  
60 sex stereotyping.-

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

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

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

66 2. The United States is fundamentally racist or sexist.

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

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

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

75 6. An individual's moral character is inherently determined  
76 by his or her race or sex.

77 7. An individual, by virtue of his or her race or sex,  
78 bears responsibility for actions committed in the past by other  
79 members of the same race or sex.

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

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

86 10. Any other form of race or sex scapegoating or race or  
87 sex stereotyping.

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

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

100       (2) The head of each state agency shall:

101       (a) Ensure that his or her respective agency, agency  
102 employees while acting within the scope of their employment, and  
103 any contractors hired by the agency to provide training,  
104 workshops, or similar programming to agency employees do not  
105 teach, advocate, act upon, or promote divisive concepts, race or  
106 sex scapegoating, or race or sex stereotyping in any training  
107 for agency employees. This paragraph does not prevent an agency  
108 employee or hired contractor who provides such training from  
109 responding to questions regarding specific divisive concepts  
110 raised by participants in the training.

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

115       (c) Request the agency inspector general to review and  
116 assess, at least once each calendar year, agency compliance with

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117 the requirements of this section. The agency inspector general  
118 shall submit a report to the agency head detailing any findings  
119 of such review.

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

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

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

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

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

145 (6) This section may not be construed to prohibit the

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146 discussion of divisive concepts, as part of a larger course of  
147 instruction, in an objective manner and without endorsement.

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

150 125.01 Powers and duties.—

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

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

154 a. One race or sex is inherently superior to another race  
155 or sex.

156 b. The United States is fundamentally racist or sexist.

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

160 d. An individual should be discriminated against or receive  
161 adverse treatment solely or partly because of his or her race or  
162 sex.

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

165 f. An individual's moral character is inherently determined  
166 by his or her race or sex.

167 g. An individual, by virtue of his or her race or sex,  
168 bears responsibility for actions committed in the past by other  
169 members of the same race or sex.

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

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

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175 another race.

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

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

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

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

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

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204 shall prohibit its employees from discriminating against other  
205 employees based on color, race, ethnicity, sex, or any other  
206 characteristic protected by federal or state law.

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

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

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

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

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

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

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

231 166.021 Powers.—

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



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

235           a. One race or sex is inherently superior to another race  
236 or sex.

237           b. The United States is fundamentally racist or sexist.

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

241           d. An individual should be discriminated against or receive  
242 adverse treatment solely or partly because of his or her race or  
243 sex.

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

246           f. An individual's moral character is inherently determined  
247 by his or her race or sex.

248           g. An individual, by virtue of his or her race or sex,  
249 bears responsibility for actions committed in the past by other  
250 members of the same race or sex.

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

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

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

259       2. "Race or sex scapegoating" means assigning fault, blame,  
260 or bias to a race or sex, or to a member of a race or sex  
261 because of his or her race or sex. The term includes any claim

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262 that, consciously or subconsciously, and by virtue of his or her  
263 race or sex, a member of any race is inherently racist or is  
264 inherently inclined to oppress others, or that a member of a sex  
265 is inherently sexist or is inherently inclined to oppress  
266 others.

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

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

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

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

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

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

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

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

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

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

313 287.0741 Policy against race or sex scapegoating or race or  
314 sex stereotyping; contract requirements.—

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

316 (a) "Race or sex scapegoating" means assigning fault,  
317 blame, or bias to a race or sex, or to a member of a race or sex  
318 because of his or her race or sex. The term includes any claim  
319 that, consciously or subconsciously, and by virtue of his or her

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320 race or sex, a member of any race is inherently racist or is  
321 inherently inclined to oppress others, or that a member of a sex  
322 is inherently sexist or is inherently inclined to oppress  
323 others.

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

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

335 (a) One race or sex is inherently superior to another race  
336 or sex.

337 (b) The United States is fundamentally racist or sexist.

338 (c) An individual, by virtue of his or her race or sex, is  
339 inherently racist, sexist, or oppressive, whether consciously or  
340 subconsciously.

341 (d) An individual should be discriminated against or  
342 receive adverse treatment solely or partly because of his or her  
343 race or sex.

344 (e) Members of one race or sex cannot and should not  
345 attempt to treat others without respect to race or sex.

346 (f) An individual's moral character is inherently  
347 determined by his or her race or sex.

348 (g) An individual, by virtue of his or her race or sex,

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349 bears responsibility for actions committed in the past by other  
350 members of the same race or sex.

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

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

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

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

372 (5) This section does not prohibit a contractor from  
373 promoting racial, cultural, ethnic, or intellectual diversity or  
374 inclusiveness, so long as such efforts do not conflict with the  
375 requirements of this section.

376 (6) This section may not be construed to prohibit the  
377 discussion of divisive concepts, as part of a larger course of

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378 instruction, in an objective manner and without endorsement.

379 Section 5. Present subsection (8) of section 1000.05,  
380 Florida Statutes, is redesignated as subsection (9), and a new  
381 subsection (8) is added to that section, to read:

382 1000.05 Discrimination against students and employees in  
383 the Florida K-20 public education system prohibited; equality of  
384 access required.—

385 (8) (a) For purposes of this subsection, the term:

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

388 a. One race or sex is inherently superior to another race  
389 or sex.

390 b. The United States is fundamentally racist or sexist.

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

394 d. An individual should be discriminated against or receive  
395 adverse treatment solely or partly because of his or her race or  
396 sex.

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

399 f. An individual's moral character is inherently determined  
400 by his or her race or sex.

401 g. An individual, by virtue of his or her race or sex,  
402 bears responsibility for actions committed in the past by other  
403 members of the same race or sex.

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

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

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

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

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

424 (b) Each public K-20 educational institution may provide  
425 training that fosters a workplace and learning environment that  
426 is respectful of all employees and students. However, any  
427 curriculum or mandatory employee or student training, whether  
428 provided by an employee or a hired contractor, may not teach,  
429 advocate, encourage, act upon, or promote divisive concepts,  
430 race or sex scapegoating, or race or sex stereotyping. This  
431 paragraph does not prevent an employee or a hired contractor who  
432 teaches a curriculum or who provides mandatory employee or  
433 student training from responding to questions regarding divisive  
434 concepts raised by participants in the class or training.

435 (c) Diversity and inclusion efforts must encourage

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436 employees and students not to judge each other based on color,  
437 race, ethnicity, sex, or any other characteristic protected by  
438 federal or state law. Each public K-20 educational institution  
439 shall prohibit its employees from discriminating against  
440 students or other employees based on color, race, ethnicity,  
441 sex, or any other characteristic protected by federal or state  
442 law.

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

445 1. Inhibit or violate the rights protected by the First  
446 Amendment to the United States Constitution and s. 4, Art. I of  
447 the State Constitution or undermine a public K-20 educational  
448 institution's duty to protect to the fullest degree intellectual  
449 freedom and free expression. The intellectual vitality of  
450 students and employees may not be infringed upon under this  
451 subsection.

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

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

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

464 5. Prohibit a state or federal court or agency of competent



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465 jurisdiction from ordering training or other remedial action  
466 that discusses divisive concepts due to a finding of  
467 discrimination, including discrimination based on race or sex.

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

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