

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

51 and inclusion efforts and to prohibit certain
52 discrimination; providing for construction; providing
53 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:

59 110.1222 Policy against race or sex scapegoating or race
60 or 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
71 receive adverse treatment solely or partly because of his or her
72 race or sex.

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

75 6. An individual's moral character is inherently

76 determined 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,
 81 or 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.

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
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
129 or 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
142 promoting 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
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
 153 concepts, 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
 161 receive adverse treatment solely or partly because of his or her
 162 race or sex.
 163 e. Members of one race or sex cannot and should not
 164 attempt to treat others without respect to race or sex.
 165 f. An individual's moral character is inherently
 166 determined 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,
 171 or 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
 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,
 179 blame, 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
 191 training, workshops, or similar programming that fosters a
 192 workplace environment that is respectful of all employees.
 193 However, any mandatory employee training, whether provided by a
 194 county 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

201 all diversity and inclusion efforts encourage employees not to
 202 judge each other based on color, race, ethnicity, sex, or any
 203 other characteristic protected by federal or state law. Each
 204 county shall prohibit its employees from discriminating against
 205 other employees based on color, race, ethnicity, sex, or any
 206 other 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
 219 of 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

226 competent jurisdiction from ordering training or other remedial
227 action 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:

233 1. "Divisive concepts" means any of the following
234 concepts, 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
242 receive adverse treatment solely or partly because of his or her
243 race or sex.

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

246 f. An individual's moral character is inherently
247 determined 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,
252 or 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,
260 blame, 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
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:

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

301 of 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
 308 competent jurisdiction from ordering training or other remedial
 309 action 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
 314 or 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
 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 that:

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,
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
378 instruction, in an objective manner and without endorsement.

379 Section 5. Subsection (8) of section 1000.05, Florida
380 Statutes, is renumbered as subsection (9), and a new subsection
381 (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
387 concepts, 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
395 receive adverse treatment solely or partly because of his or her
396 race or sex.

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

399 f. An individual's moral character is inherently
400 determined 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,
405 or any other form of psychological distress on account of his or
406 her race or sex.

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,
413 blame, 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 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
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
458 of a larger course of academic instruction, in an objective
459 manner 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
465 competent jurisdiction from ordering training or other remedial
466 action 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, and discrimination.

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