

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: SB 1710

INTRODUCER: Senator DiCeglie

SUBJECT: Prohibitions and Limitations on Diversity, Equity, and Inclusion and Requirements for Medical Institutions of Higher Education

DATE: March 17, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>White</u>	<u>McVaney</u>	<u>GO</u>	<u>Favorable</u>
2.	_____	_____	<u>HE</u>	_____
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1710 addresses diversity, equity, and inclusion (DEI) in the context of state agencies' funds, funding, policies, procedures, trainings, programming, and activities; as well as the grading and admission requirements for "medical institutions of higher education."

The bill provides that state agencies may not:

- Spend appropriated or otherwise acquired money to fund a DEI office or officer;
- Apply for federal health care-related grants relating to DEI, unless the agency publishes specific related materials online and shares a copy of the grant proposal to Senators and Representative of certain committees; or
- Disburse grant or contract funds unless the recipient certifies to the Chief Financial Officer that the funds will not be used to specified DEI activities.

A person may report violations of the above prohibitions to the Attorney General, who can file a suit for a writ of mandamus to compel compliance by the state agency.

The bill also requires specific science focused standardized tests for admissions into certain medical institutions of higher education and further requires those institutions to issue a letter grade, as opposed to pass/fail assessments, for each course required to graduate.

The overall fiscal impact on state and local governments is indeterminate. See V. Fiscal Impact Statement below.

The bill take effect on July 1, 2025.

II. Present Situation:

Diversity, Equity, and Inclusion (DEI)

DEI stands for diversity, equity and inclusion. It refers to programs that ensure people from different backgrounds, cultures, identities, and experiences feel accepted in their environments, whether at school, work, or other organizations. Few governments have defined DEI as a concept; it is more common to define the terms individually:

- Diversity generally refers to the presence of differences within a given setting, collective, or group; the practice of honoring and including people of different communities, identities, and backgrounds.
- Equity generally means an effort to ensure a fair and just allocation of resources, access, support, and advancement for all individuals; the state of being equal, especially in status and access to resources to achieve the outcome of equality.
- Inclusion generally refers to the practice intentionally recognizing, appreciating, and welcoming diversity and encouraging all individuals have a sense of belonging.¹

The State Board of Education prohibits Florida College System Institutions from expending funds on DEI, which it defines as “any program, campus activity, or policy that classifies individuals on the basis of race, color, sex, national origin, gender identity, or sexual orientation and promotes differential or preferential treatment of individuals on the basis of such classification.”²

Medical School Accreditations

The Liaison Committee on Medical Education (LCME) is recognized by the U.S. Department of Education as the accrediting body for medical education *programs*. It is sponsored by the Association of American Medical Colleges and the American Medical Association.³ The LCME, however, cannot accredit stand-alone medical schools as institutions of higher education. Institutions, such as universities, must be accredited by a regional accrediting agency (e.g., the Southern Association of Colleges and Schools) before the LCME will accredit its medical education program.⁴

¹ DEI Working Group, Legislative Services Office, State of Idaho, *Definitions of Diversity, Equity, and Inclusion* (Dec. 2, 2024), 2, 4-7, available at https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2024/interim/241202_dei_04_HARTWIG%20LSO%20updates.pdf; OFFICE OF FINANCIAL MANAGEMENT, STATE OF WASHINGTON, *Diversity, Equity and Inclusion—Glossary of Equity-Related Terms* (v. 3.2, 2023), 6, 9, available at <https://ofm.wa.gov/sites/default/files/public/shr/Diversity/SubCommit/DEI-Glossary.pdf>; City of Lebanon New Hampshire, *What is DEI Anyway?*, <https://lebanonnh.gov/1619/What-is-DEI-Anyway> (last visited Mar. 15, 2025); Mariyam Muhammad, THE COLUMBUS DISPATCH, *What is DEI? More on the initiative, what companies rolled back DEI, Trump DEI order* (Jan. 31, 2025), <https://www.dispatch.com/story/news/2025/01/31/dei-diversity-equity-inclusion-explained-trump-executive-order/78088476007/> (last visited Mar. 15, 2025).

² Rule 6A-14.0718, F.A.C.

³ East Carolina University, *LCME Accreditation: Frequently Asked Questions*, <https://medicine.ecu.edu/lcme/faq/> (last visited Mar. 12, 2025).

⁴ Liaison Committee on Education, *Programmatic Accreditation vs. Institutional Accreditation*, <https://lcme.org/about/programmatic/> (last visited Mar. 17, 2025).

Accreditation is a voluntary, peer-review process designed to attest to the educational quality of new and established educational programs that align with nationally accepted standards of educational quality.⁵ Most U.S. state licensing boards and the United States Medical Licensing Examination require applicants to graduate from LCME accredited institutions. Moreover, only graduates of LCME-accredited schools are eligible for residency programs accredited by the Accreditation Council for Graduate Medical Education.⁶ Accreditation additionally benefits institutions themselves, as it often establishes eligibility for different federal grants and programs.

Florida medical school accredited by LCME include:

- Charles E. Schmidt College of Medicine at Florida Atlantic University;
- Florida International University Herbert Wertheim College of Medicine;
- Florida State University College of Medicine;
- Nova Southeastern University Dr. Kiran C. Patel College of Allopathic Medicine;
- University of Central Florida College of Medicine;
- University of Florida College of Medicine;
- University of Miami Leonard M. Miller School of Medicine; and
- USF Health Morsani College of Medicine.⁷

III. Effect of Proposed Changes:

DEI and State Agencies

Section 1 amends s. 20.105, F.S., to add requirements for state agencies applying for federal health care-related grants relating to diversity, equity, and inclusion. To apply for such grants, a state agency must publish online all materials, requirements, and instructions related to the federal grant application which are held by the state agency. A state agency must additionally give members of the Health Policy Committee in the Senate and the Health and Human Services Committee in the House of Representatives a copy of the grant proposal.

For purposes of this section, a “state agency” includes any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government.⁸

Section 2 creates s. 20.615, F.S., to prohibit a state agency from spending appropriated funds or funds otherwise acquired to establish or support a DEI office or pay for a DEI officer. For purposes of this provision, a “state agency” is any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government. The bill defines

⁵ Liaison Committee on Education, Association of American Medical Colleges and the American Medical Association, *Functions and Structure of a Medical School: Standards for Accreditation of Medical Education Programs Leading to the MD Degree* (Mar. 2025), https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Flcme.org%2Fwp-content%2Fuploads%2F2025%2F03%2F2026-27-Functions-and-Structure_2025-03-06.docx&wdOrigin=BROWSELINK (last visited Mar. 12, 2025). See *id.* for discussion of how standards are created and revised.

⁶ East Carolina University, *LCME Accreditation: Frequently Asked Questions*, <https://medicine.ecu.edu/lcme/faq/> (last visited Mar. 12, 2025).

⁷ Liaison Committee on Medical Education, *Accredited MD Programs in the United States* (updated Mar. 6, 2025), <https://lcme.org/directory/accredited-u-s-programs/> (last visited Mar. 13, 2025).

⁸ See s. 216.011(1)(ww), F.S.

DEI⁹ and provides that the definition excludes legally required equal opportunity materials based on statuses protected under law. A DEI office and officer are defined as an office or employee, respectively, that somehow encourage or support DEI.

A person may report violations to the Attorney General. The Attorney General may file a writ of mandamus to compel the agency to comply with proposed s. 20.615, F.S. The bill does not prohibit bona fide qualifications based on sex which are reasonably necessary to the normal operation of government functions.

Section 3 creates s. 287.139, F.S., to require, prior to the disbursement of funds, recipients of state funded grants and contracts to certify to the Chief Financial Officer that the recipient will not spend the funds on DEI materials or instructions for its employees, contractors, volunteers, vendors, or agents.

Medical Schools

Sections 4 and 5 apply to “a medical institution of higher education,” which means as a Florida College System institution or university that offers bachelor’s, master’s, or doctoral degrees; certificate programs; or training in health care or related disciplines. The definition extends to trade schools.

Section 4 creates s. 1004.099, F.S, to require a medical institution of higher education, except those using open enrollment, issue letter grades, as opposed to pass/fail assessments, for each course required to graduate.

Section 5 amends s. 1007.263, F.S., to require a medical institution of higher education use standardized tests for admission purposes that focus on knowledge of and critical thinking skills for science and medical training.

Section 6 provides the act takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities

⁹ The bill defines DEI as any effort to influence the “composition of employees” on the basis of; *or* to adopt or promote policies, procedures, training, programming, or activities designed or implements with reference to, some collection of specific characteristics and concepts identified in the bill. These characteristics and concepts include race, sex, color, ethnicity, gender identity, and sexual orientation. Policies, procedures, trainings, activities, and programming are permissible if approved in writing by the Attorney General for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

DEI is further defined as any effort to promote, as the official position of a state agency, a particular opinion referencing unconscious or implicit bias, cultural appropriation, allyship, transgender ideology, microaggressions, group marginalization, antiracism, systemic oppression, social justice, intersectionality, neopronouns, heteronormativity, disparate impact, gender theory, racial or sexual privilege, or any related formulation of these concepts.

have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

Article III, section 6 of the State Constitution requires every law to “embrace but one subject and matter properly connected therewith.” The purpose of this requirement is to prevent logrolling, which combines multiple unrelated measures in one bill in order to secure passage of a measure that is unlikely to pass on its own merits.¹⁰ The Florida Supreme Court has held that the single subject clause contains three requirements: first, each law must embrace only one subject; second, the law may include any matter that properly connected with the subject; and third, the subject must be briefly expressed in the title.¹¹ The subject matter to consider when determining whether a bill embraces a single subject is the bill title’s subject, and the test is whether the bill is designed to accomplish separate objectives with no natural or logical connection to each other.¹²

The title of the present bill indicates that it is an act relating to (1) prohibitions and limitations for state agencies in relation to diversity, equity, and inclusion; and (2) requirements for medical institutions in higher education. Moreover, s. 20.105, F.S., amended by the bill; and ss. 20.615 and 287.139, created by the bill, explicitly relate to state agencies implementing or requiring DEI. This may not have a natural or logical connection, as the single subject rule requires, to s. 1004.099, F.S., created by the bill; and s. 1007.263, F.S., amended by the bill, both of which deal with grading and admissions in “medical institutions of higher education.”

It is unclear whether the current state of the bill violates the single subject rule. To address the concerns noted above, the bill could be amended to tailor the language of sections 4 and 5 more narrowly to specifically deal with DEI in public institutions or delete either sections 1-3 or 4-5 from the bill.

¹⁰ *Santos v. State*, 380 So.2d 1284 (Fla. 1980).

¹¹ *Franklin v. State*, 887 So. 1063, 1072 (Fla. 2004).

¹² See *Ex parte Knight*, 41 So. 786 (Fla. 1906); *Brd. of Public Instruction of Broward Cnty. v. Doran*, 224 So.2d 693 (Fla. 1969).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None identified.

B. Private Sector Impact:

Private entities that receive state grants will be required to tailor their DEI trainings and requirements, if any, to ensure that such requirements do not use state funds.

As a result of the requirements for letter grades and potentially additional admission requirements, medical schools¹³ may be required to renovate their admissions process—this may impact students who apply to the schools and the schools themselves.

The accreditation of medical schools in Florida may be in jeopardy if they cannot comply with the accreditation requirements as a result of law. This would make the medical schools' graduates less competitive in the marketplace, as many residency programs require graduation from an accredited institution.

C. Government Sector Impact:

It is not clear how many FTEs at state agencies are currently dedicated to DEI, either part-time or full-time. To the extent that there are any, these positions will likely be eliminated. The reduction in workforce and associated programming may result in a cost-savings.

The amount of money public entities, such as the Department of Health and public universities, receive in health care-related grants relating to DEI is unknown.

The bill requires certain training, programming, or activities that reference race, color, ethnicity, gender identity, or sexual orientation, be (1) created by an attorney licensed in Florida; and (2) approved in writing by the Attorney General for specific requirements. It is unclear how any training, programming, or activities of state agencies are procured; however, certain trainings and programs are not necessarily created by attorneys. Any training either currently required by law or otherwise desired, such as those for active shooters, may be more difficult to procure given this limitation. The extent to which state agencies will have to now pay more to obtain, or pay a Florida attorney to create, training modules or programs due to a *reference* of these topics is unclear.

At the time of authoring, the DMS, Department of Health, Board of Governors, Association of Postsecondary Schools and Colleges, and Department of Legal Affairs have not responded to this Body's request for an analysis. Accordingly, the overall fiscal impact is unclear. A report on a similar bill in South Carolina, however, estimates that

¹³ *But see infra* VII. Related Issues: Medical Institutions of Higher Educations (discussing how these requirements may extend beyond medical and health care-related programs to the entirety of an institution).

their bill could cost their state agencies at least \$86 million annually and reduce grants and revenue by \$8.2 billion.¹⁴

VI. Technical Deficiencies:

Line 32 provides that the new requirement regarding federal health care-related grants applies to a “state agency as defined in s. 216.011(1).” In s. 216.011, F.S., “state agency” is defined as follows:

[A]ny official, officer, commission, board, authority, council, committee, or department of the executive branch of state government. For purposes of this chapter and chapter 215, “state agency” or “agency” includes, but is not limited to, state attorneys, public defenders, criminal conflict and civil regional counsel, capital collateral regional counsel, the Justice Administrative Commission, the Florida Housing Finance Corporation, and the Florida Public Service Commission. Solely for the purposes of implementing s. 19(h), Art. III of the State Constitution, the terms “state agency” or “agency” include the judicial branch.

The first portion of the expanded definition appears to apply only for the provisions of ch. 215 and 216, F.S. As to judicial branch entities, the definition only applies for the purposes of complying with the State Constitution’s requirements for long-range planning document processes.¹⁵ As section 1 amends s. 20.105, F.S., and does not address these long-range planning documents, the language of s. 216.011, F.S., suggests that the expanded definition does not apply to the new requirements contained in section 1 of the bill. This may be appropriate since those entities in the expanded definition most like would not apply for such grants.

Lines 95-96 provides that the prohibition on state agencies relating to DEI contained in section 2 of the bill. In this instance, “state agency has the same meaning as in 216.011(1).” This language appears to include the expanded definition of state agency (except for judicial branch entities).

The bill currently refers to the Senate Health Policy Committee and the House of Representatives Health and Human Services Committee at lines 39-42. The sponsor may wish to add “*or their successors*” to clarify agency responsibility in the event that the names of these committees change. The language additionally does not provide when the agency would have to submit the proposal (i.e., whether such submission is a prerequisite to submitting the proposal or accepting the funds, thereby requiring the agency to submit it before officially applying for the grant).

Lines 136-139 provide that a “medical institution of higher education shall require a standardized admissions test focused on knowledge of and critical thinking skills for science and medical training as a requirement for admission.” The Legislature may wish to amend the language to read that such institutions “must use a standardized admissions test focused on knowledge of and critical thinking skills for science and medical training for admission.”

¹⁴ Alex Jurado, *DEI bill would cost SC state agencies, universities at least \$86 million, report says* (Mar. 12, 2025), <https://www.thestate.com/news/politics-government/article301615434.html#storylink=cpy> (last visited Mar. 12, 2025).

¹⁵ See FLA. CONST. art. II, s. 19(h).

VII. Related Issues:

Medical Institutions of Higher Education

The definition of “medical institution of higher education” may be too broad to have the impact the bill intends. As written, the definition encompasses institutions that offer certain degrees or certificates relating to healthcare. The Legislature may wish to amend the definition to clarify that the relevant provisions of this bill target health care-related *programs* and not the entirety of the institutions administering them.

Sections 4 and 5 instill grading and admission standard requirements on medical institutions of higher education. It is unclear whether these newly specified standardized tests would be in addition to those admission tests already required. In particular, undergraduate schools often already require SAT or ACT scores; and medical, law, and graduate schools require the MCAT, GRE, and LSAT, respectively. Should these existing tests not meet the standards proscribed in this bill, it could hurt Florida institutions’ ability to be competitive on the market by requiring additional testing for incoming students. Moreover, if these requirements conflicted with current or future LCME standards, and consequently the LCME pulls Florida institution’s accreditation, it could hurt both the institution and the students. Graduates of these schools could have a difficult time being eligible for necessary residency and fellowship programs as well as professional licensure.

Recent Federal Diversity, Equity, and Inclusion (DEI) Policies

In January 2025, President Trump signed two executive orders eliminating or lessening DEI in the public sphere.¹⁶ The federal district court for Maryland has enjoined the enforcement of portions of these orders.¹⁷ In relevant part, the provisions enjoined include:

- The Termination Provision, which directed all executive agencies to “terminate ... ‘equity-related’ grants or contracts.”
- The Certification Provision, which directed all executive agencies to “include in every contract or grant award” a certification, enforceable through the False Claims Act, that the contractor and grantee “does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.”
- The Enforcement Threat Provision, which directed U.S. Attorney General to take “appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI,” “deter” such “programs or principles” and “identify ... potential civil compliance investigations” to accomplish such “deter[rence].”¹⁸

The present bill, unlike the Executive Orders by President Trump currently under injunction, address the spending of state funds *only*. Moreover, the First Amendment protects citizens’ speech from government regulation, but its restrictions do not extend to government speech

¹⁶ See Exec. Order No. 14,151, 90 Fed. Reg. 8,339 (Jan. 20, 2025) (entitled “Ending Radical and Wasteful Government DEI Programs and Preferencing”); Exec. Order 14,173, 90 Fed. Reg. 8,633 (Jan. 21, 2025) (entitled “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”).

¹⁷ *Nat’l Ass’n of Diversity Officers in Higher Education v. Trump*, __ F. Supp. 3d __, 2025 WL 573764 (D. Md. Feb. 21, 2025)

¹⁸ *Id.*

itself.¹⁹ The government speech doctrine is the principle that a government can freely “select the views that it wants to express,”²⁰ which includes the freedom not to speak and speaking through the removal of speech that the government disapproves.²¹ Accordingly, this provision limiting the official statements of state agencies would likely pass constitutional muster under a First Amendment Freedom of Speech analysis.

Honeyfund.com, Inc. v. DeSantis, 94 F.4th 1272 (11th Cir. 2024)

The Florida Individual Freedom Act, also known as the Stop WOKE Act (Act), limited the ways that concepts related to systemic racism and sex discrimination can be discussed in teaching or conducting training in workplaces or schools.²² In 2024, the Eleventh Circuit unanimously held that the Act violated the First Amendment, particularly freedom of speech. Viewpoint discrimination was at the heart of the Eleventh Circuit’s ruling, with the Court holding that the law endorsed certain viewpoints. According to the Court, information and ideas relating to race and equality should be the stuff of the marketplace of ideas, not legislative fiat.²³

In comparison, the present bill does not direct the speech of private individuals or companies. This bill deals with what public funds may be spent on. Accordingly, a court would likely find that the present bill materially differs from the law at issue in the *Honeyfund.com, Inc.* case.

VIII. Statutes Affected:

This bill substantially amends sections 20.105 and 1007.263; and creates sections 20.615, 287.139, and 1004.099, of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

¹⁹ *N.A.A.C.P. v. Hunt*, 891 F.2d 1555, 1565 (11th Cir. 1990) (citing *Columbia Broad. Sys., Inc. v. Democratic Nat’l Comm.*, 412 U.S. 94, 139 (1973)).

²⁰ *Pleasant Grove City, Utah v. Sumnum*, 555 U.S. 460, 467 (2009) (quoting *Bd. of Regents of Univ. of Wis. Sys. v. Southworth*, 529 U.S. 217, 229 (2000)).

²¹ *Downs v. L.A. Unified Sch. Dist.*, 228 F.3d 1003, 1012 (9th Cir. 2000).

²² See *Honeyfund.com, Inc. v. DeSantis*, 622 F. Supp. 3d 1159 (N.D. Fla. 2022), aff’d sub nom. Honeyfund.com Inc. v. Governor, 94 F.4th 1272 (11th Cir. 2024).

²³ *Honeyfund.com Inc. v. Governor*, 94 F.4th 1272, 1275 (11th Cir. 2024). See also 5 EMP. COORD. *Employment Practices* s. 2:10 (2025); 1 FEDERAL CIVIL RIGHTS ACT 3D s. 1:61 (2025).