

Florida's "Stop W.O.K.E. Act" Will Change Employer's Diversity, Equity and Inclusion Efforts

The Florida legislature has passed Florida HB7, the "Stop W.O.K.E. Act" (the Act), which was signed by Gov. Ron DeSantis on April 22, 2022. The Act places limitations on what employers may teach during workplace diversity training. It is the first law of its kind in the nation.

What the Act Does

The Act makes it unlawful for Florida employers with 15 or more employees to subject any individual, as a condition of employment, to workplace training, instruction or any other required activity that promotes or compels an individual to believe a defined list of prohibited concepts, including:

- Members of one race, color, sex or national origin are morally superior to another;
- That an individual is inherently racist by virtue of his or her race, color, sex or national origin;
- An individual's moral character or status as privileged or oppressed is necessarily determined by his or her race, color, sex or national origin;
- An individual bears responsibility for, should be discriminated against, or should receive adverse treatment because of actions committed in the past by other members of the same race, color, sex or national origin;
- An individual bears personal responsibility for and must feel guilt, anguish or other forms of psychological distress because of actions committed in the past by other members of the same race, color, sex or national origin in which the individual played no part; and
- Virtues such as merit, excellence, hard work, fairness, neutrality, objectivity and racial colorblindness are racist or sexist or were created to oppress members of another race, color, sex or national origin.

The Act clarifies that it does not prohibit teaching concepts if they are presented objectively without an endorsement by the employer.

POSTED:

Apr 25, 2022

RELATED PRACTICES:

[Labor and Employment](#)

<https://www.reinhartlaw.com/practices/labor-and-employment>

[Corporate Law](#)

<https://www.reinhartlaw.com/practices/corporate-law>

[Health Care](#)

<https://www.reinhartlaw.com/practices/health-care>

RELATED PEOPLE:

[Robert S. Driscoll](#)

<https://www.reinhartlaw.com/people/robert-driscoll>



Violations of the law will be enforced like Florida's existing employment civil rights protections. Complaints must be made within 365 days, and remedies may include injunctive relief, back pay, compensatory damages and punitive damages up to \$100,000.

What Employers Should Do

Employers in Florida that require diversity or similar training should review their programs and associated materials immediately to ensure that they comply with the new law. Employers should scrutinize third-party programs and ask vendors expressly whether the proposed training complies with the Act's requirements.

Although this law only applies to Florida employers, it is possible that copycat legislation will be passed in other states, including in Arkansas, Arizona, Iowa, Montana and Utah, where similar discussions are taking place in those states' legislatures. Employers should continue to monitor such legislative efforts and keep abreast of the changing diversity, equity and inclusion landscape and legal requirements.

If you have any questions about the Florida law or other legal issues involved with diversity training, please contact [Robert S. Driscoll](#) or your Reinhart attorney.

These materials provide general information which does not constitute legal or tax advice and should not be relied upon as such. Particular facts or future developments in the law may affect the topic(s) addressed within these materials. Always consult with a lawyer about your particular circumstances before acting on any information presented in these materials because it may not be applicable to you or your situation. Providing these materials to you does not create an attorney/client relationship. You should not provide confidential information to us until Reinhart agrees to represent you.