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Florida's New DEI Ban for Local Governments: What Contractors and Vendors Need to Know

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Quick Hit: Florida has enacted a sweeping new law (CS/CS/SB 1134) that prohibits counties and municipalities from funding, promoting, or taking any official action relating to diversity, equity, and inclusion ("DEI"), including indirectly through contractors, vendors, and grant recipients. The law takes effect January 1, 2027.

Key Takeaways: Beginning January 1, 2027, before being awarded a county or municipal contract or grant, a potential recipient will be required to certify that it does not and will not use county or municipal funds in requiring employees, contractors, volunteers, vendors, or agents to ascribe to, study, or be instructed using materials relating to DEI as defined in the statute.

The law defines "diversity, equity, and inclusion" to mean any effort to (1) manipulate or otherwise influence the composition of employees with reference to race, color, sex, ethnicity, gender identity, or sexual orientation (other than compliance with antidiscrimination laws); (2) promote or provide preferential treatment or special benefits to a person or group based on those characteristics; or (3) promote or adopt training, programming, or activities designed or implemented with reference to those characteristics.

Importantly, the term "diversity, equity, and inclusion" does not include the use of equal opportunity or equal employment opportunity materials designed to inform a person about the prohibition against discrimination based on protected status under state or federal law. In other words, compliance-oriented anti-discrimination training remains permissible.

The statute's enforcement mechanism allows any resident of a county or municipality to bring an action in circuit court against the local government for violations, and authorizes courts to award declaratory and injunctive relief, damages, and costs.

More Detail: The new law prohibits local governments from funding or promoting DEI, directly or indirectly, or taking any official action as it relates to DEI. Any existing DEI-related ordinances, resolutions, programs, or policies are declared void. Local governments are also prohibited from expending any funds to establish or staff a DEI office or to engage any person to serve as a DEI officer.

In accordance with the provisions of the new law, before receiving a county or municipal contract or grant, the potential recipient will have to certify that it does not and will not use county or municipal funds in requiring its employees, contractors, volunteers, vendors, or agents to ascribe to, study, or be instructed using DEI-related materials. The certification is limited to county or municipal funds – it does not on its face prohibit maintaining internal DEI programs funded entirely by private dollars, but companies should exercise caution in how programs funded by different sources are structured. Companies should also expect that future local government contracts may contain express provisions reflecting these restrictions.

The law does not prohibit actions required for compliance with state or federal law, and equal opportunity materials designed to inform individuals about prohibitions against discrimination remain are excluded – meaning such materials can be paid for using county or municipal funds. Violations by public officials constitute misfeasance or malfeasance in office, and residents may bring circuit court actions with courts authorized to award declaratory and injunctive relief, damages, and costs.

Companies doing business with Florida counties and municipalities should review mandatory training programs for DEI-related content, as well as broader policies, programs, and initiatives that may be supported by local government funds. They should assess how public funds are used across their operations, including workforce training, grant-funded programming, and subcontractor activities; prepare internal processes to support the required pre-award certification; and monitor existing contract portfolios for renewal dates that will trigger the new requirements after January 1, 2027.

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