

By Senator Martin

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1 A bill to be entitled
2 An act relating to gender identity employment
3 practices; creating s. 110.1051, F.S.; defining terms;
4 specifying an employment policy of the state relating
5 to a person's sex; providing applicability;
6 prohibiting employees and contractors of certain
7 employers from being required to use, from providing,
8 and from being asked to provide preferred personal
9 titles or pronouns; prohibiting the imposition of
10 penalties or the taking of adverse personnel action
11 when an employee or a contractor refuses to provide
12 his or her preferred personal title or pronouns;
13 providing that it is an unlawful employment practice
14 for certain employers to take adverse personnel action
15 against employees and contractors on the basis of
16 deeply held religious or biology-based beliefs;
17 providing administrative and civil remedies;
18 authorizing the Department of Management Services to
19 adopt rules; amending s. 760.10, F.S.; providing that
20 it is an unlawful employment practice for nonprofit
21 organizations and certain employers to require certain
22 training, instruction, or activity as a condition of
23 employment; defining the term "nonprofit
24 organization"; reenacting s. 760.11(1) and (15), F.S.,
25 relating to administrative and civil remedies, to
26 incorporate the amendment made to s. 760.10, F.S., in
27 references thereto; providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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31 Section 1. Section 110.1051, Florida Statutes, is created
32 to read:

33 110.1051 Personal titles and pronouns.-

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

35 (a) "Adverse personnel action" means the discharge,
36 suspension, transfer, or demotion of an employee or a contractor
37 or the withholding of bonuses, the reduction in salary or
38 benefits, or any other adverse action taken against an employee
39 or a contractor within the terms and conditions of employment by
40 an employer.

41 (b) "Contractor" means an individual, partnership,
42 corporation, or business entity that enters or attempts to enter
43 into a contract for services with an employer.

44 (c) "Employee" means an individual employed by, or
45 attempting to be employed by, an employer.

46 (d) "Employer" means the state or any county, municipality,
47 or special district or any subdivision or agency thereof.

48 (e) "Sex" means the classification of a person as either
49 female or male based on the organization of the body of such
50 person for a specific reproductive role, as indicated by the
51 person's sex chromosomes, naturally occurring sex hormones, and
52 internal and external genitalia present at birth.

53 (2) It is the policy of the state that a person's sex is an
54 immutable biological trait and that it is false to ascribe to a
55 person a pronoun that does not correspond to such person's sex.
56 This section does not apply to individuals born with a
57 genetically or biochemically verifiable disorder of sex
58 development, including, but not limited to, 46, XX disorder of

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59 sex development; 46, XY disorder of sex development; sex
60 chromosome disorder of sex development; XX or XY sex reversal;
61 or ovotesticular disorder.

62 (3) An employee or a contractor may not be required, as a
63 condition of employment, to refer to another person using that
64 person's preferred personal title or pronouns if such personal
65 title or pronouns do not correspond to that person's sex.

66 (4) An employee or a contractor may not provide to an
67 employer his or her preferred personal title or pronouns if such
68 preferred personal title or pronouns do not correspond to his or
69 her sex.

70 (5) An employee or a contractor may not be asked by an
71 employer to provide his or her preferred personal title or
72 pronouns or be penalized or subjected to adverse personnel
73 action for not providing his or her preferred personal title or
74 pronouns.

75 (6) (a) It is an unlawful employment practice for an
76 employer to take adverse personnel action against an employee or
77 a contractor because of the employee's or contractor's deeply
78 held religious or biology-based beliefs, including a belief in
79 traditional or Biblical views of sexuality and marriage, or the
80 employee's or contractor's disagreement with gender ideology,
81 whether those views are expressed by the employee or contractor
82 at or away from the worksite.

83 (b) An employee or a contractor aggrieved by a violation of
84 this subsection may avail himself or herself of the
85 administrative and civil remedies provided in s. 760.11.

86 (7) The Department of Management Services may adopt rules
87 to administer this section.

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88 Section 2. Present subsections (10) and (11) of section
89 760.10, Florida Statutes, are redesignated as subsections (11)
90 and (12), respectively, and a new subsection (10) is added to
91 that section, to read:

92 760.10 Unlawful employment practices.—

93 (10) It is an unlawful employment practice for a nonprofit
94 organization or an employer that receives funding from the state
95 to require, as a condition of employment, any training,
96 instruction, or other activity on sexual orientation, gender
97 identity, or gender expression. For purposes of this subsection,
98 the term "nonprofit organization" means any organization that is
99 exempt from taxation pursuant to 26 U.S.C. s. 501, or any
100 federal, state, or local governmental entity.

101 Section 3. For the purpose of incorporating the amendment
102 made by this act to section 760.10, Florida Statutes, in
103 references thereto, subsections (1) and (15) of section 760.11,
104 Florida Statutes, are reenacted to read:

105 760.11 Administrative and civil remedies; construction.—

106 (1) Any person aggrieved by a violation of ss. 760.01-
107 760.10 may file a complaint with the commission within 365 days
108 of the alleged violation, naming the employer, employment
109 agency, labor organization, or joint labor-management committee,
110 or, in the case of an alleged violation of s. 760.10(5), the
111 person responsible for the violation and describing the
112 violation. Any person aggrieved by a violation of s. 509.092 may
113 file a complaint with the commission within 365 days of the
114 alleged violation naming the person responsible for the
115 violation and describing the violation. The commission, a
116 commissioner, or the Attorney General may in like manner file

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117 such a complaint. On the same day the complaint is filed with
118 the commission, the commission shall clearly stamp on the face
119 of the complaint the date the complaint was filed with the
120 commission. In lieu of filing the complaint with the commission,
121 a complaint under this section may be filed with the federal
122 Equal Employment Opportunity Commission or with any unit of
123 government of the state which is a fair-employment-practice
124 agency under 29 C.F.R. ss. 1601.70-1601.80. If the date the
125 complaint is filed is clearly stamped on the face of the
126 complaint, that date is the date of filing. The date the
127 complaint is filed with the commission for purposes of this
128 section is the earliest date of filing with the Equal Employment
129 Opportunity Commission, the fair-employment-practice agency, or
130 the commission. The complaint shall contain a short and plain
131 statement of the facts describing the violation and the relief
132 sought. The commission may require additional information to be
133 in the complaint. The commission, within 5 days of the complaint
134 being filed, shall by registered mail send a copy of the
135 complaint to the person who allegedly committed the violation.
136 The person who allegedly committed the violation may file an
137 answer to the complaint within 25 days of the date the complaint
138 was filed with the commission. Any answer filed shall be mailed
139 to the aggrieved person by the person filing the answer. Both
140 the complaint and the answer shall be verified.

141 (15) In any civil action or administrative proceeding
142 brought pursuant to this section, a finding that a person
143 employed by the state or any governmental entity or agency has
144 violated s. 760.10 shall as a matter of law constitute just or
145 substantial cause for such person's discharge.

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Section 4. This act shall take effect July 1, 2024.