

1 A bill to be entitled  
2 An act relating to gender identity employment  
3 practices; creating s. 110.1051, F.S.; providing  
4 definitions; specifying an employment policy of the  
5 state relating to a person's sex; providing  
6 applicability; prohibiting employees and contractors  
7 of certain employers from being required to use, from  
8 providing, and from being asked to provide certain  
9 titles and pronouns; prohibiting employees and  
10 contractors from being penalized or subjected to  
11 certain actions for not providing certain titles and  
12 pronouns; prohibiting adverse personnel action on the  
13 basis of deeply held religious or biology-based  
14 beliefs; providing administrative and civil remedies;  
15 authorizing the Department of Management Services to  
16 adopt rules; amending s. 760.10, F.S.; providing that  
17 it is an unlawful employment practice for a nonprofit  
18 organization and certain employers to require certain  
19 training, instruction, or activity as a condition of  
20 employment; defining the term "nonprofit  
21 organization"; reenacting s. 760.11(1) and (15), F.S.,  
22 relating to administrative and civil remedies, to  
23 incorporate the amendment made to s. 760.10, F.S., in  
24 references thereto; providing an effective date.  
25

26 | Be It Enacted by the Legislature of the State of Florida:

27 |

28 |       Section 1. Section 110.1051, Florida Statutes, is created  
29 | to read:

30 |       110.1051 Personal titles and pronouns.-

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

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

38 |       (b) "Contractor" means an individual, partnership,  
39 | corporation, or business entity that enters or attempts to enter  
40 | into a contract for services with an employer.

41 |       (c) "Employee" means an individual employed by, or  
42 | attempting to be employed by, an employer.

43 |       (d) "Employer" means the state or any county,  
44 | municipality, or special district or any subdivision or agency  
45 | thereof.

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

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

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

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

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

73        (6) (a) It is an unlawful employment practice for an  
74 employer to take adverse personnel action against an employee or  
75 a contractor because of the employee's or contractor's deeply

76 held religious or biology-based beliefs, including a belief in  
77 traditional or Biblical views of sexuality and marriage, or the  
78 employee's or contractor's disagreement with gender ideology,  
79 whether those views are expressed by the employee or contractor  
80 at or away from the worksite.

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

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

86 Section 2. Subsections (10) and (11) of section 760.10,  
87 Florida Statutes, are renumbered as subsections (11) and (12),  
88 respectively, and a new subsection (10) is added to that  
89 section, to read:

90 760.10 Unlawful employment practices.—

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

99 Section 3. For the purpose of incorporating the amendment  
100 made by this act to section 760.10, Florida Statutes, in a

101 reference thereto, Subsections (1) and (15) of section 760.11,  
102 Florida Statutes, are reenacted to read:

103 760.11 Administrative and civil remedies; construction.-

104 (1) Any person aggrieved by a violation of ss. 760.01-  
105 760.10 may file a complaint with the commission within 365 days  
106 of the alleged violation, naming the employer, employment  
107 agency, labor organization, or joint labor-management committee,  
108 or, in the case of an alleged violation of s. 760.10(5), the  
109 person responsible for the violation and describing the  
110 violation. Any person aggrieved by a violation of s. 509.092 may  
111 file a complaint with the commission within 365 days of the  
112 alleged violation naming the person responsible for the  
113 violation and describing the violation. The commission, a  
114 commissioner, or the Attorney General may in like manner file  
115 such a complaint. On the same day the complaint is filed with  
116 the commission, the commission shall clearly stamp on the face  
117 of the complaint the date the complaint was filed with the  
118 commission. In lieu of filing the complaint with the commission,  
119 a complaint under this section may be filed with the federal  
120 Equal Employment Opportunity Commission or with any unit of  
121 government of the state which is a fair-employment-practice  
122 agency under 29 C.F.R. ss. 1601.70-1601.80. If the date the  
123 complaint is filed is clearly stamped on the face of the  
124 complaint, that date is the date of filing. The date the  
125 complaint is filed with the commission for purposes of this

126 section is the earliest date of filing with the Equal Employment  
127 Opportunity Commission, the fair-employment-practice agency, or  
128 the commission. The complaint shall contain a short and plain  
129 statement of the facts describing the violation and the relief  
130 sought. The commission may require additional information to be  
131 in the complaint. The commission, within 5 days of the complaint  
132 being filed, shall by registered mail send a copy of the  
133 complaint to the person who allegedly committed the violation.  
134 The person who allegedly committed the violation may file an  
135 answer to the complaint within 25 days of the date the complaint  
136 was filed with the commission. Any answer filed shall be mailed  
137 to the aggrieved person by the person filing the answer. Both  
138 the complaint and the answer shall be verified.

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

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