

By Senator McClain

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1 A bill to be entitled
2 An act relating to gender identity employment
3 practices; providing a short title; creating s.
4 110.1051, F.S.; defining terms; specifying an
5 employment policy of this state relating to a person's
6 sex; providing applicability; prohibiting employees
7 and contractors of certain employers from being
8 required to use certain pronouns or requiring such
9 employer to use a pronoun that does not correspond to
10 the employee's or contractor's sex; prohibiting
11 specified options relating to an applicant's sex from
12 being included on certain employment forms;
13 prohibiting adverse personnel action on the basis of
14 deeply held religious, moral, conscience-based, or
15 biology-based beliefs; providing administrative and
16 civil remedies; providing reasonable attorney fees and
17 costs; authorizing the Department of Management
18 Services to adopt rules; amending s. 760.10, F.S.;
19 providing that it is an unlawful employment practice
20 for the state or any county, municipality, special
21 district, or other political subdivision to require
22 certain training, instruction, or activity as a
23 condition of employment; reenacting s. 760.11(1) and
24 (15), F.S., relating to administrative and civil
25 remedies, to incorporate the amendment made to s.
26 760.10, F.S., in references thereto; providing an
27 effective date.

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

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31 Section 1. This act may be cited as the "Freedom of
32 Conscience in the Workplace Act."

33 Section 2. Section 110.1051, Florida Statutes, is created
34 to read:

35 110.1051 Personal pronouns.—

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

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

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

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

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

51 (e) "Gender identity" means a fully internal and subjective
52 sense of self, disconnected from biological reality and sex, and
53 existing on an infinite continuum that does not provide a
54 meaningful basis for identification and cannot be recognized as
55 a replacement for sex.

56 (f) "Gender ideology" means the false belief that replaces
57 the biological category of sex with an ever-shifting concept of
58 self-assessed gender identity, permitting the false claim that

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59 males can identify as and become women and vice versa, and
60 requiring all institutions of society to regard this false claim
61 as true. The term includes the idea that there is a vast
62 spectrum of genders that are disconnected from a person's sex.
63 The term is internally inconsistent in that it diminishes sex as
64 an identifiable or useful category but nevertheless maintains
65 that it is possible for a person to be born in the wrong sexed
66 body.

67 (g) "Sex" means the classification of a person as either
68 female or male based on the organization of the body of such
69 person for a specific reproductive role, as indicated by the
70 person's sex chromosomes, naturally occurring sex hormones, and
71 internal and external genitalia present at birth.

72 (2) It is the policy of this state that a person's sex is
73 an immutable biological trait and that it is false to ascribe to
74 a person a pronoun that does not correspond to such person's
75 sex. This section does not apply to individuals born with a
76 genetically or biochemically verifiable disorder of sex
77 development, including, but not limited to, 46,XX disorder of
78 sex development; 46,XY disorder of sex development; sex
79 chromosome disorder of sex development; XX or XY sex reversal;
80 and ovotesticular disorder.

81 (3) An employee or a contractor may not be required, as a
82 condition of employment or to avoid adverse personnel action, to
83 refer to another person using that person's preferred pronouns
84 if such pronouns do not correspond to that person's sex.

85 (4) An employee or a contractor may not require an employer
86 to use his or her preferred pronouns if such preferred pronouns
87 do not correspond to the employee's or contractor's sex.

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88 (5) A job application or other related employment form that
89 requires an applicant to mark his or her sex may only inquire if
90 the applicant is male or female and may not provide a nonbinary
91 or other option.

92 (6) (a) It is an unlawful employment practice for an
93 employer to take adverse personnel action against an employee or
94 a contractor because of the employee's or contractor's deeply
95 held religious, moral, conscience-based, or biology-based
96 beliefs, including a belief in traditional or Biblical views of
97 sexuality and marriage, or the employee's or contractor's
98 disagreement with gender ideology, whether those views are
99 expressed by the employee or contractor at or away from the
100 worksite.

101 (b) An employee or a contractor aggrieved by a violation of
102 this subsection may avail himself or herself of the
103 administrative and civil remedies provided in s. 760.11. The
104 court shall award reasonable attorney fees and costs to the
105 prevailing party.

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

108 Section 3. Present subsections (10) and (11) of section
109 760.10, Florida Statutes, are redesignated as subsections (11)
110 and (12), respectively, and a new subsection (10) is added to
111 that section, to read:

112 760.10 Unlawful employment practices.—

113 (10) It is an unlawful employment practice for the state or
114 any county, municipality, special district, or other political
115 subdivision to require, as a condition of employment, any
116 training, instruction, or other activity on sexual orientation,

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117 gender identity, or gender expression.

118 Section 4. For the purpose of incorporating the amendment
119 made by this act to section 760.10, Florida Statutes, in
120 references thereto, subsections (1) and (15) of section 760.11,
121 Florida Statutes, are reenacted to read:

122 760.11 Administrative and civil remedies; construction.—

123 (1) Any person aggrieved by a violation of ss. 760.01-
124 760.10 may file a complaint with the commission within 365 days
125 of the alleged violation, naming the employer, employment
126 agency, labor organization, or joint labor-management committee,
127 or, in the case of an alleged violation of s. 760.10(5), the
128 person responsible for the violation and describing the
129 violation. Any person aggrieved by a violation of s. 509.092 may
130 file a complaint with the commission within 365 days of the
131 alleged violation naming the person responsible for the
132 violation and describing the violation. The commission, a
133 commissioner, or the Attorney General may in like manner file
134 such a complaint. On the same day the complaint is filed with
135 the commission, the commission shall clearly stamp on the face
136 of the complaint the date the complaint was filed with the
137 commission. In lieu of filing the complaint with the commission,
138 a complaint under this section may be filed with the federal
139 Equal Employment Opportunity Commission or with any unit of
140 government of the state which is a fair-employment-practice
141 agency under 29 C.F.R. ss. 1601.70-1601.80. If the date the
142 complaint is filed is clearly stamped on the face of the
143 complaint, that date is the date of filing. The date the
144 complaint is filed with the commission for purposes of this
145 section is the earliest date of filing with the Equal Employment

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146 Opportunity Commission, the fair-employment-practice agency, or
147 the commission. The complaint shall contain a short and plain
148 statement of the facts describing the violation and the relief
149 sought. The commission may require additional information to be
150 in the complaint. The commission, within 5 days of the complaint
151 being filed, shall by registered mail send a copy of the
152 complaint to the person who allegedly committed the violation.
153 The person who allegedly committed the violation may file an
154 answer to the complaint within 25 days of the date the complaint
155 was filed with the commission. Any answer filed shall be mailed
156 to the aggrieved person by the person filing the answer. Both
157 the complaint and the answer shall be verified.

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

163 Section 5. This act shall take effect July 1, 2025.