

By the Committee on Governmental Oversight and Accountability;
and Senator McClain

585-02844-25

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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 authorizing the Department of Management Services to
14 adopt rules; amending s. 760.10, F.S.; providing that
15 it is an unlawful employment practice for the state or
16 any county, municipality, special district, or other
17 political subdivision to require certain training,
18 instruction, or activity as a condition of employment;
19 reenacting s. 760.11(1) and (15), F.S., relating to
20 administrative and civil remedies, to incorporate the
21 amendment made to s. 760.10, F.S., in references
22 thereto; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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

28 Section 2. Section 110.1051, Florida Statutes, is created
29 to read:

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30 110.1051 Personal pronouns.-

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

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

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

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

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

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

51 (f) "Gender ideology" means the false belief that replaces
52 the biological category of sex with an ever-shifting concept of
53 self-assessed gender identity, permitting the false claim that
54 males can identify as and become women and vice versa, and
55 requiring all institutions of society to regard this false claim
56 as true. The term includes the idea that there is a vast
57 spectrum of genders that are disconnected from a person's sex.
58 The term is internally inconsistent in that it diminishes sex as

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59 an identifiable or useful category but nevertheless maintains
60 that it is possible for a person to be born in the wrong sexed
61 body.

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

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

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

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

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

87 (6) The Department of Management Services may adopt rules

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88 to administer this section.

89 Section 3. Present subsections (10) and (11) of section
90 760.10, Florida Statutes, are redesignated as subsections (11)
91 and (12), respectively, and a new subsection (10) is added to
92 that section, to read:

93 760.10 Unlawful employment practices.—

94 (10) It is an unlawful employment practice for the state or
95 any county, municipality, special district, or other political
96 subdivision to require, as a condition of employment, any
97 training, instruction, or other activity on gender identity or
98 gender expression.

99 Section 4. For the purpose of incorporating the amendment
100 made by this act to section 760.10, Florida Statutes, in
101 references 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

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