

By Senator McClain

9-00390A-26

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A bill to be entitled

An act relating to gender identity employment practices; providing a short title; creating s. 110.1051, F.S.; defining terms; specifying an employment policy of this state relating to a person's sex; providing applicability; prohibiting employees and contractors of certain employers from being required to use certain pronouns or requiring such employers to use a pronoun that does not correspond to the employee's or contractor's sex; prohibiting the inclusion on certain forms of specified options relating to an applicant's sex; prohibiting adverse personnel action on the basis of sincerely held religious, moral, conscience-based, or biology-based beliefs against gender ideology; providing administrative and civil remedies; providing reasonable attorney fees and costs; authorizing the Department of Management Services to adopt rules; amending s. 760.10, F.S.; providing that it is an unlawful employment practice for certain employers to require certain training, instruction, or activity as a condition of employment; defining the term "employer"; reenacting s. 760.11(1) and (15), F.S., relating to administrative and civil remedies, to incorporate the amendment made to s. 760.10, F.S., in references thereto; providing an effective date.

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

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

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

34 110.1051 Personal pronouns.—

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

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

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

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

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

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

55 (f) "Gender ideology" means the false belief that replaces
56 the biological category of sex with an ever-shifting concept of
57 self-assessed gender identity, permitting the false claim that
58 males can identify as and become women and vice versa, and

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

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

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

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

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

87 (5) A job application or other related employment form that

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88 requires an applicant to mark his or her sex may only inquire if
89 the applicant is male or female and may not provide a nonbinary
90 or other option.

91 (6) (a) It is an unlawful employment practice for an
92 employer to take adverse personnel action against an employee or
93 a contractor because of the employee's or contractor's sincerely
94 held religious, moral, conscience-based, or biology-based
95 beliefs against gender ideology, whether those views are
96 expressed by the employee or contractor at or away from the
97 worksite.

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

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

105 Section 3. Present subsections (10) and (11) of section
106 760.10, Florida Statutes, are redesignated as subsections (11)
107 and (12), respectively, and a new subsection (10) is added to
108 that section, to read:

109 760.10 Unlawful employment practices.—

110 (10) It is an unlawful employment practice for an employer
111 who receives funding from the state to require, as a condition
112 of employment, any training, instruction, or other activity on
113 sexual orientation, gender identity, or gender expression. For
114 purposes of this subsection, the term "employer" includes the
115 state or any county, municipality, or special district or any
116 subdivision or agency thereof.

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

121 760.11 Administrative and civil remedies; construction.—

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

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

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

162 Section 5. This act shall take effect July 1, 2026.