

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.