

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [CS/HB 641](#)

TITLE: Gender Identity Employment Practices

SPONSOR(S): Plakon and Nix

COMPANION BILL: None

LINKED BILLS: None

RELATED BILLS: [CS/SB 1642](#) (McClain)

Committee References

[Government Operations](#)

11 Y, 4 N, As CS

[Civil Justice & Claims](#)

[State Affairs](#)

SUMMARY

Effect of the Bill:

The bill:

- Prohibits public employers and their employees or contractors from requiring the use of preferred pronouns that do not correspond to a person's sex.
- Restricts employment forms to male and female sex designations.
- Prohibits adverse personnel actions—discharge, suspension, demotion, and similar actions—based on deeply held beliefs opposed to gender ideology, regardless of whether such views are expressed at or away from work.
- Prohibits state-funded employers from requiring training or instruction on sexual orientation, gender identity, or gender expression.

Violations are subject to existing administrative and civil remedies under the Florida Civil Rights Act.

Fiscal or Economic Impact:

The bill will likely have an indeterminate, negative fiscal impact on the state government and local governments, and an indeterminate, negative economic impact on the private sector. The bill may increase workload related to responding to complaints and potential litigation arising from newly created unlawful employment practices. The overall fiscal and economic impacts are indeterminate as the number of complaints and related litigation costs cannot be readily ascertained.

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

ANALYSIS

EFFECT OF THE BILL:

The bill declares it to be the policy of the state that a person's sex is an immutable biological trait and that pronouns that do not correspond to a person's sex are false. The bill applies in the context of employment by the state or any county, municipality, special district, or subdivision or agency thereof, and provides that:

- An employee¹ or contractor² may not be required, as a condition of employment or to avoid adverse personnel action, to refer to another person using preferred pronouns that do not correspond to that person's sex.
- An employee or contractor may not require an employer to use preferred pronouns that do not correspond to the employee's or contractor's sex.
- Employment applications or related forms that inquire about sex may provide only male or female options and may not include nonbinary or other options. (Section [2](#))

¹ The bill defines "employee" to mean an individual employed by, or attempting to be employed by, an employer.

² The bill defines "contractor" to mean an individual or business entity that enters or attempts to enter into a service contact with an employer.

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DATE: 2/6/2026

An exception is provided for individuals born with a genetically or biochemically verifiable disorder of sex development. (Section [2](#))

The bill makes it an **unlawful employment practice** for an employer to take adverse personnel action against an employee or contractor because of the individual's deeply held religious, moral, conscience-based, or biology-based beliefs regarding gender ideology,³ regardless of whether such views are expressed at or away from the worksite. (Section [2](#))

The bill also makes it an unlawful employment practice for an employer that receives funding from the state to require, as a condition of employment, any training, instruction, or other activity on sexual orientation, gender identity, or gender expression. (Section [3](#))

Aggrieved employees and contractors may avail themselves to the administrative and civil remedies provided under the **Florida Civil Rights Act**. The court must award reasonable attorney fees and costs to the prevailing party. (Section [2](#))

The bill provides that the act may be cited as the "Freedom of Conscience in the Workplace Act." (Section [1](#))

The effective date of the bill is July 1, 2026. (Section [5](#))

RULEMAKING:

The bill grants the Department of Management Services rulemaking authority to administer the bill's provisions.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill will likely have an indeterminate, negative fiscal impact on state government expenditures. The Florida Commission on Human Relations may experience an increase in complaints and enforcement activity. Additionally, state agencies may incur costs associated with reviewing and updating employment policies, forms, and trainings to ensure compliance with the bill. Agencies may also experience increased workload related to responding to complaints and potential litigation arising from newly created unlawful employment practices. The overall fiscal impact is indeterminate at this time as the number of complaints and related litigation costs cannot be readily ascertained; however, the fiscal impact may be significant.

LOCAL GOVERNMENT:

The bill will likely have an indeterminate, negative fiscal impact on local government expenditures. Local governments may incur costs associated with reviewing and updating employment policies, forms, and trainings to ensure compliance with the bill. Additionally, local governments may experience increased workload related to responding to complaints and potential litigation arising from the newly created unlawful employment practices. The overall fiscal impact is indeterminate at this time as the number of complaints and related litigation costs cannot be readily ascertained; however, the fiscal impact may be significant.

³ The bill defines "gender ideology" as a false belief that replaces the biological category of sex with a self-assessed concept of gender identity, permits the false claim that males can identify as and become women and vice versa, and includes the idea that gender exists on a spectrum disconnected from a person's sex.

PRIVATE SECTOR:

The bill will likely have an indeterminate, negative economic impact on the private sector. Private sector employers that receive state funding may incur costs associated with modifying training programs to ensure compliance with the bill. Additionally, such employers may experience increased workload related to responding to complaints and potential litigation arising from the newly created unlawful employment practice. The overall economic impact is indeterminate at this time as the number of complaints, and related litigation costs cannot be readily ascertained; however, the economic impact may be significant.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Florida Civil Rights Act

The Florida Civil Rights Act of 1992 (FCRA)⁴ prohibits employment discrimination on the basis of race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status.⁵ The act applies to employers, employment agencies, labor organizations, and joint labor-management committees and is enforced by the Florida Commission on Human Relations (FCHR)⁶ within the Department of Management Services.⁷ The FCHR is a 12-member body appointed by the Governor, subject to Senate confirmation.⁸ Commissioners must be broadly representative of the state's racial, religious, ethnic, social, economic, political, and professional communities, with at least one member being 60 years of age or older.⁹

The FCRA identifies **unlawful employment practices**, including discriminatory hiring, discharge, classification, compensation, referrals, membership decisions, training opportunities, advertising, and retaliation.¹⁰ The act also prohibits certain mandatory training or instruction that promotes specified discriminatory concepts.¹¹ Limited exceptions are recognized, however, such as bona fide occupational qualifications, seniority systems, and age-based programs authorized by law.¹²

Pursuant to the FCRA, an aggrieved person may file a complaint within a year of an alleged violation.¹³ The FCHR investigates such complaints and determines whether reasonable cause exists—and if found—the aggrieved party may pursue an administrative hearing or file a civil action, seeking injunctive relief, damages, and attorney fees.¹⁴ Final agency action is subject to judicial review, and a finding that a public employee violated the act constitutes just or substantial cause for discharge.¹⁵

⁴ See [part I, ch. 760, F.S.](#), and [s. 509.092, F.S.](#)

⁵ See [s. 760.10, F.S.](#) In addition to employment discrimination, the FCRA also prohibits discrimination in places of public accommodation. [Ss. 760.08](#) and [509.092, F.S.](#)

⁶ The FCHR is responsible for promoting fair treatment and equal opportunity and for working to eliminate discrimination and antagonism among individuals and groups based on protected characteristics. [S. 760.05, F.S.](#)

⁷ See [ss. 760.04](#) and [760.11, F.S.](#) The Attorney General is also authorized to bring a civil action for damages, injunctive relief, and other appropriate relief when he has reasonable cause to believe that a person or group has engaged in a pattern or practice of discrimination or that a discriminatory act raises an issue of great public interest. [S. 760.021, F.S.](#)

⁸ [S. 760.03\(1\), F.S.](#)

⁹ [S. 760.03\(2\), F.S.](#) The FCHR appoints an executive director and hires staff, including attorneys and investigators, to carry out its duties under the FCRA. See [s. 760.03\(7\), F.S.](#)

¹⁰ See [s. 760.10\(1\)-\(7\), F.S.](#) Under the FCRA, an unlawful employment practice based on harassment requires conduct directed at a protected characteristic that is sufficiently severe or pervasive to alter the terms or conditions of employment and for which the employer is legally responsible. See *Sutherland v. Boehringer-Ingelheim Pharmaceuticals, Inc.*, 2017 WL 2889469 (11th Cir. 2017).

¹¹ [S. 760.10\(8\), F.S.](#)

¹² [S. 760.10\(9\), F.S.](#)

¹³ [S. 760.11, F.S.](#) The FHRC and the Attorney General may also file a complaint.

¹⁴ [S. 760.11\(4\)-\(6\), F.S.](#)

¹⁵ [S. 760.11\(13\) & \(15\), F.S.](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Government Operations Subcommittee	11 Y, 4 N, As CS	2/5/2026	Toliver	Villa
THE CHANGES ADOPTED BY THE COMMITTEE:	Moved the provisions of the bill from ch. 110, F.S., to ch. 112, F.S., and made other technical changes.			
Civil Justice & Claims Subcommittee				
State Affairs Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
