

1 A bill to be entitled
2 An act relating to gender identity employment
3 practices; providing a short title; creating s.
4 112.0456, F.S.; providing definitions; 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 employers to use a pronoun that does not correspond to
10 the employee's or contractor's sex; prohibiting
11 certain forms from offering specified options relating
12 to an applicant's sex; prohibiting adverse personnel
13 action on the basis of gender ideology; providing
14 administrative and civil remedies; providing
15 reasonable attorney fees and costs; authorizing the
16 Department of Management Services to adopt rules;
17 amending s. 760.10, F.S.; providing it is an unlawful
18 employment practice for certain employers to require
19 certain training, instruction, or activity as a
20 condition of employment; reenacting s. 760.11(1) and
21 (15), F.S., relating to administrative and civil
22 remedies, to incorporate the amendment made to s.
23 760.10, F.S., in references thereto; providing an
24 effective date.
25

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

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

Section 2. Section 112.0456, Florida Statutes, is created to read:

112.0456 Personal pronouns.—

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

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

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

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

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

(e) "Gender identity" means a fully internal and subjective sense of self, disconnected from biological reality

51 and sex, and existing on an infinite continuum that does not
52 provide a meaningful basis for identification and cannot be
53 recognized as a replacement for sex.

54 (f) "Gender ideology" means the false belief that replaces
55 the biological category of sex with an ever-shifting concept of
56 self-assessed gender identity, permitting the false claim that
57 males can identify as and become women and vice versa, and
58 requiring all institutions of society to regard this false claim
59 as true. The term includes the idea that there is a vast
60 spectrum of genders that are disconnected from a person's sex.
61 Gender ideology is internally inconsistent in that it diminishes
62 sex as an identifiable or useful category but nevertheless
63 maintains that it is possible for a person to be born in the
64 wrong sexed body.

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

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

76 sex development; 46,XY disorder of sex development; sex
77 chromosome disorder of sex development; XX or XY sex reversal;
78 and ovotesticular disorder.

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

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

87 (5) A job application or other related employment form
88 that requires an applicant to mark his or her sex may inquire if
89 the applicant is male or female only and may not provide a
90 nonbinary 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 deeply
94 held religious, moral, conscience-based, or biology-based
95 beliefs regarding 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
99 of this subsection may avail himself or herself to 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. Subsections (10) and (11) of section 760.10,**
106 **Florida Statutes, are renumbered as subsections (11) and (12),**
107 **respectively, and a new subsection (10) is added to that**
108 **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.

114 **Section 4.** For the purpose of incorporating the amendment
115 made by this act to section 760.10, Florida Statutes, in a
116 reference thereto, subsections (1) and (15) of section 760.11,
117 Florida Statutes, are reenacted to read:

118 760.11 Administrative and civil remedies; construction.—

119 (1) Any person aggrieved by a violation of ss. 760.01-
120 760.10 may file a complaint with the commission within 365 days
121 of the alleged violation, naming the employer, employment
122 agency, labor organization, or joint labor-management committee,
123 or, in the case of an alleged violation of s. 760.10(5), the
124 person responsible for the violation and describing the
125 violation. Any person aggrieved by a violation of s. 509.092 may

126 | file a complaint with the commission within 365 days of the
127 | alleged violation naming the person responsible for the
128 | violation and describing the violation. The commission, a
129 | commissioner, or the Attorney General may in like manner file
130 | such a complaint. On the same day the complaint is filed with
131 | the commission, the commission shall clearly stamp on the face
132 | of the complaint the date the complaint was filed with the
133 | commission. In lieu of filing the complaint with the commission,
134 | a complaint under this section may be filed with the federal
135 | Equal Employment Opportunity Commission or with any unit of
136 | government of the state which is a fair-employment-practice
137 | agency under 29 C.F.R. ss. 1601.70-1601.80. If the date the
138 | complaint is filed is clearly stamped on the face of the
139 | complaint, that date is the date of filing. The date the
140 | complaint is filed with the commission for purposes of this
141 | section is the earliest date of filing with the Equal Employment
142 | Opportunity Commission, the fair-employment-practice agency, or
143 | the commission. The complaint shall contain a short and plain
144 | statement of the facts describing the violation and the relief
145 | sought. The commission may require additional information to be
146 | in the complaint. The commission, within 5 days of the complaint
147 | being filed, shall by registered mail send a copy of the
148 | complaint to the person who allegedly committed the violation.
149 | The person who allegedly committed the violation may file an
150 | answer to the complaint within 25 days of the date the complaint

CS/HB 641

2026

151 was filed with the commission. Any answer filed shall be mailed
152 to the aggrieved person by the person filing the answer. Both
153 the complaint and the answer shall be verified.

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

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