

1 A bill to be entitled
 2 An act relating to gay and transgender panic legal
 3 defenses; creating s. 900.06, F.S.; providing a short
 4 title; providing legislative findings; defining terms;
 5 prohibiting individuals from using a nonviolent sexual
 6 advance or specified perceptions or beliefs about
 7 another individual as a defense to a criminal offense,
 8 to excuse or justify the conduct of the individual who
 9 commits a criminal offense, or to mitigate the
 10 severity of a criminal offense; providing an effective
 11 date.

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

15 Section 1. Section 900.06, Florida Statutes, is created to
 16 read:

17 900.06 Use of gay and transgender panic legal defense
 18 prohibited.-

19 (1) SHORT TITLE.-This act may be cited as the "Gay and
 20 Transgender Panic Legal Defense Prohibition Act."

21 (2) LEGISLATIVE FINDINGS.-The Legislature finds that gay
 22 and transgender panic legal defenses, which continue to be
 23 raised in criminal proceedings, characterize sexual orientation
 24 and gender expression or gender identity as objectively
 25 reasonable excuses for the loss of self-control, and thereby

HB 1471

2021

26 illegitimately attempt to mitigate the responsibility of a
27 perpetrator for harm done to a lesbian, gay, bisexual, or
28 transgender individual.

29 (3) DEFINITIONS.—As used in this section, the term:

30 (a) "Gay and transgender panic legal defense" means a
31 legal strategy that asks a judge or a jury to find that a
32 victim's sexual orientation or gender identity is the cause of
33 the defendant's violent reaction and commission of a criminal
34 offense.

35 (b) "Gender expression" or "gender identity" means gender-
36 related identity, appearance, or behavior, regardless of whether
37 such gender-related identity, appearance, or behavior is
38 different from that traditionally associated with a person's
39 physiology or assigned sex at birth.

40 (c) "Sexual orientation" means an individual's actual or
41 perceived heterosexuality, homosexuality, or bisexuality.

42 (4) PROHIBITION ON GAY AND TRANSGENDER PANIC LEGAL
43 DEFENSE.—A nonviolent sexual advance or the perception or
44 belief, even if inaccurate, of the sex, sexual orientation,
45 gender identity, or gender expression of an individual may not
46 be used as a defense to a criminal offense, to excuse or to
47 justify the conduct of an individual who commits a criminal
48 offense, or to mitigate the severity of a criminal offense
49 during sentencing.

50 Section 2. This act shall take effect July 1, 2021.