

By Senator Book

32-00204A-21

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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.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

14  
 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  
 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:

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