

By the Committee on Criminal Justice; and Senators Book and Stewart

591-03569-21

2021718c1

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:

591-03569-21

2021718c1

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 reaction and commission of a criminal offense.

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

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

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

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