

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

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

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 15 Section 1. This act may be cited as the "Gay and
 16 Transgender Panic Legal Defense Prohibition Act."

17 Section 2. Section 900.06, Florida Statutes, is created to
 18 read:

19 900.06 Use of gay and transgender panic legal defense
 20 prohibited.-

21 (1) 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 (2) 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 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 (3) 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 3. This act shall take effect July 1, 2022.