

By Senator Book

35-00526-23

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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 an 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 defenses  
18       prohibited.—

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

21       (2) LEGISLATIVE FINDINGS.—The Legislature finds that gay  
22       and transgender panic legal defenses raised in criminal  
23       proceedings characterize sexual orientation and gender  
24       expression or gender identity as objectively reasonable excuses  
25       for a perpetrator's loss of self-control, and that these  
26       defenses thereby illegitimately attempt to mitigate the  
27       responsibility of the perpetrator for harm done to lesbian, gay,  
28       bisexual, or transgender individuals.

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 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 DEFENSES.—A nonviolent sexual advance or the perception or  
43 belief, even if inaccurate, of the sex, sexual orientation,  
44 gender expression, or gender identity 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, 2023.