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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 severity of a criminal offense; providing an effective 10 11 date. 12 13 Be It Enacted by the Legislature of the State of Florida: 14 Section 1. Section 900.06, Florida Statutes, is created to 15 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." (2) LEGISLATIVE FINDINGS.—The Legislature finds that gay 21 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

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CODING: Words stricken are deletions; words underlined are additions.

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defenses thereby illegitimately attempt to mitigate the responsibility of the perpetrator for harm done to lesbian, gay, bisexual, or transgender individuals.

- (3) DEFINITIONS.—As used in this section, the term:
- (a) "Gay and transgender panic legal defense" means a legal strategy that asks a judge or a jury to find that a victim's sexual orientation or gender identity is the cause of the defendant's reaction and commission of a criminal offense.
- (b) "Gender expression" or "gender identity" means genderrelated identity, appearance, or behavior, regardless of whether
 such gender-related identity, appearance, or behavior is
 different from that traditionally associated with a person's
 physiology or assigned sex at birth.
- (c) "Sexual orientation" means an individual's actual or perceived heterosexuality, homosexuality, or bisexuality.
- (4) PROHIBITION ON GAY AND TRANSGENDER PANIC LEGAL DEFENSES.—A nonviolent sexual advance or the perception or belief, even if inaccurate, of the sex, sexual orientation, gender expression, or gender identity of an individual may not be used as a defense to a criminal offense, to excuse or to justify the conduct of an individual who commits a criminal offense, or to mitigate the severity of a criminal offense during sentencing.
 - Section 2. This act shall take effect July 1, 2023.

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