

By Senator Book

35-00321-24

2024156__

1 A bill to be entitled
2 An act relating to gay and transgender panic legal
3 defenses; providing a short title; providing
4 legislative findings; creating s. 900.06, F.S.;
5 defining terms; 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 an individual's
9 conduct, or to mitigate the severity of an offense;
10 providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. This act may be cited as the "Gay and
15 Transgender Panic Legal Defenses Prohibition Act."

16 Section 2. The Legislature finds that gay and transgender
17 panic legal defenses raised in criminal proceedings characterize
18 sexual orientation and gender expression or gender identity as
19 objectively reasonable excuses for a perpetrator's loss of self-
20 control, and that these defenses thereby illegitimately attempt
21 to mitigate the responsibility of the perpetrator for harm done
22 to lesbian, gay, bisexual, or transgender individuals.

23 Section 3. Section 900.06, Florida Statutes, is created to
24 read:

25 900.06 Use of gay and transgender panic legal defenses
26 prohibited.-

27 (1) As used in this section, the term:

28 (a) "Gender expression" or "gender identity" means gender-
29 related identity, appearance, or behavior, regardless of whether

35-00321-24

2024156__

30 such gender-related identity, appearance, or behavior is
31 different from that traditionally associated with a person's
32 physiology or assigned sex at birth.

33 (b) "Sexual orientation" means an individual's actual or
34 perceived heterosexuality, homosexuality, or bisexuality.

35 (2) A nonviolent sexual advance or the perception or
36 belief, even if inaccurate, of the sex, sexual orientation,
37 gender expression, or gender identity of an individual may not
38 be used as a defense to a criminal offense, to excuse or to
39 justify the conduct of an individual who commits a criminal
40 offense, or to mitigate the severity of a criminal offense
41 during sentencing.

42 Section 4. This act shall take effect July 1, 2024.