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

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

Section 1. Section 900.06, Florida Statutes, is created to
read:

900.06 Use of gay and transgender panic legal defense
prohibited.—

(1) SHORT TITLE.—This act may be cited as the “Gay and
Transgender Panic Legal Defense Prohibition Act.”

(2) LEGISLATIVE FINDINGS.—The Legislature finds that gay
and transgender panic legal defenses, which continue to be
raised in criminal proceedings, characterize sexual orientation
and gender expression or gender identity as objectively
reasonable excuses for the loss of self-control, and thereby
illegitimately attempt to mitigate the responsibility of a
perpetrator for harm done to a lesbian, gay, bisexual, or
transgender individual.

(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 violent reaction and commission of a criminal offense.

(b) “Gender expression” or “gender identity” means gender-related 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 DEFENSE.—A nonviolent sexual advance or the perception or belief, even if inaccurate, of the sex, sexual orientation, gender identity, or gender expression 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, 2021.